

# Development Management Sub Committee

Wednesday 20 November 2019

**Application for Planning Permission 18/10316/FUL  
At Land 90 Metres West Of 20 The Wisp, Edinburgh.  
Proposed residential development of 139 flats, open space  
and associated infrastructure (as amended).**

Item number

Report number

Wards

B17 - Portobello/Craigmillar

## Summary

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The proposal complies with the Local Development Plan. The design and layout is acceptable and the higher density development provides an efficient use of this greenfield site. The amenity of existing neighbouring properties will not be adversely affected and an acceptable amount of amenity will be afforded to future occupants. The proposed development will be sustainable and will address wider connectivity issues with the proposed bridge to Hunters Hall Public Park.

## Links

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[Policies and guidance for this application](#)

LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES09, LDES11, LEN08, LEN09, LEN12, LEN16, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA01, LTRA02, LTRA03, LTRA04, LTRA08, LTRA09, NSG, NSGD02, NSHAFF, SGDC,

# Report

## **Application for Planning Permission 18/10316/FUL At Land 90 Metres West Of 20 The Wisp, Edinburgh. Proposed residential development of 139 flats, open space and associated infrastructure (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The development site, covering an area of 2 hectares, lies in the south-east of Edinburgh and is currently undeveloped greenfield land. The site is located at the base of the valley of the Niddrie Burn below the Edmonstone and Craigmillar ridges, which are major landscape features in the setting of this part of the city. The site is generally flat with a slope of 5 metres down to the northern boundary from the southern boundary and is contained on all sides by rising ground, tree and hedge planting and existing development.

The site is separated from Hunter's Hall Public Park to the north by a belt of mature trees. Immediately to the east is an operational building and timber supplies yard which has planning permission to extend up to the boundary of the site.

The land beyond this lies within Midlothian Council's area and is covered by Strategic Housing Land Allocation Hs0 Cauldcoats (350 houses) in the Midlothian Local Development Plan.

To the south is housing proposal HSG 41 The Wisp (80 houses) currently being developed. The land to the west is currently undeveloped but is covered by Local Development Plan housing proposal HSG 18 New Greendykes for which there is planning permission for residential development.

#### **2.2 Site History**

29 January 2019 - Planning permission in principle granted for proposed residential development at Land 90 metres West of 20, The Wisp, Edinburgh (application number: 16/00216/PPP).

## **Neighbouring Sites**

### Land at Greendykes Road (Thistle Timbers)

- 23 December 2016 - Planning permission granted for class 6 (storage and distribution) - formation of builder's supply yard as extension to existing yard (application number: 15/04151/FUL).

### Land 213 Metres Southwest of 22 The Wisp

17 February 2016 - Planning permission was granted following an appeal for a residential development (comprising 72 units) and associated works on the site to the south (application number: 13/02660/FUL).

10 October 2017 - Planning permission was granted for a remix of the residential development approval 13/02660/FUL, construction of 80 residential units and associated works (as amended) (application number: 16/04373/FUL).

### Land at Greendykes Road

22 July 2010 - Planning permission in principle for residential development (as amended) was granted (application number: 07/01644/OUT).

26 October 2012 - Approval of matters specified in condition application was approved for residential development (application number: 12/01109/AMC).

1 February 2013 - Permission granted for works to facilitate new residential development associated with planning application reference 12/01109/AMC on land at Greendykes Road Edinburgh (application number: 12/03189/FUL).

21 February 2013 - Permission granted for residential development at Greendykes Road Edinburgh Greendykes Masterplan Area AH2 (application number: 12/03665/AMC).

21 September 2017 - Planning permission granted for residential development as part Greendykes Masterplan Site areas C and D at Greendykes Road, Edinburgh (application number: 13/01342/FUL).

15 March 2019 - Application submitted for the approval of matters specified in conditions of planning permission 07/01644/OUT for the siting, design, landscaping and infrastructure in relation to the erection of 165 dwellings, at Land at Greendykes Road, Edinburgh (application number: 19/01357/AMC).

### Land at Cauldcoats - Midlothian Council

16 December 2014 - Application submitted for planning permission in principle for residential development; erection of primary school; and mixed use development (application number: 14/00910/PPP).

## Main report

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### 3.1 Description of the Proposal

This application seeks full planning permission for residential development of 139 flats, open space and associated infrastructure.

There are five 'L' shaped flatted blocks and one 'U' shaped flatted block. The majority of the blocks are 4 storeys however the two larger blocks have 5 storeys at each end. Four blocks front onto the 'S' shaped access road with the other blocks fronting onto adjacent car parking areas. A corridor of open space is provided along the western boundary of the site with a SUDS area to the north-west and small area of open space at the eastern boundary.

The private flats comprise a mix of 86 two bedroomed flats of which 20 units are 66.4 sq.m in size, 48 units are 67.1 sq.m in size and 18 units are 66 sq.m in size. There are also 18 three bedroomed flats which are 91.5 sq.m in size.

There are three 'L' shaped four storey blocks of 35 affordable flats (25%). There are 11 two bedroomed units, 70.7 sq.m in size and 12 two bedroomed units are 68.9 sq.m in size. There are also 12 three bedroomed units that are 91.0 sq.m in size.

The proposed materials include light grey rough cast, grey brick with grey windows and fenestration details, timber cladding and grey roof tiles.

Private amenity space includes ground floor private gardens for the rectangular flatted blocks. There are private balconies provided on the front elevation of the corner buildings to two of the three flats on each storey. One third of the affordable units have balconies.

Access to the site for pedestrians, cyclists and vehicles is from the neighbouring residential development to the south. There would also be connections for pedestrians and cyclists to the west. A pedestrian and cycle link, including a footbridge, is proposed to Hunter's Hall Park to the north.

278 cycle parking spaces are provided within the ground floor of the private and affordable flatted blocks and in a single storey building adjacent to one affordable housing block. There are also six Sheffield stands outside the flatted blocks which provide another 18 cycle spaces and therefore 296 cycle spaces (213%) in total.

113 parking spaces are provided equating to 81% provision. This includes 10 disabled spaces (8%) and four car club spaces in proximity to the access to the site. Ducting with access covers will be formed and at least 18 electric charging points (16%) provided.

All bin stores are located in the ground floor of the buildings or the single storey building adjacent to the affordable flats.

## Scheme 1

The initial proposal was for 139 units provided across a number of four-storey blocks with pitched roofs. It included 100% car parking with some of the spaces provided within large parking courts adjacent to the road. The proposal also included external bin and cycle stores located throughout the development. A development block was proposed on the southern edge of the development and this has been deleted to create more cohesion between the proposal and the existing site to the south.

The following was submitted in support of the application:

- Design and Access Statement
- Drainage Assessment
- Flood Risk Assessment
- Ground Investigation
- Noise Report
- Pre-Application Consultation (PAC) report
- Planning Supporting Statement
- Pollution Mitigation
- Transport Quality Audit
- Traffic Assessment
- Air Quality Assessment
- Ecological Assessment
- Heritage Assessment
- Noise and Vibration Report
- Landscape and Visual Impact Assessment (LVIA)
- Biofilter Report.

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

### **3.2 Determining Issues**

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

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

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

### 3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the principle of the development is acceptable;
- b) the existing PPP consent;
- c) the proposal will have an acceptable impact on the landscape and will be appropriate in terms of its scale, form, mix, density and layout;
- d) the proposal will not adversely impact on neighbouring sites and will provide adequate amenity for future residents;
- e) the proposal will have acceptable transport impacts;
- f) the proposal will detrimentally affect flooding;
- g) the proposal will affect the biodiversity of the area and will detrimentally impact upon trees;
- h) the proposal meets the sustainability standards in the Edinburgh Design Guidance;
- i) the proposal will impact on archaeology;
- j) there are any issues in relation to air quality, ground stability and contaminated land;
- k) the proposal will impact upon existing infrastructure and
- l) material representations or community comments raise issues to be addressed.

#### **a) Principle**

The site is within the urban area of the Adopted LDP (2016). Within the urban area, Policy Hou 1 gives priority to the delivery of the housing land supply and relevant infrastructure on suitable sites, provided proposals are compatible with other policies in the plan. Conformity with other policies is assessed below. The site is currently an undeveloped field, however, as the site is not in the green belt, the principle of development is acceptable.

#### **b) The Planning Permission in Principle Consent**

The planning permission in principle for the majority of this application site (16/00216/PPP) is a material consideration in the assessment of the current proposal. The current application is for full planning permission in its own right. It is therefore, treated as a 'de novo' application. This means that Section 25 of the Town and Country Planning (Scotland) Act 1997 applies, "where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

The question of how much weight should be attached to other material considerations lies with the decision-maker. This is important in relation to matters concerning transport, flooding and noise as outlined below.

### **c) Landscape Setting, Scale, Form and Layout, Density and Mix**

A Landscape and Visual Impact Assessment has been submitted in support of the application. The assessment was conducted using six viewpoints within the city that are considered sensitive in terms of landscape and visual receptors. All of the assessments of the magnitude of change and the significance of the impact were either 'none' or 'neutral' with the exception of the views of the site from Hunter's Hall Park. In this view, the proposed development could be seen protruding slightly above the trees from within the park. The assessment concluded that the magnitude of the impact on the view from the park was slight.

The residential development site to the south, the extension to the timber yard to the east and the Greendykes extension to the west are either completed or under construction. Therefore, the site, which is low lying in relation to those around it, will be surrounded by development on three sides and enclosed by a tree belt along its northern boundary. This interrelationship between the topography of the site and the development surrounding it means that the proposed building heights of four-five storeys is acceptable in landscape terms. Where visible from Hunters Hall Park, it would be viewed against the backdrop of the neighbouring site to the south. Therefore the site is capable of being developed without impacting detrimentally on the landscape setting of this part of the city.

#### **Design, scale, form and layout**

Policies Des 1 to Des 9 of the (LDP) set out the policy framework for the design of developments. Also relevant are the Revised Craigmillar Urban Design Framework (2013) for the surrounding area and the Edinburgh Design Guidance.

The Revised Craigmillar Urban Design Framework sets out appropriate building heights and densities across the wider site. This information was used to ensure a variety of building types and heights can be implemented to help create and define interesting streets and spaces. This site was within the study area of the Craigmillar Urban Design Framework but not identified for housing, although the principle has now been accepted with the granting of planning permission in principle. The proposed hierarchy of streets and development blocks are positioned to create an 'S' shaped residential street which is generally in alignment with the existing housing to the south and west and encourages a permeable layout with connections to the north, west and south.

The site layout includes the open space SUDS area to the north adjacent to Hunter's Hall Park and along the western boundary a north-south connection and linear open space is provided. There is also a smaller area of open space adjoining the eastern boundary overlooked by the adjacent flats. Across the site, over 20% of the total site area is useable green space and complies with LDP policy Hou3.

The open space along the western boundary allows this open space to be used by residents of the neighbouring development and provides visual separation between the two sites. The dominance of car parking provision has been reduced considerably in the current scheme with most car parking now in courtyard areas.

A landscaping plan has been submitted which includes a mixed hedge planting along the eastern boundary, beech hedging delineating the communal garden areas and along the access road, an avenue of trees along the southern boundary and five extra heavy standard trees along the northern boundary to complement the existing woodland. The communal areas will include orchard planting and grass. The streetscene landscape includes shrubs, and planting beds around the buildings and car parking areas. The car parking areas are overlooking by the adjacent flats whilst cycle parking is safe and secure in the buildings or on Sheffield stands at entrances to the blocks.

The range of materials used is similar to the materials on housing in the vicinity. There is differentiation between the ground floors, corner blocks and smaller blocks in terms of materials providing visual interest in the street scene. The corner blocks are 5 storeys providing landmark buildings at corners along the access route. This proposal makes efficient use of this low-lying area and improves connectivity to Hunters Hall Park to the north. Therefore, it is acceptable under policy Des 7.

### **Housing Density and Mix**

The proposal is a mix of two and three bed flats. The neighbouring housing site to the south provides a mix of flats and houses and the housing site to the west provides mainly housing. Together they provide a mix of available housing types commensurate with the principles contained within the Craigmillar Urban Design Framework. The residential density equates to 69.5 units/ha. This is appropriate for this type of development and the layout is compatible with the neighbouring existing housing developments in this part of Craigmillar.

All the proposed flats exceed the minimum internal floor areas as set out in the Edinburgh Design Guidance. There are no single aspect flats. 18 three bedroom private flats and 12 affordable flats, equating to 21% of the units, are designed for growing families. There is a minor infringement in that not all three bedroom properties have direct access to private gardens or balconies but across the site ground floor units have gardens, corner units have balconies and sufficient open space is provided such that this minor infringement is, on balance, acceptable under LDP policy Hou 3.

The higher density mix of housing proposed provides a balance between the efficient use of land on this greenfield site and ensuring that an attractive residential environment is created which safeguards living conditions within the development.

### **d) Residential amenity for existing neighbours and future residents**

LDP Policy Des 5 (Development design - amenity) advises that planning permission will be granted for development where it is demonstrated, amongst other things, that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

## **Existing Residents**

A daylight and sunlight assessment was conducted to assess the impact of the development on neighbouring residential properties. The Visual Sky component (VSC) assessment for the existing residential properties surrounding the proposed site confirm that all windows achieve a VSC of more than 27%. The sun path analysis confirms that there are no neighbouring gardens or amenity space that will be affected by the proposal. This is acceptable in line with the Edinburgh Design Guidance.

The flats are around 20 metres to the western boundary providing sufficient levels of privacy for residents to the west. The closest gable elevation is 22m from the rear elevation of the property to the south. Due to the difference in topography, with the proposal at a much lower level, and the lack of windows, this would not result in a loss of privacy for neighbouring residents. The flats are a minimum of 8.6 metres from the eastern boundary and the gable elevation consists of secondary windows into the living area. Therefore, it is considered that this would not result in significant levels of overlooking or loss of privacy for the neighbours to the east.

## **Daylight, Sunlight and Privacy**

The proposed layout provides natural surveillance over footpaths, parking areas and communal spaces and limits overlooking between the flats. There is a range of 16m to 27m between facing elevations on site, which provides adequate privacy without significant levels of overlooking. All habitable rooms within the site comply with either the VSC of 27% or the Average Daylight Factor (ADF) in line with policy Des 5 and the Edinburgh Design Guidance. The solar exposure analysis confirms that there are some areas that do not achieve the three hour requirement during spring equinox 21st March. However, there is direct sunlight achieved across the majority of the site and half of the garden spaces receive more than two hours direct sunlight exposure on 21st March in accordance with the Building Research Establishment Guide. Overall, this is acceptable.

## **Noise**

A noise assessment has been submitted which confirms that most of the site is exposed to low/medium noise levels from The Wisp, Thistle Timber and to a lesser extent the surrounding road network. The average ambient daytime noise levels range from 48dbL at the western boundary to 57dbL near the eastern boundary - Thistle Timbers and the Wisp, which guidance states that minor to moderate adverse effects are predicated. The night time noise levels range from 45dbL or less which in accordance with the guidance, no adverse effects are predicted. Areas nearest the eastern boundary of the site are predicted to be exposed to levels between 45 and 49 dbL indicating the potential for adverse effects of minor significance in the worst-affected areas.

A noise model taking account topography and likely noise activity predicted daytime facade noise levels in excess of World Health Organisation criteria. The most exposed units are the top two floors of the proposed buildings immediately adjacent to the timber yard where facade noise levels are predicated between 50 to 55dbL indicating a minor to moderate significant potential adverse effect. Most of these gable ends closest to the timber yard have no windows present. Mitigation measures include specific acoustic glazing treatments which will need to include glazing units that may not be openable on the nearest elevation. The floor plans indicate that where habitable rooms would be affected, the majority have multiple glazing units serving them on two elevations. Environmental Protection raised serious concerns at the PPP stage due to noise impacts from the timber yard and recommended that there should be no line of sight into the yard. The applicant has submitted supporting impact noise assessment, moved the buildings back from the timber yard and recommended specific acoustic glazing treatments including glazing units which may not be openable. Environmental Protection advise these remedial measures are necessary to reduce noise for future residents and can be secured by condition. On balance, this is acceptable.

### **Floodlighting**

Environmental Protection have highlighted that residential amenity for future occupiers may be impacted by light pollution from the security floodlighting at the adjacent Timber Yard. This was previously raised as an issue on application 16/00216/PPP and a condition was attached to that planning permission requiring a scheme for protecting the residential accommodation from illumination and/or glare from the floodlighting system. No floodlighting assessment has been submitted.

A 4m high concrete acoustic wall has been built along the entire east common boundary with the Thistle Timbers as imposed by condition on planning permission 15/04151/FUL to protect the interests of the business and allow it to carry out its operations without disturbing its neighbours. The revised layout on the current application moved the proposed flatted blocks further away from the eastern boundary. There is a minimum of 5 m between the gable ends of the flats and the acoustic wall and 13.2 m for those flats with a direct line of site into the timber yard. The landscaping scheme includes a mixed hedge of hawthorn, maple, and hazel adjacent to the wall along the entire eastern boundary of the site. It is considered reasonable to impose a condition requiring a floodlighting assessment to be carried out prior to the construction of development and mitigation measures to be implemented prior to the occupation of the affected blocks.

### **e) Transport impacts**

The application is supported by a Transport Assessment. This includes a high growth factor to take account of the likelihood of cross-boundary traffic from development outwith the Edinburgh area which has not been specifically included within the Transport Assessment and includes up to date counts as carried out in September 2018.

This proposal differs from that approved under application number 16/00216/PPP, in that the proposed vehicle access is from the residential development to the south, instead of the previous western access. Therefore, there is potential for more traffic to flow along Milligan Drive and onto The Wisp which is in Midlothian Council's area.

Midlothian Council was consulted on the proposal. Their response includes suggestions for road infrastructure improvements within the vicinity of the development. The improvements include further enhancements at the A7 Old Dalkeith Road/The Wisp junction and other locations including the Millerhill Road/The Wisp junction. Midlothian Council is concerned about junction capacity issues and recommends the use of conditions to require the completion of improvements prior to the occupation of any dwellings.

City of Edinburgh Council Transport Planning has fully assessed the transport assessment. The traffic impact of the proposed development at The Wisp/A6016 Millerhill Road junction is a percentage increase of 1.6% at peak times. The traffic impact on the A7 Old Dalkeith Road/The Wisp junction is a percentage increase of 0.7% at peak times. A junction assessment was deemed unnecessary as the predicted impact is expected to be insignificant and likely to be undetectable within daily variations in traffic. The proposed junction improvements - (MOVA or equivalent) together with carriageway widening is required at the signalised junction at The Wisp/Old Dalkeith Road prior to the commencement of development on the Edmonstone Policies site (application number: 18/00508/AMC) adjacent to the proposed development and for a total of 696 units. Therefore the submitted Transport Assessment is considered appropriate and acceptable for the proposed development. No specific mitigation is considered justified in relation to the junctions.

## **Connectivity and Access**

The application site is not within the Sheriffhall Transport Contribution Zone nor any other Transport Contribution Zone in the Finalised Developer Contributions and Infrastructure Delivery Supplementary Planning Guidance (2018). The LDP site HSG 41 for which planning permission was granted, is referred to in the action programme as requiring pathways and cycle routes, in particular the link to Hunters Hall/Jack Kane Centre as well as bus facilities on The Wisp. HSG 41 does provide pedestrian access to The Wisp however, any pedestrian access to Hunters Hall requires traversing the application site.

Policy Des 7 of the LDP seeks to enhance connectivity across sites. The proposal includes pedestrian and cycle accesses to the west, south and north. This increases permeability and provides cohesion with the surrounding developments. The northern connection includes a bridge to Hunters Hall Park, which would provide easy access to this open space, the Jack Kane Centre and further afield to Craigmillar, for both the existing and new residents. It is considered reasonable and necessary to secure the provision of the bridge connection by condition in line with the development of this site.

The 4m wide footpath and cycle routes through the western part of the site contribute to connectivity with the surrounding developments. It is noted that there is no proposed permanent pedestrian and cycle access to the East. This has been raised with the applicants who confirm that the land is not within their ownership and that they only have a time limited right of access agreed to facilitate the construction of the proposed development. Given that this connection leads to The Wisp at the timber yard access, where visibility is limited with limited pavement width, and the existing pedestrian accesses from HSG 41 to The Wisp, it is considered, on balance unreasonable to require the provision of this additional connection. Therefore, this application delivers the connectivity required.

## **Parking**

Policy Tra 4 sets out design considerations for the design of off-street car parking and cycle parking. The car parking layout along the main 'S' access road and in courtyards is acceptable. The proposed 113 car parking spaces includes 10 disabled spaces and at least 18 electric vehicle charging spaces which is acceptable under the current car parking standards and a reduction from the scheme 1 proposal. The internal cycle storage at ground floor level is safe, secure, convenient and accessible and provides for a total of 278 cycle spaces. The additional Sheffield stands at the flatted blocks entrance provide an additional 18 cycle spaces and could also be used by visitors. This provides a total of 296 cycle spaces which complies with the Edinburgh Design Guidance and is acceptable under Policy Tra 3. The applicant has agreed to provide a contribution towards the car club and has provided four parking spaces at the access to the development. Transport has also advocated the use of a travel pack which can be included as an informative.

## **f) Flood Prevention**

A Flood Risk Assessment (FRA) was submitted in support of the application. The minimum floor level proposed is 48.3m well above the condition on the PPP application which required that finished floor levels are above 47.5 AOD.

The SUDS layout leaves a 5 metre stand-off along the edge of the Magdalene Burn to act as a flow pathway in the event of overtopping or blockage of the burn and for maintenance access. The SUDS basin is designed as a natural feature with landscaping and native wildflower and grass seed which would provide recreational and biodiversity benefits as well as attenuate water. The SUDS basin slopes are now adjusted to facilitate grass cutting maintenance. The surface water discharges to the Magdalene Burn. SEPA has confirmed that it would support proposals to restore the flow to the Magdalene Burn through augmenting the flow through careful runoff management. The discharge is above the normal greenfield rate, to increase the flow of the Magdalene Burn.

The Council's Flooding Team has confirmed that it has assessed all the information submitted by the applicant relating to flood risk and surface water management plan. It is satisfied that the applicant has met the requirements set by the Council with regards to flood risk assessment and surface water management and has no objection to the proposals.

In terms of SUDS maintenance, Scottish Water has confirmed that it would be willing to take on the future responsibility of underground works but would not accept maintenance responsibilities for anything above ground. Similarly, the Council cannot maintain the landscape of dry basins or ponds that is designed to hold water in a storm event beyond a 1 in 30 year storm. However there is a requirement from the Council to attenuate water on site for the larger storms (a 1 in 200 year storm plus climate change).

Scottish Water stated that it would not connect to a private network unless a maintenance agreement (Section 7) is in place with the Council. This seems to be an expedient way to progress this matter but is not something that the Council has signed up to currently. The applicant has confirmed that it is willing to accept future maintenance for the SUDS until an agreement with Scottish Water or other party is concluded. This provides an acceptable approach.

### **g) Biodiversity and Trees**

Policy Env 16 of the Edinburgh Local Development Plan protects against development that would have an adverse impact on species protected under European or UK law.

The application site does not lie within, or contain, any sites or areas designated or recognised for their international or national ecological or ornithological value. In addition, there are no statutory protected sites within 2km. The closest non-statutory site is Edmonstone Local Biodiversity Site which is located 800m to the south west of the site.

The Ecological Assessment submitted in support of the application recommends that a site-specific Construction Environmental Management Plan (CEMP) be adhered to during the construction phase of the development. This includes measures to mitigate potential impacts on the Magdalene Burn and nationally protected species. The site has limited potential value for roosting, foraging and commuting bats and nesting birds. Giant hogweed has been found on site and a condition is attached to ensure its safe removal and disposal from site. The assessment concludes that, provided that the recommended mitigation measures are implemented, it is unlikely that the proposal will lead to any significant adverse residual effects in relation to terrestrial ecology. The mitigation measures outlined in the assessment will be secured through an appropriate condition. An informative is also added to recommend that site clearance is undertaken outside of the breeding bird season.

Policy ENV 12 of the Local Development Plan does not support development which would have a damaging effect upon a tree or woodland worthy of retention unless necessary for good arboricultural reasons. There are a number of trees along the north boundary of the application site within Hunters Hall Park. The proposal does not require any tree removal to facilitate the development. The proposed landscape scheme would complement these trees with five additional extra heavy standard trees along the northern boundary. The proposed bridge and pedestrian and cycle connection into the park is situated amongst these trees, such that there would be minimal impact on mature trees and those worthy of retention. The Ecological

Assessment recommends that a comprehensive Tree Protection Plan should be produced before works commence to define root protection zones, including specifications for high visibility fencing to protect the trees. The Tree Protection Plan will be secured through a condition following best practice measures set out in BS 5837 'Trees and Construction'.

#### **h) Sustainability**

A sustainability statement has been submitted and complies with the Edinburgh Design Guidance. In summary, measures included the orientation of living areas within the flats to face south/west, landscaping to mitigate the acoustic wall on the eastern boundary, the provision of city car club spaces, and footpath linkages to the bus stop at Milligan Drive. Further details will be submitted at building warrant stage to include gas saver type boilers and roof mounted photo voltaic panels.

#### **i) Archaeology**

The site is within an area of archaeological significance as the woodland forming the northern boundary of the site was formerly part of the historic designed landscape surrounding Niddrie Marischal House. The applicant has submitted a Historic Environment Assessment which has identified that the site has the potential to disturb significant medieval and later archaeological remains/deposits. The report recommends that a programme of archaeological works is undertaken, in accordance with a written scheme of investigation to be approved by the planning authority, prior to development. Therefore, a condition is attached to achieve this.

#### **j) Ground Stability, Contaminated Land and Air Quality**

This area has a history of coal mining activity and a Phase 1 Desk Study has identified records of two disused mine shafts on or within 20m of the site.

The Coal Authority has been consulted and confirmed that the site falls within a defined Development High Risk Area. However, the Coal Authority has no objection to the proposal subject to the imposition of a condition requiring intrusive investigations and remedial measures to be completed prior to the commencement of development.

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. A condition can be imposed to ensure that contaminated land is fully addressed.

Environmental Protection has raised concerns over the cumulative impacts of development within this area. However, they are satisfied that the impact of the proposed development on its own will be limited if certain mitigation measures are implemented. Mitigation measures include: limiting car parking spaces as far as possible, good cycle storage and infrastructure provision, electric vehicle charging facilities and an up to date travel pack. The revised layout has reduced car parking, provided additional cycle storage and electric vehicle charging in excess of current Edinburgh Design Guidance standards.

## **k) Infrastructure**

### **Education**

This site falls within Sub-Area C-2 of the 'Castlebrae Education Contribution Zone of the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018). The impact of the proposal on the identified education infrastructure actions and current delivery programme has been assessed, as set out in the guidance. The education infrastructure actions that are identified are appropriate 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 these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone. The proposal for 139 units would require a total infrastructure contribution of £316,920 (indexed from Q4 2017 to the date of payment). If the appropriate infrastructure contribution is provided by the developer, Communities and Families does not object to the application.

### **Affordable Housing**

Policy Hou 6 requires a minimum of 25% affordable housing. The proposal is for 35 units including 23 two bedroom units and 12 three bedrooomed units, to be provided on site in separate flatted blocks by a Registered Social Landlord. These units will be integrated and a representative mix of the affordable housing on site. The RSL is recommending 70% of the new onsite affordable housing for social rent. Affordable housing has no objection to the proposals and asks that the applicant enter early dialogue to secure and deliver new onsite affordable housing, which will be secured by legal agreement.

### **Healthcare Actions**

The Council's finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018) identifies the site as being located in the Niddrie Health Care Contribution Zone. Within this zone there is a requirement for developers to contribute toward the expansion of the existing medical practice to mitigate the impact of new residential development in the area. This contribution required amounts to £945 per dwelling (total £131,355) which will be secured through a legal agreement.

### **Greenspace Actions**

The application site is within the South East Wedge/Little France Park Greenspace Contribution Zone to facilitate the creation of a new public park to provide multi-functional parkland, woodland, country paths and active travel links as part of a wider green network linking into Midlothian. Therefore, a contribution of £615 per dwelling is required to be secured by legal agreement.

## **o) Material representations**

### **Objection**

- Drainage may be affected to neighbouring properties who currently use septic tank. Connection to mains network could be an alternative and if agreed would result in the withdrawal of this objection - addressed in section 3.3 (g);
- Car parking - dominates on a greenfield site and should be replaced by higher density housing would could be more affordable - addressed in section 3.3 (c);
- Cycle parking on hanging racks is not acceptable, not easy to use and unsuitable for electric bikes - - addressed in section 3.3 (e);
- Public transport is lacking and not connected - addressed in section 3.3(e);
- air quality would be affected as proposal would not reduce car use - addressed in section 3.3(j);

### **Neutral Comment**

The connection between the Wisp and Millerhill necessitates cars waiting to turn into the access for the development and a small roundabout would allow more convenient movement of traffic in this location - addressed in section 3.3(e).

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. 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.
2. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and SUDS landscaping and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
3. The approved landscaping scheme shall be fully implemented within six months the completion of the development.
4. Prior to the commencement of works on site, the developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority. The schedule will thereafter be implemented and maintained as per the approved schedule.

5. No development shall take place until a scheme for protecting the residential development hereby approved from the building yard and traffic noise is submitted to and approved in writing by the Planning Authority. Such scheme is to include the following noise protection measures as defined in the Waterman 'Noise and Vibration Assessment' report dated January 2019: (1) double-glazing units providing a minimum sound reduction index of >27dbL shall be installed for all living room and bedroom windows on the east facing facades and fitted with an acoustically attenuating trickle ventilator; and (2) no windows overlooking the timber yard serving habitable rooms shall be openable. The approved scheme shall be fully implemented prior to the occupation of the development.
  
6. Prior to the commencement of development, a site-specific Construction Environmental Management Plan (CEMP) should be produced and adhered to during the construction phase of the proposed development including:
  - (a) Briefing of all contractors in relation to any on-site ecological requirements for the time of year and area of work including the use of 'toolbox talks'. This would include emergency procedures and a briefing regarding exclusion zones and practices around the works areas, with clearly demarcated exclusion zones marked as appropriate;
  - (b) Measures should be employed to prevent or mitigate potential impacts on the following ecological receptors:
    - Magdalene Burn (would act as a vector for downstream migration of sedimentary and chemical pollution); and
    - Nationally protected species (i.e. bats, reptiles and breeding birds);
  - (c) Prior to the commencement of works a comprehensive Tree Protection Plan should be produced to clearly define tree root protection zones including specifications for robust high visibility fencing to protect the trees (e.g. no entry areas for machinery). The fencing would be in place before works commence. Best practice measures following BS 5837 'Trees and Construction'11 would be implemented including no tracking within the drip-line of mature trees that would be retained, and removal of diseased and dying trees; and
  - (d) an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Giant Hogweed (*Heracleum mantegazzianum*) on site. The measures shall be carried out strictly in accordance with the approved scheme.
  
7. Prior to the commencement of development, the following will be submitted and approved by the Coal Authority:
  - (a) The submission of a scheme of intrusive site investigations for approval, including gas monitoring;
  - (b) The undertaking of that scheme of intrusive site investigations;
  - (c) The submission of a report of findings arising from the intrusive site investigations;
  - (d) The submission of a layout plan which identifies an appropriate zone of influence for the off-site mine entry and the definition of a suitable 'no-build' zone;
  - (e) The submission of a scheme of remedial and mitigatory works for approval and
  - (f) The implementation of those remedial and mitigatory works.

8. No development shall take place until the applicant has secured the implementation of a programme of archaeological work (excavation, reporting and analysis, publication and public engagement) in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority.
9. Prior to the occupation of the flats facing the eastern boundary of the site, a scheme for protecting the proposed residential accommodation from illumination and/or glare from the floodlighting system within the adjacent timber yard shall be submitted and approved by the Council as Planning Authority.
10. 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.

## **Reasons:-**

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
4. To ensure the management and maintenance of the SUDS.
5. In order to enable the planning authority to consider these matters in detail and ensure noise reduction measures are implemented for residents.
6. In order to enable the appropriate environmental mitigation measures to be implemented.
7. In order to enable the planning authority to consider these matters in detail.
8. In order to enable the planning authority to consider these matters in detail.
9. In order to safeguard residential amenity.
10. In order to enable the planning authority to consider these matters in detail.

## **Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement relating to education, healthcare, affordable housing and transport has been concluded and signed. The legal agreement shall include the following:
  1. Education - A financial contribution of £2,280 per unit, is required to Communities and Families to alleviate accommodation pressures in the local area as identified by the LDP Action Programme and associated Supplementary Planning Guidance.
  2. Healthcare - A financial contribution of £945 per unit, is required to Edinburgh Health and Social Care Partnership with NHS Lothian to alleviate accommodation pressures in the local area as identified by the LDP Action Programme and associated Supplementary Planning Guidance.
  3. Affordable Housing - 25% of the total number of residential units shall be developed for affordable housing provision.
  4. Transport - A contribution towards a car club vehicle for the development (anticipated costs are £1,500 per order, plus £5,500 per car.) The sum of £2000 to progress the necessary traffic orders.

- a. The provision of a suitable cycle and pedestrian bridge as set out in the approved drawings, prior to the certificate of temporary occupation of the 69th residential unit or notice of acceptance of the completion certificate of the 69th residential unit whichever is the sooner.
5. Greenspace - A contribution towards the South East Wedge/Little France Greenspace Contribution Zone of £615 per dwelling to facilitate the creation of a new public park and active travel links.

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. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. 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.
4. 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.
5. 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.
6. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles, 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.
7. Prior to the occupation of the development, at least 25 residential car parking spaces shall be served by 7Kw (32amp) Type 2 electric vehicle charging sockets, installed and operational in full. The cycle infrastructure and storage provision as submitted should also be implemented.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

The application is subject to a legal agreement for developer contributions.

## **Risk, Policy, compliance and governance impact**

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5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

The application has been considered and has no impact in terms of equalities or human rights.

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

This application meets the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 8 January 2019. A total of three representations were received including comments from a ward councillor and Spokes.

An assessment of the representations can be found in the main report in the Assessment section.

## Background reading/external references

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- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development****Plan Provision**

The site is designated as urban area in the Edinburgh Local Development Plan.

**Date registered**

10 December 2018

**Drawing numbers/Scheme**

41B, 42A, 43A, 44A,45B, 46A, 47A, 48A, 49A, 50, 51A., 1, 2F,3-5, 6B, 7A, 8A, 9, 10A, 11A, 12A,13B, 14A, 15A, 16, 26, 29, 30, 31A, 33, 34B, 35A, 36A, 37A, 38A, 39A, 40A,,

Scheme 1

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Catriona Reece-Heal, Senior Planning Officer

E-mail:catriona.reece-heal@edinburgh.gov.uk Tel:0131 529 6123

**Links - Policies**

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**Relevant Policies:**

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Des 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

LDP Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

### **Relevant Non-Statutory Guidelines**

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

**Non-statutory guidelines** - on affordable housing gives guidance on the situations where developers will be required to provide affordable housing.

Draft Developer Contributions and Infrastructure Delivery SG sets out the approach to infrastructure provision and improvements associated with development.

# Appendix 1

## **Application for Planning Permission 18/10316/FUL At Land 90 Metres West Of 20, The Wisp, Edinburgh Proposed residential development of 139 flats, open space and associated infrastructure (as amended).**

### **Consultations**

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#### **Midlothian Council 1 March 2019**

*Thank you for consulting Midlothian Council on the above application. Midlothian Council's comments on this application all relate to transport matters.*

*The Transport Assessment (TA) for the current application does not appear to include Midlothian sites in its assessment of cumulative impact (based on paragraph 6.19 of the TA). Midlothian Council would wish to ensure that the adjoining Midlothian developments which form part of the south east wedge are included in a refreshed assessment. The Local Development Plan for Midlothian (adopted in November 2017) has allocated additional land in the Shawfair area at Cauldcoats (MLDP 2017 reference Hs0), Newton Farm (Hs1) and for economic development at Shawfair Park (Ec1). These are further to the original allocations in the Shawfair (2003) Local Plan. The Shawfair new community received planning permission in 2014. Development is underway at a number of sites in the locality, including at Shawfair and Danderhall.*

*Other recent applications have assessed the cumulative transport impacts on the Wisp, and its junction with the A7. The TA for CEC application 18/00508/AMC identified a requirement for improvement to the existing A7 Old Dalkeith Road/ The Wisp junction. CEC approved application 18/00508/AMC with a condition requiring upgrading to include MOVA control (or agreed alternative) together with carriageway widening and all additional measures shown on plan number TP430/SK/001.*

*The TA for the previous application at this site (16/00216/PPP) assessed the A7 Old Dalkeith Road / The Wisp junction, and found that it would be over capacity in future design years without any traffic associated with the development, and that the addition of traffic from the application site would obviously effect the operation of the junction.*

*Additional traffic flows are a concern to Midlothian Council, where a junction is predicted to be over capacity. In these circumstances further development will add to queue lengths and delay. The Transport Scotland guidance on transport assessment states that the significance of a traffic impact depends not only on the percentage increase in traffic but the available capacity. Midlothian Council notes the applicant's reference to Institute of Highways and Transportation guidelines, but considers it appropriate and reasonable to assess the other junctions in the locality of the application site, as was undertaken in the TA for the previous application.*

*A TA that fully considers cumulative development in the locality and assesses traffic conditions at potentially over-capacity junctions may indicate a need for further enhancements at the A7 Old Dalkeith Road/ The Wisp junction and other locations including the Millerhill Road/ The Wisp junction. Midlothian Council may wish to make additional comments if further iterations of the TA are submitted.*

*Midlothian Council seeks to ensure that the junctions in the locality of the site continue to operate efficiently with the scale of cumulative development expected to use them. Although subject to confirmation of cumulative impacts and identification of proposed mitigation measures through a refreshed TA, previous assessments indicate that the A7 Old Dalkeith Road/ The Wisp junction will be over-capacity.*

*Midlothian Council would recommend use of conditions to require completion of improvements at the A7 Old Dalkeith Road/ The Wisp junction prior to occupation of any dwellings. These should comprise physical improvements and junction control enhancements as identified in the consented application for the Edmonstone policies site.*

### **Scottish Water 27 December 2018**

*Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:*

#### *Water*

*There is currently sufficient capacity in the Glencorse Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*

#### *Foul*

*There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*

*The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.*

#### *Infrastructure within boundary*

*According to our records, the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk).*

*The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.*

#### *Surface Water*

*For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.*

*There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from*

*the customer taking account of various factors including legal, physical, and technical challenges.*

*In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.*

*Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address. If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude. Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.*

*The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.*

*Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>*

*10 or more domestic dwellings:*

*For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.*

*Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.*

*Non Domestic/Commercial Property:*

*Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)*

*Trade Effluent Discharge from Non Dom Property:*

*Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.*

*If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email*

TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

## **Environmental Protection 27 January 2019**

The applicant proposed developing 139 residential flats with supporting parking. Environmental Protection has previously commented on a Planning Permission in Principle (PPP) application (16/00216/PPP) for up to 150 new dwellings and associated external amenity on this site.

The site is bordered to the east by an area of rough open land. There are residential properties located approximately 75m to the east and approximately 10m to the south and south-east. A timber yard (Thistle Timber) is located at the eastern site boundary, (which has recently extended nearer to the proposed development site) a garage is located approximately 50m to the east, and a mini-bus depot approximately 10m to the south of the site. Land approximately 50m south of the site is under development as a new residential estate. To the north of the site is a strip of woodland.

Environmental Protection had raised serious concerns regarding the suitability of this site being developed out for residential use at the PPP stage. Noise impacts from the extended timber yard was/is a cause for concern. The timber yard had recently gained planning permission to extend their operations on condition that they erect an acoustic barrier. There are no conditions restricting the hours of use in the timber yard and most of the extension works including acoustic barrier have been completed.

The applicant had submitted a supporting noise impact assessment at the PPP, which had assessed the possible transport and timber yard noise impacts.

The applicants noise impact assessment has modelled that noise levels identified across the site will require acoustic attenuation measures in order to reduce the exposure of future residential occupants to the potentially harmful effects of road traffic noise in particular, those in immediate proximity of the southern and eastern site boundaries. Environmental Protection had stated that if the PPP was consented then a further detailed noise impact assessment would be required to further assess this and provide

*detailed information on mitigation measures. This full detailed application now being considered has re-submitted the old PPP noise impact assessment.*

*It is not possible to support a detailed planning application with this level of information. Environmental Protection would need an up-to-date noise impact assessment based on a BS4142 assessment and ensuring that BS8233 levels were met as well as ensuring outdoor amenity areas comply with the WHO Community Guideline Noise levels (50dB Laeq t). When submitting a BS4142 assessment it should be noted that all information must be provided as per part 12 of the standard. This will enable Environmental Protection to replicate the noise survey.*

*The applicant was previously advised during the PPP application that the Thistle Timber Yard adjacent the proposed development site had begun an extension to their site when the noise survey was being conducted. Due to this, it is possible that elevated noise levels were incurred during the PPP noise survey. As such the impact of the Thistle Timber Yard had been assessed based on previous survey data and information provided in various documents submitted to City of Edinburgh Council relating to the extension. This did raise doubts on the validity of the noise impact assessment and it was highlighted that a further noise impact assessment would be required and there may be parts of the site that may not be possible to develop, for example there shall not be units developed that would have a direct line of site into the Timber Yard. It appears that a number of units will have a direct line of site onto the timber yard with many bedrooms and living rooms also being affected. Residential units are proposed right along the boundary of the site nearest the timber yard. It was specifically recommended during the PPP stage that this should be avoided.*

*The applicants submitted noise impact assessment during the PPP application did identify possible noise mitigation measures. Environmental and building design noise control methods had been suggested for protecting outdoor living areas and the internal noise environment of noise-sensitive premises built in areas with high noise exposure. This has not happened for this detailed planning application.*

*Again, at the PPP stage it was stated that a detailed planning application will require an updated noise impact assessment which would need to consider external noise levels, the proposed residential dwellings will also be required to meet the internal noise criteria set out in British Standard 8233:2014 within living rooms and bedrooms during daytime hours and in bedrooms during the night-time period. As such, further consideration of detailed façade/layout design of the units would be required at the detailed design stage. This has not happened as the old out of date noise impact assessment has been submitted.*

*According to the PPP noise impact assessment the prevailing daytime noise levels indicate that residencies will require a passive attenuated ventilation strategy in combination with appropriate glazing package. In this instance a standard thermal double-glazing unit providing a minimum sound reduction index of  $\geq 27$  dB Rw+Ctr - fitted with an acoustically attenuating trickle ventilator may be appropriate to provide adequate level of protection from external noise intrusion from transport sources only. It was highlighted that Environmental Protection only accept a closed window standard for transport noise. All other noise sources must meet the internal noise levels with an open window assessment (including façade corrections). The applicants PPP noise impact assessment also advised that external noise can be further reduced through careful*

consideration to internal room layout (i.e. orientating bedrooms away from the noise sources), maximise screening from site layout and intervening buildings, and maximise distance by setting-back the build-line from the Timber Yard and The Wisp. The timber yard has consent subject to the erection of an acoustic barrier. Environmental Protection specifically stated during the PPP stage that there shall be no line of site between any proposed residential development into the Timber Yard. This was to be demonstrated when the detailed plans are submitted in the form of a noise impact assessment. None of this has been done and as stated above the plans show residential units located right on the boundary with the timber yard with a direct line of site into the yard. If developed out Environmental Health would likely receive noise complaints from future tenants due to noise from the timber yard.

The timber yard has erected the 4m acoustic barrier however the proposed development site currently slopes upwards from the timber yard therefore there is a line of sight onto the site from relative proximity to the erected acoustic barrier. This includes the tops of the newly installed roller shutters in the new building erected in the timber yard and the tops of racking used to store material. The extension of the timber yard is mostly completed but it's possible that operations in the yard could be adjusted so that more noise may be created. Operations could occur closer to the proposed development site. The operational hours in the mornings could be extended to enable deliveries of materials to be processed before the yard is opened for customers. There are no restrictions on the timber yard regarding hours of operation.

Environmental Protection are satisfied that the helicopter noise impact assessments have been addressed and no further information will be required regarding this. This was the case at the PPP stage.

Environmental Protection made it clear during the PPP stage that to provide suitable internal ambient residential amenity, acoustic control measures will need to be central in the design and layout of any residential development on this site. A suitable level of residential amenity will need to be provided for all future residents, it may not be possible to support residential units on all parts of the site specifically nearest the Timber Yard. It should be noted that Environmental Protection will need details of the required glazing, ventilation, buffer zones (where no residential units will be located) and barriers at the detailed phase. The applicant has not considered the noise impacts any further that was assessed during the PPP stage. The detailed planning proposal seem to have not considered acoustics and the future amenity issues of their future residents.

### *Local Air Quality*

*Planning Advice Note (PAN) 51: Planning, Environmental Protection and Regulation 3 sets out the Scottish Executive's core policies and principles with respect to environmental aspects of land use planning, including air quality. PAN 51 states that air quality is capable of being a material planning consideration for the following situations where development is proposed inside or adjacent to an Air Quality Management Area (AQMA):*

- o Large scale proposals.*
- o If they are to be occupied by sensitive groups such as the elderly or young children.*

- o *If there is the potential for cumulative effects.*

*The planning system has a role to play in the protection of air quality, by ensuring that development does not adversely affect air quality in AQMAs or, by cumulative impacts, lead to the creation of further AQMAs (areas where air quality standards are not being met, and for which remedial measures should therefore be taken.*

*AQMAs have been declared at five areas in Edinburgh - City Centre, St John's Road (Corstorphine), Great Junction Street (Leith) Glasgow Road (A8) at Ratho Station and Inverleith Row/Ferry Road. Poor air quality in the AQMAs is largely due to traffic congestion and the Council's Air Quality Action Plan contains measures to help reduce vehicle emissions in these areas. The Council monitors air quality in other locations and may require declaring further AQMAs where AQS are being exceeded., It is noted that a significant amount of development is already planned / committed in the area and additional development will further increase pressure on the local road network.*

*Due to the size and density of the development Environmental Protection requested that the applicant assessed the potential impacts this proposed development may have on the local air quality taking into account any other developments in the area. It is noted that the air quality impact assessment was conducted in 2015 is now out of date. Environmental Protection has considered the assessment and do not accepts its findings as other nearby development sites have not been considered as committed development. This is due the fact that the assessment was conducted such a long time ago. As the applicant has shown a willingness to progress with other forms of local air quality mitigation measures and keep parking numbers to a minimum then Environmental Protection will not be requiring an update of the air quality impact assessment.*

*Reducing the need to travel and promoting the use of sustainable modes of transport are key principles as identified in the second Proposed Edinburgh Local Development Plan (LPD). The LDP also states growth of the city based on car dependency for travel would have serious consequences in terms of congestion and air quality. An improved transport system, based on sustainable alternatives to the car is therefore a high priority for the Council and continued investment in public transport, walking and cycling is a central tenet of the Council's revised Local Transport Strategy 2014-19.*

*The applicant is encouraged to keep car parking number to a minimum, support car club with electric charging, provide rapid electric vehicle charging throughout the development site, provide public transport incentives for residents, improve cycle/pedestrian facilities and links and contribute towards expanding the electric charging facilities at the nearby Park and Ride facilities.*

*Environmental Protection have raised concerns with the cumulative impacts developments especially large proposals on the green belt may have on local air quality. It is noted that this specific proposal is identified in the local development plan as suitable for development. However, local roads in the area are already congested during peak hours and a development of this size may exacerbate this.*

*The proposal includes 139 car parking (100%) spaces and Environmental Protection recommended at the PPP stage that electric vehicle charging points should be incorporated into the car park. The applicant has confirmed ducting and supply with*

access covers will be formed to allow future installation of electric charging points to all spaced.

Environmental Protection are satisfied that the impacts of this proposed development on its own will be limited. The applicant must keep the numbers of car parking spaces to a minimum, commit to providing good cycle provisions, electric vehicle charging facilities and supported with an up to date travel pack. Environmental Protection supports the electric vehicle charging points being fully installed and operational prior to occupation serving 100% of the spaces. Environmental Protection would recommend that this is attached as a Planning Condition if consented.

Environmental Protection shall recommend an informative is attached to ensure that the impacts on local air quality are minimised during the construction phase if consented.

### *Floodlighting*

Again, at the PPP stage it was highlighted to the applicant that there may be issues with light pollution. The Timber Yard has a number of high level security floodlighting. Environmental Protection recommended that there may be parts of the development site that may not be suitable for residential use due to the impacts the floodlights may have on amenity. No assessment has been submitted, and the proposed development has placed residential units nearest to the floodlights.

### *Contaminated Land*

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed if the proposal is consented.

Therefore, Environmental Protection recommend that the application is refused due to the lack of detailed supporting material and the layout of the proposed units being so close to the timber yard.

### **Archaeology 14 January 2019**

Further to your consultation request, I would like to make the following comments and recommendations in respect to this application for a proposed residential development of 139 flats, open space<sup>3</sup> and associated infrastructure.

The woodland forming the northern boundary of the site was formerly the southern edge of the historic designed landscape surrounding Niddrie Marischal House. This house which was demolished in the 1960s' formed the centre of a significant medieval estate one of three in area along with Edmonstone and Craigmillar Castle. In addition, both archaeological and historic evidence indicated that the area was also at the centre of the Lothian mining industry from at least the 16th/17th centuries and possible even earlier.

Accordingly, as part of the larger 2016 application (16/00216/PPP) the site was identified as occurring within an area of archaeological significance a condition (5) was attached requiring the undertaking of a programme of works. This work has yet to be undertaken

*and it is therefore recommended that the following condition is attached to this new application to ensure that these works are undertaken and completed;*

*'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, 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.'*

*The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.*

### **Coal Authority 27 January 2019**

*Thank you for your notification of 19 December 2018 seeking the views of the Coal Authority on the above planning application.*

*The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.*

#### *The Coal Authority Response: Material Consideration*

*I have reviewed the proposal and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.*

*The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depths which could be attributed to the thick coal seams which outcrop within the site. In addition, the zone of influence from two recorded mine entries extend into the western (shaft ref: 330671-017) and eastern (shaft ref: 330671-014) edges of the site. Whilst the Coal Authority records identify the exact location of mine shaft 017 (Eastings: 330374, Northings: 671033) and that the treatment details state: 'shaft located and capped', we hold no information for mine shaft 014.  
*Protecting the public and the environment in mining areas**

*The planning application is accompanied by a Phase 1 Desk Study Report (P15/412, dated December 2015) prepared for residential development by Mason Evans Geo-Environmental Consultants which has been informed by an appropriate range of sources of information. Based on this review of existing geological, historical and coal mining information, the report author considers that there is a high risk of localised surface instability due to mine workings beneath the site and, as such, would pose a development constraint at the site. Therefore recommendations have been made that intrusive site investigations (rotary boreholes) are required. The nature and extent of these ground investigations will need to be in agreement with the Coal Authority's Licensing and Permitting Department as part of the permissions process.*

*The findings of these intrusive ground investigations should inform any mitigation measures, such as drilling and grouting stabilisation works, foundation solutions and gas*

protection measures, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

Whilst it does not appear that the mine entries are present within the application site, their resultant zone of influence is. We welcome the comments made by the report author that these are a risk to the proposed development from these mine entries as should these mine entries collapse in the future there may be implications for the safety and stability within the western and eastern edges of the site. However we are pleased to note that the proposed layout, as per Drawing No. ED12(PL)02-01 Revision E appears to have been informed by these recorded mine entries as no built development would appear to be taking place within the influencing distance from these mining features. This development therefore accords with our adopted policy

## **Communities and Families 16 January 2019**

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2018).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the finalised Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018).

### **Assessment and Contribution Requirements**

Assessment based on:

139 Flats

This site falls within Sub-Area C-2 of the 'Castlebrae Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

The education infrastructure actions that are identified are appropriate 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 these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

If the appropriate infrastructure contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

£316,920

*Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.*

## **SEPA 22 January 2019**

*Thank you for your consultation which SEPA received on 20 December 2018.*

*Advice for the planning authority*

*While we would support proposals to restore the flow to the Magdalene Burn, it is not clear from the information supporting this planning application how drainage of runoff through SUDS is intended to restore the flow considering rainfall is presumably destined to reach the burn as greenfield runoff if this development is not built. Augmenting flow through careful runoff management might be possible, but this (or alternative proposals) needs to be demonstrated in the information supporting the planning application and in plans detailing these proposals.*

*We need to highlight to the applicants that they may not divert or abstract any water they encounter when developing the site without appropriate authorisation under CAR.*

## **Environmental Protection 11 February 2019**

*The applicant proposed developing 139 residential flats with supporting parking. Environmental Protection has previously commented on a Planning Permission in Principle (PPP) application (16/00216/PPP) for up to 150 new dwellings and associated external amenity on this site.*

*The site is bordered to the east by an area of rough open land. There are residential properties located approximately 75m to the east and approximately 10m to the south and south-east. A timber yard (Thistle Timber) is located at the eastern site boundary, (which has recently extended nearer to the proposed development site) a garage is located approximately 50m to the east, and a mini-bus depot approximately 10m to the south of the site. Land approximately 50m south of the site is under development as a new residential estate. To the north of the site is a strip of woodland.*

*Environmental Protection had raised serious concerns regarding the suitability of this site being developed out for residential use at the PPP stage. Noise impacts from the extended timber yard was/is a cause for concern. The timber yard had recently gained planning permission to extend their operations on condition that they erect an acoustic barrier. There are no conditions restricting the hours of use in the timber yard and most of the extension works including acoustic barrier have been completed.*

*The applicant had submitted a supporting noise impact assessment at the PPP, which had assessed the possible transport and timber yard noise impacts.*

*The applicants noise impact assessment has modelled that noise levels identified across the site will require acoustic attenuation measures in order to reduce the exposure of future residential occupants to the potentially harmful effects of road traffic noise in particular, those in immediate proximity of the southern and eastern site boundaries. Environmental Protection had stated that if the PPP was consented then a further detailed noise impact assessment would be required to further assess this and provide*

*detailed information on mitigation measures. This full detailed application now being considered has re-submitted the old PPP noise impact assessment.*

*It is not possible to support a detailed planning application with this level of information. Environmental Protection would need an up-to-date noise impact assessment based on a BS4142 assessment and ensuring that BS8233 levels were met as well as ensuring outdoor amenity areas comply with the WHO Community Guideline Noise levels (50dB Laeq t). When submitting a BS4142 assessment it should be noted that all information must be provided as per part 12 of the standard. This will enable Environmental Protection to replicate the noise survey.*

*The applicant was previously advised during the PPP application that the Thistle Timber Yard adjacent the proposed development site had begun an extension to their site when the noise survey was being conducted. Due to this, it is possible that elevated noise levels were incurred during the PPP noise survey. As such the impact of the Thistle Timber Yard had been assessed based on previous survey data and information provided in various documents submitted to City of Edinburgh Council relating to the extension. This did raise doubts on the validity of the noise impact assessment and it was highlighted that a further noise impact assessment would be required and there may be parts of the site that may not be possible to develop, for example there shall not be units developed that would have a direct line of site into the Timber Yard. It appears that a number of units will have a direct line of site onto the timber yard with many bedrooms and living rooms also being affected. Residential units are proposed right along the boundary of the site nearest the timber yard. It was specifically recommended during the PPP stage that this should be avoided.*

*The applicants submitted noise impact assessment during the PPP application did identify possible noise mitigation measures. Environmental and building design noise control methods had been suggested for protecting outdoor living areas and the internal noise environment of noise-sensitive premises built in areas with high noise exposure. This has not happened for this detailed planning application.*

*Again, at the PPP stage it was stated that a detailed planning application will require an updated noise impact assessment which would need to consider external noise levels, the proposed residential dwellings will also be required to meet the internal noise criteria set out in British Standard 8233:2014 within living rooms and bedrooms during daytime hours and in bedrooms during the night-time period. As such, further consideration of detailed façade/layout design of the units would be required at the detailed design stage. This has not happened as the old out of date noise impact assessment has been submitted.*

*According to the PPP noise impact assessment the prevailing daytime noise levels indicate that residencies will require a passive attenuated ventilation strategy in combination with appropriate glazing package. In this instance a standard thermal double-glazing unit providing a minimum sound reduction index of  $\geq 427$  dB Rw+Ctr - fitted with an acoustically attenuating trickle ventilator may be appropriate to provide adequate level of protection from external noise intrusion from transport sources only. It was highlighted that Environmental Protection only accept a closed window standard for transport noise. All other noise sources must meet the internal noise levels with an open window assessment (including façade corrections). The applicants PPP noise impact assessment also advised that external noise can be further reduced through careful*

consideration to internal room layout (i.e. orientating bedrooms away from the noise sources), maximise screening from site layout and intervening buildings, and maximise distance by setting-back the build-line from the Timber Yard and The Wisp. The timber yard has consent subject to the erection of an acoustic barrier. Environmental Protection specifically stated during the PPP stage that there shall be no line of site between any proposed residential development into the Timber Yard. This was to be demonstrated when the detailed plans are submitted in the form of a noise impact assessment. None of this has been done and as stated above the plans show residential units located right on the boundary with the timber yard with a direct line of site into the yard. If developed out Environmental Health would likely receive noise complaints from future tenants due to noise from the timber yard.

The timber yard has erected the 4m acoustic barrier however the proposed development site currently slopes upwards from the timber yard therefore there is a line of sight onto the site from relativity proximity to the erected acoustic barrier. This includes the tops of the newly installed roller shutters in the new building erected in the timber yard and the tops of racking used to store material. The extension of the timber yard is mostly completed but it's possible that operations in the yard could be adjusted so that more noise may creating operations could occur closer to the proposed development site. The operational hours in the mornings could be extended to enable deliveries of materials to be processed before the yard is opened for customers. There are no restrictions on the timber yard regarding hours of operation.

Environmental Protection are satisfied that the helicopter noise impact assessments have been addressed and no further information will be required regarding this. This was the case at the PPP stage.

Environmental Protection made it clear during the PPP stage that to provide suitable internal ambient residential amenity, acoustic control measures will need to be central in the design and layout of any residential development on this site. A suitable level of residential amenity will need to be provided for all future residents, it may not be possible to support residential units on all parts of the site specifically nearest the Timber Yard. It should be noted that Environmental Protection will need details of the required glazing, ventilation, buffer zones (where no residential units will be located) and barriers at the detailed phase. The applicant has not considered the noise impacts any further that was assessed during the PPP stage. The detailed planning proposal seem to have not considered acoustics and the future amenity issues of their future residents.

### *Local Air Quality*

*Planning Advice Note (PAN) 51: Planning, Environmental Protection and Regulation 3 sets out the Scottish Executive's core policies and principles with respect to environmental aspects of land use planning, including air quality. PAN 51 states that air quality is capable of being a material planning consideration for the following situations where development is proposed inside or adjacent to an Air Quality Management Area (AQMA):*

- o Large scale proposals.*
- o If they are to be occupied by sensitive groups such as the elderly or young children.*

- o *If there is the potential for cumulative effects.*

*The planning system has a role to play in the protection of air quality, by ensuring that development does not adversely affect air quality in AQMAs or, by cumulative impacts, lead to the creation of further AQMAs (areas where air quality standards are not being met, and for which remedial measures should therefore be taken.*

*AQMAs have been declared at five areas in Edinburgh - City Centre, St John's Road (Corstorphine), Great Junction Street (Leith) Glasgow Road (A8) at Ratho Station and Inverleith Row/Ferry Road. Poor air quality in the AQMAs is largely due to traffic congestion and the Council's Air Quality Action Plan contains measures to help reduce vehicle emissions in these areas. The Council monitors air quality in other locations and may require declaring further AQMAs where AQS are being exceeded., It is noted that a significant amount of development is already planned / committed in the area and additional development will further increase pressure on the local road network.*

*Due to the size and density of the development Environmental Protection requested that the applicant assessed the potential impacts this proposed development may have on the local air quality taking into account any other developments in the area. It is noted that the air quality impact assessment was conducted in 2015 is now out of date. Environmental Protection has considered the assessment and do not accepts its findings as other nearby development sites have not been considered as committed development. This is due the fact that the assessment was conducted such a long time ago. As the applicant has shown a willingness to progress with other forms of local air quality mitigation measures and keep parking numbers to a minimum then Environmental Protection will not be requiring an update of the air quality impact assessment.*

*Reducing the need to travel and promoting the use of sustainable modes of transport are key principles as identified in the second Proposed Edinburgh Local Development Plan (LPD). The LDP also states growth of the city based on car dependency for travel would have serious consequences in terms of congestion and air quality. An improved transport system, based on sustainable alternatives to the car is therefore a high priority for the Council and continued investment in public transport, walking and cycling is a central tenet of the Council's revised Local Transport Strategy 2014-19.*

*The applicant is encouraged to keep car parking number to a minimum, support car club with electric charging, provide rapid electric vehicle charging throughout the development site, provide public transport incentives for residents, improve cycle/pedestrian facilities and links and contribute towards expanding the electric charging facilities at the nearby Park and Ride facilities.*

*Environmental Protection have raised concerns with the cumulative impacts developments especially large proposals on the green belt may have on local air quality. It is noted that this specific proposal is identified in the local development plan as suitable for development. However, local roads in the area are already congested during peak hours and a development of this size may exacerbate this.*

*The proposal includes 139 car parking (100%) spaces and Environmental Protection recommended at the PPP stage that electric vehicle charging points should be incorporated into the car park. The applicant has confirmed ducting and supply with*

access covers will be formed to allow future installation of electric charging points to all spaced.

Environmental Protection are satisfied that the impacts of this proposed development on its own will be limited. The applicant must keep the numbers of car parking spaces to a minimum, commit to providing good cycle provisions, electric vehicle charging facilities and supported with an up to date travel pack. Environmental Protection supports the electric vehicle charging points being fully installed and operational prior to occupation serving 100% of the spaces. Environmental Protection would recommend that this is attached as a Planning Condition if consented.

Environmental Protection shall recommend an informative is attached to ensure that the impacts on local air quality are minimised during the construction phase if consented.

### *Floodlighting*

Again, at the PPP stage it was highlighted to the applicant that there may be issues with light pollution. The Timber Yard has a number of high level security floodlighting. Environmental Protection recommended that there may be parts of the development site that may not be suitable for residential use due to the impacts the floodlights may have on amenity. No assessment has been submitted, and the proposed development has placed residential units nearest to the floodlights.

### *Contaminated Land*

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed if the proposal is consented.

Therefore, Environmental Protection recommend that the application is refused due to the lack of detailed supporting material and the layout of the proposed units being so close to the timber yard.

### **Flood Protection 11 February 2019**

I've been through the documents on the portal for the above application. Points 1-3 are just for information as a record of our assessment. Points 4-7 require action by the applicant.

1. The Flood Risk Assessment prepared by Kaya only includes a 20% allowance for climate change. CEC requirements request that 30%. It is noted in the FRA in the section of Flood Risk from Niddrie Burn that "flood waters would enter the Magdalene Burn' to a maximum level of 47.5 m AOD, before water would overtop land to the north of the site". Therefore, the impact of an increased climate change allowance would not have an impact upon setting the minimum finished floor levels across the site as they are already recommended to be raised above 47.5mAOD in the FRA.

2. It is noted in the section flood risk from the Magdalene Burn that "once flood levels exceed around 46.2 m AOD, water would be expected to flow away from the site to the north and east." Therefore, an increased climate change allowance would not cause an increase in recommended minimum finished floor levels.

3. Drawing W3C-Eng-001 dated Dec 2018 shows that the minimum proposed finished floor level across the site is 48.3mAOD, Therefore the minimum 600mm freeboard allowance above the flood level has been achieved and no further action is required.
4. Due to the number of proposed flats (139 no.) I assume that this application is defined as a "major development" under planning. As a result, an independent check of the flood risk assessment and provision of certificate B1 is still required.
5. There does not appear to be a drainage strategy document available for this site, only a drainage layout drawing.
6. Provision of certificate A1 and B1 covering the proposed drainage for the site is still required.
7. Drawing W3C-Eng-002 dated Dec 2018 shows the outfall from the site surface water system into the Magdalene Burn as being perpendicular to the flow direction. Best practice as per SEPA's guidance ([https://www.sepa.org.uk/media/150984/wat\\_sg\\_28.pdf](https://www.sepa.org.uk/media/150984/wat_sg_28.pdf)) should be followed and the outfall positioned at a 45° angle to the direction of flow to help reduce turbulence and localised scour.

### **SEPA 11 February 2019**

*Thank you for your consultation which SEPA received on 20 December 2018.*

*Advice for the planning authority*

*While we would support proposals to restore the flow to the Magdalene Burn, it is not clear from the information supporting this planning application how drainage of runoff through SUDS is intended to restore the flow considering rainfall is presumably destined to reach the burn as greenfield runoff if this development is not built. Augmenting flow through careful runoff management might be possible, but this (or alternative proposals) needs to be demonstrated in the information supporting the planning application and in plans detailing these proposals.*

*We need to highlight to the applicants that they may not divert or abstract any water they encounter when developing the site without appropriate authorisation under CAR.*

### **Scottish Natural Heritage 11 February 2019**

*We do not intend to offer formal comment on this proposal as it does not meet our criteria for consultation, as outlined in our document, How and when to consult Scottish Natural Heritage: <https://www.nature.scot/sites/default/files/2018-05/Guidance-Planning-How-and-when-to-consult-Scottish-Natural-Heritage-Checklist.pdf>*

*Our Planning for Development Service Statement can be found here: <https://www.nature.scot/sites/default/files/2018-06/Planning%20for%20Great%20Places%20Service%20Statement%202018.pdf>*

*General advice for planners and developers can be found here: <https://www.nature.scot/professional-advice/planning-and-development/consulting-snh-planning-and-development>*

*Scottish Natural Heritage*

## **Midlothian Council 04 March 2019**

*Thank you for consulting Midlothian Council on the above application. Midlothian Council's comments on this application all relate to transport matters.*

*The Transport Assessment (TA) for the current application does not appear to include Midlothian sites in its assessment of cumulative impact (based on paragraph 6.19 of the TA). Midlothian Council would wish to ensure that the adjoining Midlothian developments which form part of the south east wedge are included in a refreshed assessment. The Local Development Plan for Midlothian (adopted in November 2017) has allocated additional land in the Shawfair area at Cauldcoats (MLDP 2017 reference Hs0), Newton Farm (Hs1) and for economic development at Shawfair Park (Ec1). These are further to the original allocations in the Shawfair (2003) Local Plan. The Shawfair new community received planning permission in 2014. Development is underway at a number of sites in the locality, including at Shawfair and Danderhall.*

*Other recent applications have assessed the cumulative transport impacts on the Wisp, and its junction with the A7. The TA for CEC application 18/00508/AMC identified a requirement for improvement to the existing A7 Old Dalkeith Road/ The Wisp junction. CEC approved application 18/00508/AMC with a condition requiring upgrading to include MOVA control (or agreed alternative) together with carriageway widening and all additional measures shown on plan number TP430/SK/001.*

*The TA for the previous application at this site (16/00216/PPP) assessed the A7 Old Dalkeith Road / The Wisp junction, and found that it would be over capacity in future design years without any traffic associated with the development, and that the addition of traffic from the application site would obviously effect the operation of the junction.*

*Additional traffic flows are a concern to Midlothian Council, where a junction is predicted to be over capacity. In these circumstances further development will add to queue lengths and delay. The Transport Scotland guidance on transport assessment states that the significance of a traffic impact depends not only on the percentage increase in traffic but the available capacity. Midlothian Council notes the applicant's reference to Institute of Highways and Transportation guidelines, but considers it appropriate and reasonable to assess the other junctions in the locality of the application site, as was undertaken in the TA for the previous application.*

*A TA that fully considers cumulative development in the locality and assesses traffic conditions at potentially over-capacity junctions may indicate a need for further enhancements at the A7 Old Dalkeith Road/ The Wisp junction and other locations including the Millerhill Road/ The Wisp junction. Midlothian Council may wish to make additional comments if further iterations of the TA are submitted.*

*Midlothian Council seeks to ensure that the junctions in the locality of the site continue to operate efficiently with the scale of cumulative development expected to use them. Although subject to confirmation of cumulative impacts and identification of proposed mitigation measures through a refreshed TA, previous assessments indicate that the A7 Old Dalkeith Road/ The Wisp junction will be over-capacity.*

*Midlothian Council would recommend use of conditions to require completion of improvements at the A7 Old Dalkeith Road/ The Wisp junction prior to occupation of any*

dwelling. These should comprise physical improvements and junction control enhancements as identified in the consented application for the Edmonstone policies site.

## **Affordable Housing 08 October 2019**

*I refer to the consultation request from the Planning Department about this planning application.*

*Housing and Regulatory Services have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.*

*o The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.*

*o This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan.*

*o An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, is provided.*

### **2. Affordable Housing Provision**

*This application is for a development consisting of up to 139 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (35) homes of approved affordable tenures. The developer has been in contact with Dunedin Canmore HA and they are satisfied with the range of housing that has been offered which is an integrated and representative mix of affordable housing on site.*

*The applicant has stated that the affordable housing will account for 25% (35) of the new homes on site. This is welcomed by the department. The affordable homes are required to be tenure blind, fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides. The Council aims to secure 70% of new onsite housing for social rent and we ask that the applicant enters into an early dialogue with us and our RSL partner organisations to ensure that this is delivered. In terms of accessibility, the affordable homes are situated within close proximity of regular public transport links and are located next to local amenities.*

### **3. Summary**

*The applicant has made a commitment to provide 25% on site affordable housing and this is welcomed by the department. These will be secured by a Section 75 Legal Agreement. This department welcomes this approach which will assist in the delivery of a mixed sustainable community.*

*o The applicant has an agreement in place with Dunedin Canmore HA to deliver the affordable housing on site in the first instance*

*o The applicant is requested to support the Council aims to secure a minimum of 70% of the affordable housing on site for social rent*

*o The applicant is requested to confirm the tenure type and location of the affordable homes prior to the submission of any future applications*

*o The affordable housing includes a variety of house types and sizes to reflect the provision of homes across the wider site*

*o In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as "tenure blind"*

- o The affordable homes will have to be designed and built to the RSL design standards and requirements.*
- o The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*
- o An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, is provided.*

## **Transport 24 October 2019**

*No objections to the application subject to the following being included as conditions or informatives as appropriate:*

- 1. As required under the Council's parking standards, the applicant will be required to provide:
 
  - a. 10 disabled car parking spaces (8% of total spaces);*
  - b. 20 electric vehicle charging points (1 in 6 of total spaces);**
- 2. The proposed 4 car club vehicle spaces will require a contribution of £23,500 (£1,500 per order plus £5,500 per car). This does not require to be included in a legal agreement;*
- 3. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision 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;*
- 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 of refuse store locations and routes;*
- 5. The applicant must be informed that any proposed on-street car 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;*
- 6. The adoptable road layout should include the provision of cycle and pedestrian routes linking the site to neighbouring developments and to Hunter's Hall to the north;*
- 7. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;*
- 8. A Quality Audit, dated December 2018, has been submitted;*
- 9. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking*

places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

10. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.

11. The developer must submit a maintenance schedule for any SUDS infrastructure for the approval of the planning authority.

Note:

o The proposed 125 car parking spaces are considered acceptable (including 4 on-street car club spaces). Current car parking standards would permit up to 224 spaces for the 139 units;

o The proposed 8 disabled spaces do not meet the requirement of 8%, i.e. 10 of the 125 spaces;

o A total of 278 cycle parking spaces are being provided for the 139 units, which meets the Council's requirement of 2 spaces per unit.

## Transport 29 October 2019

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

PLANNING APPLICATION NO: 1810316/FUL

FOR: PROPOSED RESIDENTIAL DEVELOPMENT OF 139 FLATS, OPEN SPACE AND ASSOCIATED INFRASTRUCTURE (AS AMENDED)

AT: LAND 90 METRES WEST OF 20 THE WISP, EDINBURGH

### ROADS AUTHORITY ISSUES

Further to the memorandum dated 24 October 2019, and in the light of concerns raised by other parties, please find below comments relating to the traffic impact of the proposed development and, in particular, the impact on the A7 junction at The Wisp / Old Dalkeith Road.

1. Cross-boundary traffic - a low traffic growth factor would normally be used for development in areas such as that proposed. However, in this case, a high growth factor has been used to take account of the likelihood of cross-boundary traffic from development outwith the Edinburgh area which has not been specifically included within the Transport Assessment;

2. Traffic counts - up-to-date counts were carried out in September 2018;

3. Traffic assessment date - traffic has been assessed for 2021, the projected development completion date;

4. A7 at The Wisp / Old Dalkeith Road junction traffic impact:

	2021 predicted traffic without development	2021 predicted development traffic	Percent additional traffic
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AM peak

(07:30 to 08:30)	2,662	19	0.7%
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PM peak

(16:45 to 17:45)	2,300	16	0.7%
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5. The Wisp / A6016 Millerhill Road junction traffic impact - see table below:

	2021 predicted traffic without development	2021 predicted development traffic	Percent additional traffic
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AM peak (07:30 to 08:30)	1,405	23	1.6%
PM peak (16:45 to 17:45)	1,336	20	1.5%

6. Junction assessment - detailed analysis of The Wisp / Old Dalkeith Road junction and The Wisp / Millerhill Road junction was deemed unnecessary as the predicted impact, shown above, is expected to be insignificant and likely to be undetectable within daily variations in traffic;

7. Junction improvements - MOVA (or equivalent) together with carriageway widening is required at the signalised junction at The Wisp / Old Dalkeith Road prior to commencement of development on the Edmonstone Policies site (Ref.18/00508/AMC) adjacent to proposed development;

8. In summary, the submitted Transport Assessment is considered appropriate and acceptable for the proposed development. No specific mitigation is considered justified in relation to The Wisp / Old Dalkeith Road junction.

## Environmental Protection 30 October 2019

*Updated response*

TOWN AND COUNTRY PLANNING ACT 1997

18/10316/FUL | Proposed residential development of 139 flats, open space and associated infrastructure (as amended). | Land 90 Metres West Of 20 The Wisp

*It is understood the applicant has amended the original layout to move the proposed blocks further from the main noise source the timber yard.*

*The applicant has submitted a detailed noise impact assessment which has included onsite noise measurements. During the daytime, the majority of the site is predicted to be exposed to noise levels between 48 and 57 dB LAeq,16h which, in accordance with guidance states that minor to moderate adverse effects are predicted. During the night-time period the majority of the site would be exposed to noise levels of 45dB LAeq,8h or less, which in accordance with guidance would have no adverse effect is predicted. Areas nearest the eastern boundary of the site are predicted to be exposed to levels between 45 and 49 dB LAeq,8hr indicating the potential for adverse effects of minor significance in the worst-affected areas.*

*Layout drawings for the proposed Development indicate that there would be some bedrooms and living spaces of the blocks nearest the eastern boundary with an east facing façade. Given their relative proximity to the timber yard, these would be subject to the greatest noise impacts from the timber yard operations. However, it is noted that although these spaces contain an east-facing façade, in the majority of cases there would be no windows present on these façades looking out toward the east.*

*The prevailing daytime noise levels indicate that residences will require a passive attenuated ventilation strategy in combination with appropriate glazing package. In this instance a double-glazing unit providing a minimum sound reduction index of  $\geq 27$  dB Rw+Ctr - fitted with an acoustically attenuating trickle ventilator .*

*The most exposed units to noise are those proposed immediately adjacent to the timber yard where façade noise levels for the top two floors of the proposed buildings are predicted as being between 50 and 55 dB LAeq,16hr indicating a potential adverse effect of minor to moderate significance. Habitable rooms that are located on these floors with a line of site into the timber yard will require the windows to be sealed.*

*Environmental Protection had raised serious concerns regarding the suitability of this site being developed out for residential use at the PPP stage. Noise impacts from the extended timber yard was/is a cause for concern.*

*The applicant had now submitted a specific supporting noise impact assessment and moved the buildings back from the timber yard and recommended specific acoustic glazing treatments which will need to include glazing units that may not be openable. These are located in habitable rooms that have multiple glazing units serving them.*

*Environmental Protection specifically stated during the PPP stage that there shall be no line of site between any proposed residential development into the Timber Yard. This was to be demonstrated when the detailed plans are submitted in the form of a noise impact assessment. This has been done and as stated above the plans show residential units located right on the boundary with the timber yard with a direct line of site into the yard. If developed out Environmental Health would likely receive noise complaints from future tenants due to noise from the timber yard that is why the windows need to be sealed.*

#### *Floodlighting*

*Again, at the PPP stage it was highlighted to the applicant that there may be issues with light pollution. The Timber Yard has a number of high level security floodlighting. Environmental Protection recommended that there may be parts of the development site that may not be suitable for residential use due to the impacts the floodlights may have on amenity. No assessment has been submitted, and the proposed development has placed residential units nearest to the floodlights.*

#### *Contaminated Land*

*The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed if the proposal is consented.*

*Therefore, Environmental Protection recommend that the conditions are attached if consent is granted;*

*The following noise protection measures to the proposed development, as defined in the Waterman 'Noise and Vibration Assessment' report dated January 2019;*

- Double-glazing unit providing a minimum sound reduction index of  $\geq 27$  dB Rw+Ctr - shall be installed for all living room and bedroom windows on the east facing facades and fitted with an acoustically attenuating trickle ventilator .*

- No windows overlooking the timber yard serving habitable rooms shall openable, they must be sealed

shall be carried out in full and completed prior to the development being occupied.

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

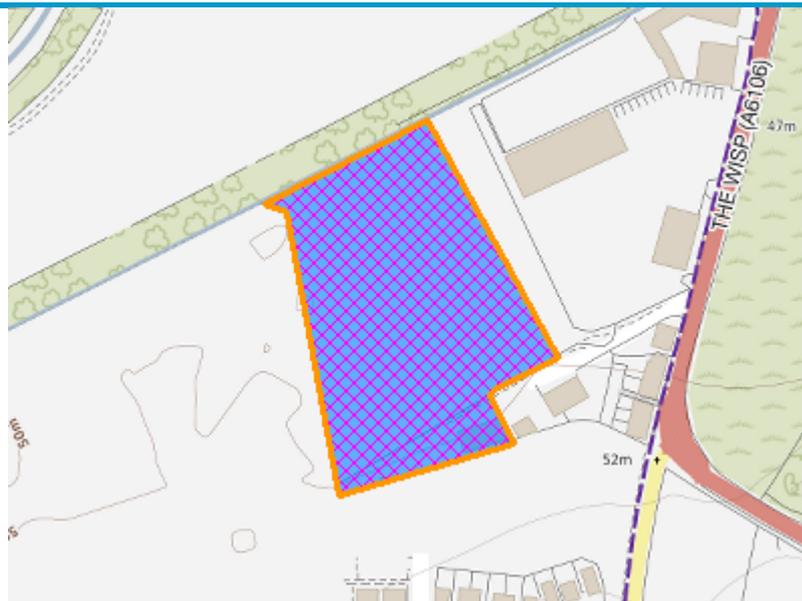
b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

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.

Twenty-five residential parking spaces shall be served by 7Kw (32amp) Type 2 electric vehicle charging sockets and shall be installed and operational in full prior to the development being occupied.

Should you wish to discuss the matter, please do not hesitate to contact me via email or on 0131 469 5160.

## Location Plan



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**END**