

# Development Management Sub-Committee Report

**Wednesday 25 October 2023**

## **Application for Planning Permission**

**Land 70 meters east of 14 Glennie Road, Newcraighall, Musselburgh.**

**Proposal: Residential development comprising a mix of private and affordable homes numbering 220 units and associated infrastructure including landscaping, amenity, green space, parking, and drainage (as amended).**

## **Item – Delegated Decision**

**Application Number – 23/01743/FUL**

**Ward – B17 - Portobello/Craigmillar**

### **Reasons for Referral to Committee**

The application is being referred to the Development Management Sub-Committee because 1 letter of comment and 27 letters of objection to the proposals have been received. Consequently, under the Council's scheme of delegation, the application must be determined by the Development Management Sub-Committee.

## **Recommendation**

It is recommended that this application be **Granted** subject to the details below.

## **Summary**

The proposed development is LDP allocated housing site HSG27 where residential development is acceptable in principle. The site can contribute to local living and 20 minute neighbourhoods with its range of affordable and private housing as well as substantial linear park open space and proposed active travel links and infrastructure. The proposals include education and healthcare contributions to mitigate its impact on the locality.

The proposal would create a substantial open space with quality landscaping which would be a biodiversity enhancement. The proposed layout integrates with the existing residential developments and provides an attractive residential environment at this city boundary integrating with the neighbouring development within East Lothian.

Therefore, it is considered that the proposals comply with the Development Plan policies of NPF4 and the LDP. There are no material considerations which would indicate otherwise.

## **SECTION A – Application Background**

### **Site Description**

The 6.74-hectare greenfield site is mainly flat agricultural land with remnants of a stone wall and a slope towards the south of the site. There are a number of bushes and some more mature trees at the north and east boundaries. The site has overhead powerlines parallel, in a north-west to south-east direction, and near to the western boundary with Glennie Road. The site is overlooked by the residential properties along Glennie Road.

The site has a small frontage to Newcraighall Road, although the stone railway buttress is outwith the application site. To the east are some bushes and trees near to the boundary embankment of an old railway line, and then the East Coast Main Railway Line. To the south-east is Musselburgh Railway Station and to the South is Queen Margaret University (QMU) Campus, all of which lie within the East Lothian Council area. The site is secluded and not easily visible from Newcraighall Road to the north nor the existing housing and industrial estate to the east as it is partially screened by the old railway embankment. The site is open to the west where the housing constructed as the earlier phase of HSG27 has been built.

Queen Margaret University Campus buildings are near the southern boundary of the site. Newcraighall Railway Station and Fort Kinnaird Retail Park are also within the vicinity of the site.

The site is within the LDP allocated housing site HSG 27 Newcraighall East. LDP Cycle Footway Safeguard T7: Fort Kinnaird to Queen Margaret University runs under the overhead power lines north west to south through the site. Cycleway and potential Public Transport Safeguard: Newcraighall to QMUC has been created to the west of the site. The Local Nature Conservation site and open space lies along the disused railway network to the north and north east of the site.

### **Description of the Proposal**

#### Scheme 2

Full planning permission is sought for 220 residential units with vehicle, pedestrian and cycle accesses, SUDS, a 2.27-hectare linear park including 3322 square metres of allotments and ancillary infrastructure. The net site areas are 4.57 hectares with the total being 6.74 hectares including the proposed linear park under the overhead powerlines. The SUDS area is included within the site area but is within East Lothian Council area and subject to a planning application to that Council.

## Accommodation

The accommodation is split over a mix of five, four and part five storey blocks of flats, six, three storey townhouse terraces and nine, three storey colony terraces including ground floor flats and duplexes. There would be 74% affordable housing and 26% private housing.

There are 163 (74%) affordable housing units comprising:

- 21 three bedroom ground floor garden flats
- 42 two bedroom duplex flats;
- 36 two bedroom flats;
- 28 three bedroom flats;
- 12 one bedroom flats; and
- 24 four bedroom townhouses.

The affordable housing would be a mix of over 70% social rented and around 23% mid-market rented accommodation.

There are also 57 (26%) private units comprising:

- 8 three bedroom ground floor garden flats;
- 16 two bedroom duplex flats;
- 9 two bedroom flats;
- 7 three bedroom flats;
- 3 one bedroom flats; and
- 14 four bedroom townhouses.

## Materials

The materials proposed include dark grey concrete roof tiles, dark grey rainwater goods and Juliet balcony, and UPVC windows. The brickwork is a mix of buff brickwork mainly for the townhouses and colonies and dark blue/grey mix with the buff for the proposed flats.

The boundary types include 1.2 m high brick walls adjacent to the public realm, 1.2m timber fences between the gardens of dwellings, and a 0.9 m post and rail fence between the gardens in the colony flats.

## Active Travel

There will be a 4 metre combine foot and cycle path from Newcraighall Road through the linear park to the south boundary and Queen Margaret University campus with a branch east creating an active travel route from the site to Musselburgh Railway Station which will cross the East Lothian Council area. There would also be a number of connections westwards from this path to link up with the adjacent street layout. Connections will also be provided to the established footpath network, including NCR1 and NCR76, and core path CEC 5 'Innocent Railway'.

The proposed access infrastructure would include:

- vehicle access will be at the staggered traffic signal controlled junction to Newcraighall Road along with the access to Benhar Road.
- pedestrian crossing infrastructure over the A6095 Newcraighall Road to allow safer access to the existing bus stops on both sides of the road.

- cycling crossing infrastructure (3.2m wide toucan style crossing) to link up the recently constructed Balfour Park 'Shared Use' path with NCR 1.
- Provide cycling crossing infrastructure (3.2m wide toucan style crossing) across Benhar Road for NCR 1.
- Provide more gaps in the traffic at the Maingait Medway / A6095 Newcraighall Road junction to assist vehicles seeking to exit the side road during busy periods.

The cycle parking plan shows that the colony flats and the townhouses would each have their own cycle store for four bikes per dwelling. The four storey flats would have 46 spaces in the ground floor of each flatted block which would include 11 double storey stands with 22 spaces (48%) and eight Sheffield stands with 16 spaces (35%) and four specialist cycle stands with eight spaces for non-standard bikes (17%).

Car Parking is for 137 spaces (62%) including 11 disabled parking spaces and 24 electric vehicle charging spaces.

### Landscaping and Open space

The proposals include the creation of a 2.17 hectare linear park from Newcraighall Road to the southern boundary of the site including public spaces, seating, hard and soft landscaping areas, a play park, and 3322 square metre of allotments under the overhead power lines. There would be a large south facing public space including seating.

A swale would run along the eastern boundary of the linear park. The rear parking courts would be a permeable surface for rainwater. The proposed SUDS and flood attenuation zone is sited within East Lothian Council area and an application has been submitted to East Lothian Council (application number 23/00685/P ) alongside this application.

Each townhouse has its own front and rear garden. All colony flats have their own gardens. The flatted blocks have 3m private gardens for the ground floor as well as communal space for all residents with seating and landscaping include hedges delineating the boundary.

### Biodiversity

An additional 2.8 ha will be dedicated to habitat creation, comprising both shared and private spaces, such as amenity grassland, meadows, mixed shrubs, allotments and tree planting. The existing hedging on the south boundary (0.13km in length) will be retained. Additional hedging (0.75 km) will be created within the site.

The proposed typography will require groundworks to provide a more gentle slope and step free ramp access to dwellings. Bat and bird boxes are to be provided on all private units.

## Scheme 1

The proposals have been revised to improve the sustainability of the site layout, avoid mine entries, reduce car parking and hard standing, reorientate buildings, and reduce the height of the proposed flats. The park layout improved in terms of connectivity and biodiversity. There was previously a 800 sq.m floorspace commercial building included however its location resulted in an objection from Scottish Power Energy Network. This has been removed in the revised scheme.

### **Supporting Information:**

The following documents have been submitted in sport of the application:

- Air Quality assessment;
- Amenity, daylight and sunlight analysis;
- Arboricultural Survey;
- Commercial Odour Statement;
- Community Benefit Statement;
- Design and Access Statement;
- Drainage Strategy and Flood Risk Assessment;
- Noise Impact Assessment;
- PAC report:
- Coal Mining Risk Assessment;
- Planning statement;
- Planting schedule and maintenance;
- Sustainability Statement Form;
- Street lighting illumination and Glare Statement;
- Sustainability and Energy Statement and
- Transport Assessment.

These documents are available on the Planning and Building Standards Online Service.

### **Relevant Site History**

22/06227/PAN  
Land 70 Meters East Of 14  
Glennie Road  
Newcraighall  
Musselburgh

The development will comprise a mix of houses and flatted blocks numbering approximately 220 units and will accommodate a mix of one, two and three bedroom flats, two and three bedroom colony flats, and three, four and five bedroom townhouses, all with associated amenity, parking, green space, bicycle storage and refuge stores. The development may include retail / commercial space.

Pre-application Consultation approved.

23 December 2022

10/03506/PPP  
Land 263 Metres South Of  
104 Newcraighall Road  
Edinburgh

Planning permission in principle for new housing, local mixed use facilities together with open space, access and services, infrastructure, landscape and footpath/cycle provision

Granted

7 September 2015

15/04112/AMC

Land 263 Metres South Of 104

Newcraighall Road

Edinburgh

Residential development comprising 176 No. dwellings and associated infrastructure including the discharge of condition No. 4 of PPIP Consent ref. 10/03506/PPP (as amended).

Approved

16 March 2016

16/02696/FUL

Land 263 Metres South Of 104

Newcraighall Road

Edinburgh

Erection of 37 Dwelling Houses.

Granted

6 January 2020

19/04910/FUL

Land 263 Metres South Of 104

Newcraighall Road

Edinburgh

Erection of 29 No. residential dwellings including all roads drainage and infrastructure works (as amended)

Granted

18 March 2021

### **Other Relevant Site History**

No other relevant planning site history

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

The Coal Authority

Network Rail

Environmental Protection

Nature Scot

Archaeology

Affordable Housing

Parks and Greenspace

Communities and Families

Scottish Water

Scottish Power Energy Network

Waste Services

Flood Prevention

Flood Prevention

Network Rail

Scottish Power Energy Network

Refer to Appendix 1 for a summary of the consultation response.

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 6 September 2023

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** Not Applicable

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 28

## **Section B - Assessment**

### **Determining Issues**

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations and
- any other identified material considerations.

## **Assessment**

To address these determining issues, it needs to be considered whether:

### **a) The proposals comply with the development plan**

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are downgraded by equivalent or alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 Climate and Nature Crises Policies 1, 2, 3, 4, 5, 9, 12, and 13;
- NPF4 Liveable Places Policies 14, 15, 16, 18, 20, 22, 23; and
- NPF4 Productive Places Policy 28;
- LDP Design Policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Des 8, Des 9;
- LDP Environment Policies Env 8, Env 9, Env 12, Env 16, Env 20, Env 21 and Env 22;
- LDP Housing Policies Hou1, Hou 2, Hou 3, Hou 4, Hou 6, and Hou 10;
- LDP Transport Policies Tra 2, Tra 3, Tra 4, Tra 8, Tra 9: and
- LDP Delivery Policy Del 1.

The Newcraighall and Brunstane Site Brief development principles forms part of the LDP. The LDP Action Programme 2023 sets out how the Council proposes to implement the LDP. The relevant planning guidance includes the finalised guidance on Developer Contributions and Infrastructure Delivery 2018 and the Edinburgh Design Guidance 2020 which is relevant in the consideration of several LDP housing, design and transport policies and other environment policies listed above.

### Principle

NPF4 Policy 16a, supports development proposals on allocated LDP housing sites. NPF4 policy 9b also supports greenfield sites if explicitly supported by policies in the LDP. The application site, under LDP Policy Hou 1, is part of the allocated housing site HSG 27 in the LDP (2016) with an indicative site capacity of 275-383 units. Planning permission was previously granted in September 2015 for residential development and ancillary infrastructure for a total of 176 units within the site (application number 10/03506/PPP and 15/04112/AMC).



This has been completed as has two further residential developments, one for 37 units (application number 16/02696/FUL) and one for 29 units (application number 19/04910/FUL) - taking the total number of units to 242 for the western part of the HSG27 site.

This application is for 220 residential units which would take the total within HSG 27 to 462 units. One of the limiting factors was that a single access was envisioned to Newcraighall Road which limited the capacity of the site. This proposal includes a new separate access to Newcraighall Road, so this limiting factor is removed.

The principle of residential use on the site is acceptable provided that the proposals comply with other development plan policies.

### Climate Mitigation and Adaption

NPF4 Policy 1 is an overarching policy which gives significant weight to the global climate and nature crises. This proposal for residential development on an allocated housing site reflects the plan-led approach of NPF4. The proposals will provide sustainable, high quality and mostly affordable housing in an accessible location close to active travel and public transport links as well as local facilities and services. In line with NPF4 Policy 2, the relative high density of the proposal contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' using an allocated housing site for sustainable energy-efficient housing within an existing community.

A Sustainability and Energy Statement was submitted. The buildings would meet the energy efficient standards with LED lighting efficiencies, air source heat pumps and solar PV arrays with battery storage on the residential roofs.

In terms of water conservation, swales have been incorporated into the linear park and a SUDS system has been incorporated into the open space.

Refuse and recycling facilities have been provided to the communal flats, and to the gardens of all plots, to encourage waste recycling segregation and storage, in line with the waste hierarchy and NPF4 policy 12.

The proposed development is therefore appropriate in terms of sustainability as it involves the location of energy efficient housing on an accessible urban location. This will contribute to climate change mitigation in the short and long term. The proposal meets the current standards set out in the sustainability form and complies with NPF4 policy 2.

### Biodiversity and trees

NPF4 policy 3 requires that proposals for development include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. NPF4 policy 4(d) requires that the proposals would not have a significant adverse effect on identified local nature conservation sites in the LDP. The site is adjacent to the Local Nature Reserve and therefore LDP policies Env 15 and Env 16 both apply. The ecological assessment submitted did not find any evidence of species protected under European or UK law. Landscaping is proposed along the boundary with the Local Nature Reserve which would help to mitigate any impact.

Within the development and the creation of the two hectare linear park which would overall enhance biodiversity. Hazel, rowan, and hawthorn individual shrubs would be provided as well as a shrub/grass mix of hawthorn, cherry, holly, willow, hazel, spindle, viburnum and roses. Herbaceous planting would also be included as well as amenity grass, meadow and native grass swathes and allotments.

The biodiversity enhancements include:

- The installation of bird and bat boxes on private dwellings;
- The plantation of native and species rich hedgerows, wildflower meadows, scrubs and fruit trees to provide resources for insects and birds and ensure habitat connectivity;
- The use of wildlife friendly lighting to reduce the light disturbance for the local wildlife, including bats; and
- The installation of a pond to provide an important resource for wildlife.

An Arboricultural Survey has been submitted as the site includes 13 individual trees mainly at the woodland edges of the site to the north and south. All trees are young and in good condition. Four trees are due to be removed in order to create the access into the site. The removal of these existing trees would be offset with the planting of street trees including acers, oaks, and birch tree resulting in an overall increase in numbers and species proposed. In terms of policy Env 12 trees, the loss of the young trees at the entrance is not considered an woodland worthy of retention and is acceptable. The trees along the southern boundary have been incorporated into the rear gardens of the townhouses. A condition can be attached to ensure that the remaining existing trees are protected during construction.

Therefore, it is considered that the proposal is acceptable under NPF4 policy 3 and LDP policies Env 15 and Env 16 and would result in a significant increase in biodiversity and nature value of the site.

#### Local Living and 20-minute neighbourhoods

In line with NPF4 Policy 15, the site is an allocated housing site within the urban area. Within a 10 minute walk there is a school, open space and play parks, bus stops as well as railway station and a number of active travel connections. Within a 20 minute walk is the Fort Kinnaird Retail Park, Newhailes Estate and Newhailes Industrial Estate as well as Queen Margaret University.

There are a number of active travel links proposed linking to Musselburgh Railway Station to the south east, to Queen Margaret University Campus to the south as well as several links across the open space to the existing housing to the east and, with the new proposed access infrastructure, to Newcraighall and the north. The proposals also include a substantial two hectare linear park open space including children's play area and a range of affordable and accessible housing options which is further detailed below. Overall the proposal complies with NPF4 Policy 15.

## Design and Layout

NPF4 Policy 14 requires development proposals to be designed to improve the quality of an area and be consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable and adaptable. The LDP policies Des 1 - Des 9 ensure new development is of the highest quality, integrates with and respects the special character of the city and meets the needs of residents and other users.

The LDP Newcraighall Site Brief development principles set out that the layout should create:

- pedestrian and cycleway connections through the site;
- a new green corridor should be created along the course of the overhead powerlines which have a street frontage from the new development;
- There is the opportunity to include retail/commercial units as part of the street frontage to Newcraighall Road;
- New wood land along the site south boundary and
- Finalised site layout capacity informed by adequate flood risk assessment.

The proposed layout encompasses these site brief development principles and is consistent with the six qualities of successful places.

The proposals are healthy: in accordance with the brief, active travel routes connect the site to the north, south, east and west with overlooking providing natural surveillance. The two hectare linear park with play area and series of public spaces and allotments promotes healthy living and provides the green corridor detailed in the brief.

The proposals are pleasant: a street frontage is created to the Linear Park as required by the brief. The layout has been designed to minimise the presence of the overhead power lines for residents. The height of the proposed buildings and their scale and proportions, along with similar materials and detailing also help with its positive impact on its surroundings.

The site is connected: there is only one vehicle access to the site but a number of active travel routes. Active travel routes have natural surveillance and provide connections to the north, east, south and west of the site. Parking has been substantially reduced and is mainly limited to parking court areas.

The site is distinctive - the housing types include colonies, a traditional Edinburgh housing type allowing for ground floor 3 bedroom units all on one level with gardens. The linear park provides a distinctive destination within the site for new and existing nearby residents in a public open space. The site is not readily visible in city views only in local views where the new residential development will be seen alongside the proposed linear park.

The site is sustainable as it is within the urban area and with active travel and public transport routes to local centres and the city. The proposals include at least 32% of the site to be open space including a linear park, enhancing its biodiversity value and acceptable in terms of Policy Env 20 which requires appropriate open space and improvements to the green network to be integrated into new proposals. Facilities for refuse and recycling waste are also included for every property.

The site is adaptable - the maintenance of the public space is secured by factor and a maintenance schedule agreed. All properties except upper colony flats and upper flats can be front accessed without steps to ensure that they would be suitable as whole life dwellings. There are no other steps or ramps across the site.

Policy Des 9 (Urban Edge Development) focuses on the quality of the urban edge at the edge of the City. The site is not visible in long range views, only local views from the west and south. The east boundary would include the SUDS area and landscaping proposed. The proposal includes rear gardens with landscaping up until the boundary with QMU. Given that this could become a well-used route to the immediately adjacent university campus in future, it was considered that providing natural surveillance of this route was a priority, rather than an extensive woodland as previously envisaged by the brief. Together the east and south boundary treatments would provide a defensible boundary whilst still integrating with the neighbouring sites.

The proposals are in accordance with the intent and outcomes of NPF4 Policy 14 and the LDP policies Des 1-5, Des 7-9 as well as the in overall compliance with the Newcraighall and Brunstane Site Briefs - Development Principles.

### Quality Homes

NPF4 Policy 16 sets out to encourage the delivery of more high quality, affordable and sustainable homes across different tenures to meet the diversion housing needs of people. LDP Policies Hou1-4 and Hou 6 also focus on the mix, green space, density and affordable housing of proposals.

In line with NPF4 Policy 16b, a Community Benefit statement has been submitted which highlights the affordable housing provision proposed and the opportunities for healthy living and biodiversity enhancement through the creation of the linear park which would improve the amenity of the area.

### *Affordable housing*

The proposal is for 74% affordable housing (163 units), well in excess of the 25% affordable housing requirement of LDP Policy 16e and LDP Hou 6. The affordable housing contains a mix of one bedroom, two bedroom, three bedroom flats, three bedroom garden flats, two bedroom accessible flats and four bedroom houses. This mix is representative of the housing mix on site.

The proposed tenure is over 70% for social rent and the remainder for mid market rent. The homes will be constructed by the applicant and the transferred to Hillcrest Housing Association.

All proposed units meet the Edinburgh Design Guidance in terms of internal space standards. All the townhouses, colony flats and ground floor flats have private gardens. The communal space for the flatted blocks is above 10 sq. m. per flat. Over 32% of the site area is useable green space. This complies with LDP policy Hou 3.

LDP Policy Hou 4 requires an appropriate density reflecting the surrounding area characteristics, creating an attractive residential environment, and supporting local facilities. The proposed density is 62 dwellings per hectare which makes efficient use of this greenfield site with the higher density flats nearer Newcraighall Road.

The existing development on HSG 27 is 28 dwellings per hectare and overall, this would result in 38 dwellings per hectare which is considered acceptable.

### *Housing Types*

The proposed colonies are an Edinburgh housing type that sets up a high density in a low scaled building form which is adaptable and gives a double frontage providing more opportunities for natural surveillance. Townhouses allow each property to have their own curtilage and private gardens to the front and rear.

The proposed flats are part four-part five storey. Four storey flats have recently been approved at New Brunstane (application 22/03946/AMC) to the north. It is considered that this proposed height is acceptable within its context and given the flats are situated along the eastern boundary of the site.

The elevation design of the flats has evolved. The part four storey with part fifth storey has a long mono-pitched roof which would incorporate solar PV panels. The elevation design now has more glazing and less void with a mix of brick types to add interest.

This housing mix and green space provided is acceptable, and density is compatible with the surrounding area and in line with Policies 16 (c) and Hou 2, Hou 3, Hou 4 and Hou 6.

### Residential Amenity

LDP Policy Des 5 (Development Design- Amenity) seeks to ensure that the amenity of neighbouring residents is not adversely affected by development and that future occupiers of residential properties have acceptable levels of amenity. The proposed residential use is compatible with the predominantly residential character of this area and will not lead to an unacceptable loss of amenity for any residential properties in the vicinity.

#### *Amenity for Existing Occupiers*

The nearest existing residential properties are those to the West at Glennie Road, which are around 80m away from the proposed residential properties. These properties would front onto the linear park and then the new street frontage created. Therefore, given the sizeable distance between them, they would be no resulting loss of daylight, sunlight or privacy from the proposals for neighbouring occupiers.

#### *Amenity for New Occupiers*

The EDG sets out how to ensure adequate daylight is provided to new development. Scheme 2 re-orientated the majority of the units to assist with enhanced daylight and sunlight. Outlook and privacy has been maintained with buildings facing onto each other or back to back having a minimum of 18m apart to reduce overlooking and maintain privacy.

Most of the units are dual aspect and benefit from full height windows and Juliet balconies to both living and sleeping accommodation, sized to ensure that sufficient levels of daylight are provided internally.

The applicant has further assessed the daylight levels for the worstcase scenario, the single aspect north facing flats ground floor flats. The external glazing makes up more than 25% and undertaking the no sky line methodology, direct skylight would penetrate at least half way into the rooms and therefore these dwellings would receive adequate daylight in line with the Edinburgh Design Guidance.

Sunlight analysis was submitted in support of this application which uses the EDG methodology requiring half the new garden space being capable of more than 2 hours sunlight on spring equinox - 21 March. For the north-south colony blocks, there are a twelve north-facing gardens which do not reach the threshold. Whilst one townhouses garden does not reach this threshold, it has the benefit of both front and rear gardens and at front garden does reach this threshold. Given that the colony gardens would be overlooked by occupants of both properties as well as neighbours and given the amount of useable open space being created on site and within 50m of the colony flats, this infringement of the EDG is considered minor and acceptable.

The linear park is orientated North West to South East and would receive ample sunlight during the spring equinox, creating a public space that could be used all year round.

### Noise

A noise impact assessment has been submitted due to road traffic noise, railway noise, as well as noise from the overhead powerlines. The assessment used criteria within BS8233 and the WHO guidelines and found that noise levels would comply with guidance provided that a glazing specification is used, and alternative ventilation solutions provided to allow air flow changes within rooms. This could be secured by condition.

The exact specification of the air source heat pumps is not known at this stage. These could potentially result in additional or new noise impacts from the proposals for the occupiers. Therefore, it is considered reasonable that a condition is attached, requiring a review of the Noise Impact Assessment if any new or additional noise sources are introduced.

### Waste Services

A Waste Strategy has been agreed. A condition can be attached to ensure that this is implemented prior to occupation of the proposed development.

### Health

NPF4 Policy 23 Health and Safety requires proposals to have a positive effect on health. This includes consideration of air quality, noise and suicide risk. The proposed development has been designed to integrate into the existing area, creating a quality place and complies with LDP design policy and guidance. The proposals include areas of open space landscaping and will extend existing multi-user paths and provide connections within the area supporting healthy lifestyles and exercise opportunities.

There are overhead powerlines traversing the site from northwest to south through the line of the linear park. Scottish Power Energy Network has objected to scheme 1. Scottish Power requested the removal of the commercial units as they protruded into their 'no build zone'. The revised scheme 2 no longer includes the commercial units. Therefore Scottish Power has withdrawn its objection to the proposals.

Network Rail has been consulted and previously were concerned about the risk of trespassing on the railway. Network Rail has no objection to the revised plans subject to a condition requiring a trespass proof fence. This information has also been shared with East Lothian Council as part of the site is within their area too.

Policy Env 22 (Pollution and Air, Water and Soil Quality) states that planning permission will only be granted where there will be no significant adverse effects for health, the environment including air soil, water environment or on ground stability.

### *Air Quality*

An air quality assessment has been undertaken based on scheme one which determined that the overall significance of the operational phase road traffic emission impacts would be slight. To address this, the applicant has substantially reduced the car parking from 236 spaces (over 100%) in scheme one to 137 spaces (62%) in scheme two including 24 EVC spaces. Three city car club spaces, cycle parking infrastructure and the creation of a new active travel link to Musselburgh Railway Station are also proposed as mitigation. It is therefore expected that the substantial reduction in car parking spaces will also reduce the overall impacts on air quality. The development would also have increased insulation and air tightness and utilisation of air source heat pumps and PV for spatial and water heating with no gas proposed as an energy source. A Construction Environmental Management Plan will be prepared and implemented to reduce dust and other impacts during construction. Therefore the proposal complies with NPF4 Policy 23 and LDP Policy Env 22.

### *Contaminated Land*

The site has potential to be affected by localised sources of contamination and ground gas from historical mining legacy. A Phase 1 Desk Study and preliminary risk assessment has been submitted with a Phase 2 intrusive site investigations proposed, the scope of which is acceptable at this stage, to enable further planning and design of a suitable site investigation. Therefore a condition is attached to secure a site survey and implementation of remedial works if required.

### *Mining*

A Phase 1 Desk Study and Coal Mining Risk assessment have been submitted which has been assessed by The Coal Authority. The Coal Authority require intrusive site investigation works to be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site which can be secured by condition.

## *Soils*

The land is greenfield and SuDS which was previously farmland. It is identified in the LDP as an allocated housing site within the urban area. Around 32% of the site area will still be public open space with enhanced landscaping. It is considered that given the proposals are compatible with the LDP strategy and enhance biodiversity it is in line with NPF4 policy 5.

## *Archaeology*

LDP policies Env 8 and Env9 relate to the importance of archaeological remains. The site is likely to contain a wealth of archaeology associated with the areas mining past and dating back to prehistory. It is essential that archaeological mitigation strategy is undertaken prior to development including phased programme of archaeological investigation which can be secured by condition. As well as an overall programme of work, a programme of public engagement should also be undertaken which is included as part of the archaeology condition. This complies with policies Env 8 and Env 9.

## Blue/Green Infrastructure

NPF4 policies 20 (Blue and green infrastructure) and 22 (Flood risk and Water Management) and LDP Env 21 (Flood Prevention) seek to ensure development proposals integrate blue/green infrastructure and do not increase the risk of surface water flooding to others or itself be at risk. CEC Flood Prevention has assessed the surface water management strategy and drainage information submitted and has no objection to the proposals. It is noted that the proposed Suds pond is situated in East Lothian Council area and is the subject of a separate but related planning application (23/000685/P). Therefore, as this infrastructure is essential to the development of the proposed residential development it is considered necessary to ensure by condition that this related application (or a subsequent application for SUDS proposals) is approved prior to the occupation of any unit.

## Sustainable Transport

NPF4 Policy 13: Sustainable Transport requires development proposals to demonstrate that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies. This is detailed further in LDP policies Tra 1 - 4, and Tra 8 - 9. A Transport Assessment has been submitted in support of the application which provides an assessment of the transport considerations associated with the proposal. The assessment states that the site is well located in terms of existing and future walking routes and local amenities, schools and public transport services. It also states that the proposed development will not have a detrimental impact on operational capacity or road safety of the surrounding network.

In terms of NPF4 Policy 13(b) The proposals include a multi-user path from Newcraighall Road to the boundary with Queen Margaret University and comply with LDP Transport Safeguard T7. There is also a multi-user path link being created from the site to Musselburgh Railway Station nearby which will allow easy access to the city centre. There are connections west linking up with the street layout nearby. The proposed access infrastructure would improve the crossing of Newcraighall Road for pedestrians and cyclists too.



Cycle parking is in line with Council guidance. The townhouses, and colony flats all have private gardens to store bicycles. The provision in the flats is 46 spaces in the ground floor of each block and set out as 22 double tier spaces, (48%) and 16 Sheffield Stands spaces (35%) and 8 specialist cycle stands spaces for non-standard bikes (17%).

Bus services currently serve the site along Newcraighall Road, however the LDP public transport link T6 has already been completed which can in future allow buses to go through the neighbouring site to reach Queen Margaret University.

The car parking proposed is 137 spaces which is 62% parking provision, well below Council maximum standards of 100% car parking provision and less than the recently approved nearby residential developments for example 84% at Brunstane West Field (application 22/03946/AMC). Eleven accessible parking spaces (8%) are provided and 24 electric vehicle charging spaces (1 in 6) are also provided in line with EPG. Three City car club spaces are also to be included in the proposals which can be secured by condition/legal agreement. Parking is mainly in parking courts or on street parking spaces. A Travel Plan is also required by condition to highlight to new occupiers the accessibility of the site in terms of active travel and public transport. Therefore, in terms of Policy Tra 2 (Private Car Parking) the parking level and layout are acceptable.

It is considered that the proposals comply with NPF4 policy 13 and LDP policy Tra 1-4 and further assessment against Tra 8 is considered below.

### Infrastructure

NPF4 Policy 18 supports development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs. Policy Del 1 and Tra8 also sets out that the overall cumulative impact of the proposed development should be taken into account. This is supported by the Action Programme 2023 and the Finalised Developer Contributions and Infrastructure Delivery Guidance.

#### *Transport Infrastructure*

LDP policy Tra8 requires a transport assessment that assesses the transport impacts, and any proposed mitigation and transport infrastructure as has been submitted with this application. A range of transport infrastructure measures are proposed to mitigate the impact of the development.

The proposed access infrastructure would include:

- A) vehicle access will be at the staggered traffic signal controlled junction to Newcraighall Road along with the access to Benhar Road.
- B) pedestrian crossing infrastructure over the A6095 Newcraighall Road to allow safer access to the existing bus stops on both sides of the road.
- C) cycling crossing infrastructure (3.2m wide toucan style crossing) to link up the recently constructed 'Shared Use' path with NCR 1.
- D Provide cycling crossing infrastructure (3.2m wide toucan style crossing) across Benhar Road for NCR 1.

The proposed signalised junction on Newcraighall Road, in coordination with the works relating to housing site HSG 29 Brunstane, should be operational prior to the occupation of the 30th unit and to include appropriate cycle and pedestrian crossing facilities on Newcraighall Road and Benhar Road (items A-D above).

The Action Programme requires an active travel route TR-SA-HSG27-2 connecting Newcraighall North site and Newcraighall East. With the delivery of the pedestrian and cycling crossing of Newcraighall Road, this link is completed. The proposed active travel link running north-south through the site relates to LDP proposal T7 to connect to Queen Margaret University. The applicant is also providing an eastward link to East Lothian and Musselburgh Railway Station which will be delivered at the same level as the existing crossing, improving accessibility for all without the use of steps or ramps. Together with the westwards into the adjacent Glennie Road development, this essential active travel infrastructure and will be secured through condition or legal agreement as appropriate.

The proposed development should include three car club vehicles and spaces within the area. A contribution to cover the provision of the vehicles and progression of the necessary order would be required.

#### *Education Infrastructure*

The Action Programme 2023 set out the latest pupil generation rates to assess the cumulative impact of housing developments across the learning estate. The requirement for additional education infrastructure is assessed on a cumulative basis with other known housing developments. Children and Families undertake a cumulative impact assessment considering latest school roll projections, pupil generation rates and housing output assumptions in the area to determine whether the actions identified in the finalised Supplementary Guidance and Action Programme are sufficient.

To mitigate the cumulative impact of development that would be anticipated if this proposal progressed, the proposed development is therefore required to make a contribution towards the delivery of the following actions based on the 'per house' contribution of £40,608 and 'per flat' contribution of £13 422. Therefore, the total infrastructure contribution required would be £3, 583, 896. This is based on the primary infrastructure requirement of £2,107,112 and the secondary infrastructure requirement of £1, 476,784. This contribution can be secured through the legal agreement.

#### *Health Facilities Infrastructure*

The site is located within the Brunstane Health Care Contribution Zone as set out in the Finalised Developer Contributions and infrastructure delivery supplementary guidance (2018). This requires a contribution of £60 per dwelling to improvements in health care. This can be secured through legal agreement.

## Conclusion in relation to the Development Plan

The proposed development is LDP allocated housing site HSG27 where residential development is acceptable in principle. The site can contribute to local living and 20 minute neighbourhoods with its range of affordable and private housing as well as substantial linear park open space and proposed active travel links and infrastructure. The proposals include education and healthcare contributions to mitigate its impact on the locality.

The proposal would create a substantial open space with quality landscaping which would be a biodiversity enhancement. The proposed layout integrates with the existing residential developments and provides an attractive residential environment at this city boundary integrating with the neighbouring development within East Lothian. Therefore, it is considered that the proposals comply with the Development Plan policies of NPF4 and the LDP.

## **Material Considerations**

### Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited weight can be attached to it as a material consideration in the determination of this application.

### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010 in relation to the assessment of the proposed development and in the context of representations received from the public. The development plan recognises the need for a variety of housing types to be provided across the city including affordable housing. The assessment set out in section (a) above demonstrates that this site provides an acceptable location in principle for housing as an allocated housing site.

The development has been designed as accessible by active travel and public transport with limited car parking. The proposal has been assessed in relation to impacts on amenity of existing and future occupiers in section (a) above. No concerns relating to equalities have been raised in this regard. An objection has been received concerning the noise, dust and disruption of the construction of the proposals and impact on the health condition of residents. A Construction Environmental Management Plan has been requested so that dust and disruption to residents are mitigated. This should also set out the hours of operation of construction vehicles on site.

### Representations

#### Materials considerations

A total of 28 letters of representation were received.

Scheme 2:

Objections:

### Transport

- Concerns about safe access to site for pedestrian and cyclists and vehicles, dangerous access junction;
- Cumulative impact of proposals on traffic ;
- Public transport needs improved;
- new footpath along top of railway embankment;

### Open Space

- Loss of green space, loss of wildlife;

### Pollution

- Risk to residents' health;
- Air pollution emissions, traffic noise and pollution will worsen;

### Design and Layout

- Height of the proposed flats, overdevelopment, building design out of character;
  - Too close to electricity pylons, no children's play areas;
  - No need for commercial premises - would encourage antisocial behaviour and litter;
  - Destroys character of Newcraighall village, lack of infrastructure and detrimental to residential amenity;

### Scheme 1 Representations

#### General Comment

- Community feedback taken on board.
- Pedestrian crossing required.
- Lack of GP provision and education infrastructure

#### Objection

##### Transport

- Need more active travel connections to neighbouring developments and a 4m Musselburgh Railway Station connection, provide toucan crossing from the development across Newcraighall Road and Regrade and reroute NCR1;
- No new cycle and walking paths have been created into and out of the village;
- Active travel policies are not successful and will not reduce traffic volumes and need to separate cycleways from roads;
- Cycle parking inadequate - semi vertical racks inappropriate;
- Transport assessment is based on predict and provide model which is inappropriate under NPF4 policy 13d;
- do not want any access through neighbouring site, poor access to nearby station for all users and cyclists due to narrow pavement at rail bridge;
- Traffic noise would disrupt residents, too much traffic and queues already;
- New access junction not feasible would cause queuing traffic and cause pollution, alternative access should be formed from the south at QMU;
- Car parking spaces does not align with likely car ownership;
- poor bus service to/ from city centre from village;
- difficulty crossing Newcraighall road currently for pedestrians and cyclists;

### Principle

- Too many new houses in Newcraighall, including Brunstane the cumulative impact results in erosion of the environment;
- New houses also in East Lothian around Musselburgh, Over development of this area;

### Health impact

- Pollution and noise would cause health impacts.
- Both Brunstane and this site would be constructed around the same time causing dust and disruption.
- noise and mud during construction
- Increased air pollution

### Air Quality

- Conflict with low emissions zone elsewhere in Edinburgh when Newcraighall would have a high emission zone in the village.
- Poor access to nearby station for all users and cyclists due to narrow pavement at rail bridge

### Flooding

- The land floods each year and creates a pond which would be lost.

### Design

- Placemaking has not applied to this area, development in appropriate for area.
- Six storey blocks are not suitable - most are three storeys high in the village.
- The elevations of the flats are unattractive, little architectural merit.
- reduce density it is too high.
- No need for a commercial unit and would encourage anti-social behaviour.
- poor design of housing, materials and appearance
- overlooking to properties on Glennie Road

### Sustainability

- Energy use would increase dramatically.
- Loss of open space and wildlife
- Loss of green space around the city

### Infrastructure

- Need for a secondary school in this area.
- Insufficient health infrastructure in area
- Strain on emergency services
- due to proximity of dwellings to overhead powerlines

### Non material

- vehicle access should not be from Glennie Road
- litter during construction
- impact of building work noise causing anxiety and stress to people with disabilities and daysleepers.

### Conclusion in relation to identified material considerations.

There are no material considerations which would justify a refusal of planning permission.

### Overall Conclusion

The proposed development is LDP allocated housing site HSG27 where residential development is acceptable in principle. The site can contribute to local living and 20 minute neighbourhoods with its range of affordable and private housing as well as substantial linear park open space and proposed active travel links and infrastructure. The proposals include education and healthcare contributions to mitigate its impact on the locality.

The proposal would create a substantial open space with quality landscaping which would be a biodiversity enhancement. The proposed layout integrates with the existing residential developments and provides an attractive residential environment at this city boundary integrating with the neighbouring development within East Lothian. Therefore, it is considered that the proposals comply with the Development Plan policies of NPF4 and the LDP. There are no material considerations which would indicate otherwise.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. Prior to the occupation of any of the dwellings, hereby approved, the requirements and measures as detailed in the Flood Risk Assessment and Drainage Strategy and Drawing No. 43A and accompanying information as set out in planning application 23/00685/P to East Lothian Council (or any other subsequent application relating to this drainage and flooding at this site) shall be implemented in full to the satisfaction of both City of Edinburgh Council and East Lothian Council.
3. No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, metal-detecting survey, recording, analysis & reporting, publication and public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority

4. (i) Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
  - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
5. 1. No development shall commence until.
  - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and.
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
6. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
7. (a) Prior to the occupation of any of the dwellings, hereby approved, the requirements and noise mitigating measures as detailed in the Noise Impact Assessment by Ellendale Environmental, Ver 1.0, dated the 11 April 2023, requires to be fully implemented to the satisfaction of the Council.

- (b) Further to Condition (a) above, if any additional noise sources are introduced onto the site that are not included in the aforementioned NIA (e.g., air source heat pumps), then the NIA must be reviewed to include assessment of those noise sources and submitted for approval prior to the introduction of them.
8. The applicant will be required to implement the proposed signalised junction on Newcraighall Road in coordination with the works relating to the housing site HSG 29 to the north of Newcraighall Road. Signals to be operational prior to the occupation of the 30th unit and to include appropriate cycle and pedestrian crossing facilities on Newcraighall Road and Benhar Road.
  9. Prior to the occupation of any unit, the applicant is required to implement in full, the active travel route running north-south through the site and the eastward link to East Lothian and Musselburgh Railway Station.
  10. The 24 car parking spaces as shown on drawing number 11B, NEWJMA ZZ00 DR A and dated 28-09-2023 which include electric charging points shall be served by a minimum of four 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to the development being occupied.
  11. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
  12. A landscape management plan, including tree replanting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; the approved plan shall be implemented within 6 months of the completion of the development. The management plan should set out how if any landscaping plant fails or is removed (dead, dying, damaged, missing/stolen or diseased) then it should be replanted for a period of 5 years thereafter.
  13. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed (*Fallopia japonica*), and Giant Hogweed (*Heracleum mantegazzianum*) on site.

The measures shall be carried out strictly in accordance with the approved scheme.

14. Prior to the commencement of works on site, clarification details of the landscaping plans are required including overlay of existing trees that are to remain and tree protection measures. Clarification is also sought between the discrepancies in plans including between the landscape materials plan and the revised car parking plan.

Revised landscaping plans are to be submitted and approved to the Planning Authority.



15. Prior to occupation of the first unit, a detailed layout and specification plan for the allotments and their management shall be submitted to and approved by the Planning Authority. For allotments to be managed by City of Edinburgh Council, this shall include a boundary fence, water supply, path network and dividers and communal shed.

The agreed plan should be implemented prior to the six months following the completion of the development.

16. The applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out only in full accordance with such approved details.
17. Swift bricks and bat boxes shall be installed on the private dwellings on site. The proposed specification and locations shall be submitted to and approved in writing by the planning authority prior to construction works commencing on site.
18. The Waste Management Strategy hereby approved should be implemented prior to the occupation of the development.
19. Prior to the construction of development, a construction environmental management plan (CEMP) should be submitted to and approved in writing by the local planning authority. The CEMP should include mitigation as detailed in the accompanying supporting information submitted with the application. Construction shall be carried out in accordance with the CEMP so approved.
20. For the avoidance of any doubt, the proposed commercial unit is not approved. Any discrepancies between the revised site layout plan and the supporting plans and documents, the revised site layout plan should be considered.

## **Reasons**

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. To ensure adequate drainage infrastructure is implemented in line with this planning permission.
3. In the interests of archaeological heritage.
4. To ensure the site is safe for the proposed end uses and occupiers.
5. To ensure the site is safe for the proposed end use and for its occupiers.
6. To allow consideration of this matter in detail.
7. To safeguard amenity of residents.

8. To ensure essential transport infrastructure is implemented in a timely manner.
9. To ensure the active travel infrastructure is implemented.
10. To ensure the infrastructure is implemented.
11. To ensure the landscaping is established on site.
12. To ensure the landscaping is managed and maintained on site.
13. To ensure these matters are dealt with appropriately.
14. In order that these issues can be clarified and considered in detail.
15. To ensure that the allotments are considered in detail.
16. In the interests of public safety and the protection of Network Rail infrastructure.
17. To enhance biodiversity and provide habitats.
18. To ensure this matter is dealt with in detail.
19. In order to protect the amenity of neighbours.
20. To clarify that the revised site layout plan represents the removal of the commercial unit in order that Scottish Power Energy Network withdraws its objection to the location of the said commercial unit.

## **Informatives**

It should be noted that:

1. It should be noted that:
  1. Planning permission shall not be issued until a suitable legal agreement has been concluded to secure the following:

## **Affordable Housing**

The proposed development is required to deliver affordable housing in accordance with policy.

## **Education**

The proposed development is therefore required to make a contribution per flat of £13,422 and per house of £40,608 towards additional primary and secondary infrastructure including land contribution requirement.

## Transport

As disabled persons parking places must comply with appropriate regulations on layout and markings and will require an appropriate order. The applicant will be required to fund progression of this order.

## Health

A contribution of £60 per dwelling is required to improvement health care in the Brunstane Health Care Contribution Zone.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6-month period, a report will be put to committee with a likely recommendation that the application be refused.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.
5. The applicant should note that the proposed active travel link running north-south through the site and the eastward link to East Lothian are expected to form part of the road construction consent application and therefore form part of the adoptable road network, including lighting.
6. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
7. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.

8. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
9. All disabled persons parking places must comply with appropriate regulations on layout and markings and require an appropriate order. The applicant will be required to fund progression of this order.
10. The developer must submit a maintenance schedule for any SUDS infrastructure for the approval of the Planning Authority.
11. A Travel Plan including the provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking, and public transport routes to key local facilities) and timetables for local public transport, is to be delivered to each unit on its first occupation.
12. Clearance of vegetation from the proposed construction area has the potential to disturb nesting birds; therefore clearance should be carried out outside the bird nesting season March - August (inclusive). Should it be necessary to clear ground during the bird nesting season the land should be surveyed by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.
13. The applicant is encouraged to contribute towards the provision of a minimum of three car club vehicles in the area or to provide them on site. A contribution would also be required to cover the progression of the necessary order.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

### **Further Information - Local Development Plan**

**Date Registered: 21 April 2023**

### **Drawing Numbers/Scheme**

1-4, 5A-6A, 7, 8C, 9A-10A, 11B, 12B, 13A, 16A, 19A,20A-22A, 23B, 25B, 26A-28A, 38A, 39A, 40A, 43A,44D, 45A-54A, 55-56, 58B, 61-65,66

Scheme 2

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Catriona Reece-Heal, Senior Planning Officer  
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## Appendix 1

### Summary of Consultation Responses

NAME: The Coal Authority

COMMENT: Scheme 1 - Objection is now removed and the Coal Authority has no objection subject to condition.

DATE: 12 May 2023

NAME: Network Rail

COMMENT: Network Rail has no issues with the principle but would require a condition requiring a suitable trespass proof fence at least 1.8m high adjacent to Network Rails boundary with provision made for future maintenance. The development should be implemented in full accordance with these details.

DATE: 30 May 2023

NAME: Environmental Protection

COMMENT: No objection. Conditions would required relating to noise and contaminated land.

DATE: 2 October 2023

NAME: Nature Scot

COMMENT: No comment

DATE: 19 May 2023

NAME: Archaeology

COMMENT: No objection subject to condition.

DATE: 29 September 2023

NAME: Affordable Housing

COMMENT: Affordable housing is around 75% and would consist of a mix of social rented and mid market rent. Hillcrest Housing Association would be the RSL and the units would be tenure blind.

DATE: 31 May 2023

NAME: Parks and Greenspace

COMMENT: No objection but the allotments would need to be up to CEC specification if to be transferred to CEC.

DATE: 12 October 2023

NAME: Communities and Families

COMMENT: No objection provided a contribution to education infrastructure is secured through the legal agreement.

DATE: 3 October 2023

NAME: Scottish Water

COMMENT: No objection.

DATE: 8 September 2023

NAME: Scottish Power Energy Network

COMMENT: Objection to the scheme 1 until the safety distances are checked between the proposed townhouses and existing SPEN transmission apparatus.

DATE: 1 May 2023

NAME: Waste Services

COMMENT: A Waste Management Strategy is now agreed.

DATE: 2 May 2023

NAME: Flood Prevention

COMMENT: No objection.

DATE: 11 October 2023

NAME: Flood Prevention

COMMENT: No objection, however the applicant should confirm that Scottish Water will accept maintenance of the proposed SUDS measures, including the proposed basin.

DATE:

NAME: Network Rail

COMMENT: No objection subject to condition requiring trespass proof fence at least 1.8m high.

DATE:

NAME: Scottish Power Energy Network

COMMENT: The commercial unit is within the no build zone and therefore we object to this proposal. If the commercial unit is withdrawn the SPEN objection would be removed.

DATE: 12 October 2023

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

## Location Plan



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