

# Development Management Sub Committee

**Wednesday 18 December 2019**

**Application for Planning Permission 19/02616/FUL  
at Land 100 Metres East Of 53 Burdiehouse Road  
Edinburgh.  
Residential development 116 dwellings and associated  
landscaping and infrastructure (as amended).**

**Item number**

**Report number**

**Wards**

B16 - Liberton/Gilmerton

## **Summary**

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With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the setting of the listed building and provide a positive outcome for the development of the listed building.

The proposal complies with the Local Development Plan Site Brief for Broomhills, Burdiehouse and Lang Loan and will provide 116 residential units including 30 affordable homes in the south east of Edinburgh. The proposal will provide public open space along with pedestrian and cycle connections to the wider area. The proposed development is of an acceptable design, scale and layout and is acceptable in terms of amenity, access, cycle and car parking.

The proposal complies with the adopted Edinburgh Local Development Plan. There are no material considerations which outweigh this conclusion.

## **Outcome of previous Committee**

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This application was previously considered by Committee on 04.12.2019

## Links

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[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES09, LEN03, LEN08, LEN09, LEN12, LEN16, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA01, LTRA02, LTRA03, LTRA04, LTRA07, LTRA08, LTRA09, LTRA10, SUPP, SGDC, NSG, NSGD02, NSHAFF,

# Report

## **Application for Planning Permission 19/02616/FUL at Land 100 Metres East Of 53 Burdiehouse Road Edinburgh Residential development 116 dwellings and associated landscaping and 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 site is approximately 6.82 hectares comprising two separate development areas both located east of Burdiehouse Road.

Area A (1.02 hectares) is an existing SUDS area established for the previous Burdiehouse residential development lying to the south of Burdiehouse Burn. It is bounded by existing trees and Burdiehouse Road to the west, the Burdiehouse Valley Park and Burdiehouse Burn to the north, the residential property of 49 Burdiehouse Road to the north east, and newly built housing at Burdiehouse to the south east.

Area B (5.8 hectares) is predominantly open landscape, with the exception of an area of young woodland planting and shrubs associated with an area of new housing at Burdiehouse which bounds the site to the north. The site slopes approximately 10 metres up from the northern boundary to the southern Lang Loan boundary which has an existing vehicle access. Category B listed limekilns (Number 28159, listed on 14 December 1970) are located immediately to the north west. To the north east is woodland surrounding The Murrays, an existing residential development built in the 1990s. The eastern boundary consists of existing woodland, partially covered by Tree Preservation Order (TPO 13, preserved on 13 June 1962), beyond which lies the West Edge Farm housing development. Lang Loan is to the south and farmland, including overhead powerlines, is to the south west. The south eastern boundary of Area B fronts onto Lang Loan. The south-western boundary is farmland with overhead powerlines located across it. The A720 city bypass is approximately 228 metres to the south.

The site is served by public transport routes as it lies in proximity of a main transport corridor into the city (the A701). There is retail provision in the form of local shops at Broomhills approximately 567 metres to the west on Burdiehouse Road. Larger retail units are located within the Straiton Retail Park, approximately 597 metres to the south (from the closest point of the site).

## 2.2 Site History

13 January 2016 - Proposal of Application Notice submitted for residential development and associated landscape and infrastructure (planning application 15/ 05877/PAN).

9 December 2016 - planning application submitted for planning permission in principle for residential development, a local convenience store (Class 1), associated landscape, access and infrastructure (planning application 16/06036/PPP).

12 October 2018 - Proposal of Application Notice submitted for full planning permission (major) for residential development and associated landscape and infrastructure (planning application 18/08834/PAN).

Relevant applications within the area including the neighbouring Burdiehouse residential development:

22 September 2010 - planning permission in principle was refused for residential development (including affordable housing provision), open space and access junction and road alignment (application reference number: 10/01185/PPP) at land 196 metres south of 49 Burdiehouse Road, Edinburgh.

10 February 2012 - the above planning permission in principle was granted on appeal (appeal reference: PPA230-2047).

Following the appeal decision, the site was allocated for residential development within the first proposed Local Development Plan, including the areas of land previously proposed to be covered by tree planting as shown in the PPP parameters plan.

30 May 2013 - permission granted for approval of matters specified in conditions of PPA230-2047 in respect of access road (application number 13/00273/AMC).

14 June 2013 - permission granted for a section 42 application to vary condition 1 of 10/01185/PPP to increase the maximum building heights (application number 13/00673/FUL).

14 June 2013 - permission minded to grant subject to legal agreement for a section 42 application to vary condition 1 of 10/01185/PPP to modify the structural planting (application number 13/00944/FUL). This permission is subject to a legal agreement covering safe vehicular access to Burdiehouse Road, transport contributions, education contributions, affordable housing and a landscape maintenance bond.

14 June 2013 - planning permission granted for approval of matters specified in conditions of 10/01185/PPP for residential development of 122 houses and flats (application number 12/04385/AMC).

17 April 2013 - planning permission refused for a petrol filling station and electric vehicular charging station, including ancillary shop on adjacent land fronting Burdiehouse Road. Refused at appeal (application number 13/01259/PPP).

6 November 2013 - planning permission granted for approval of matters specified in condition 2k of application 10/01185/PPP approved (application number 13/03048/AMC).

4 November 2015 - planning permission granted for 211 residential units (application number 14/04880/FUL) subject to a legal agreement and conditions.

## **Main report**

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### **3.1 Description of the Proposal**

The proposal is for full planning permission for a residential development of 116 units, structural planting, public open space and associated landscaping, vehicular access from Lang Loan and the provision of sustainable urban drainage attenuation basin and associated drainage infrastructure. As referenced in the site description, the application site consists of two separate areas, Area A and Area B.

In Area A, it is proposed to extend and increase in depth an existing SUDS area established for the previous Burdiehouse residential development to meet the drainage requirements of the proposed development. Two pedestrian and cycle path connections would be provided connecting through Area A to the Burdiehouse Road bus stop and to the Burdiehouse Burn. No housing development is proposed here.

Area B is the main development area and it is proposed for development of 116 homes, including 30 affordable, along with 1.7 hectares of public open space. The housing mix comprises detached, semi-detached and terraced houses and two flatted blocks. The houses are all two storeys in height and are finished in render with concrete roof tiles. The two flatted blocks are three storeys in height and are finished in render and brick with flat roofs.

A new street frontage and landscaped pedestrian and cycle route would be provided to Lang Loan to the south east of the site. Landscaping and a further pedestrian and cycle route is to separate the application site from the adjacent green belt land to the south west. The north east boundary would be formed of back gardens and fencing onto the adjacent farmland and woodland. To the north west boundary, the area of woodland and shrub planting previously implemented under the Burdiehouse (LDP allocated site HSG 22) development would be partially reduced to accommodate public open space, SUDS, an informal play area, three cycle connections and a vehicular connection to the HSG 22. Planting would be strengthened along the far northern boundary to provide a link between established woodland and the open space. Pedestrian and cycle connections are to be provided extending beyond the site boundary in the east linking along Lang Loan to connect with the access track to Straiton Ponds and to connect the north west corner of the site across to Burdiehouse Road and bus stop.

### Previous Scheme

The scheme has been amended to accommodate a further affordable housing unit, reduce the roof height and divide the flatted block into two separate buildings. Amendments have been made to the road layout to define character areas and to landscaping to accommodate extra heavy standard tree planting.

## Supporting Information

The following documents were submitted in support of the application:

- EIA report;
- Sustainability Statement;
- Planning Statement;
- Pre-application Consultation Report;
- Noise Report;
- Design and Access Statement;
- Housing Land Supply Assessment;
- Transport Assessment; and
- Heat Network Assessment.

These documents 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.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 residential development is acceptable;
- b) the proposals preserve the setting of the listed building;
- c) the proposal complies with the Broomhills, Burdiehouse and Lang Loan Site Brief;
- d) the design, scale, materials, layout and landscaping are acceptable;
- e) there is sufficient amenity for existing neighbours and future occupier;
- f) the proposal would have acceptable transport impacts;
- g) the proposal would be sustainable;
- h) the proposal addresses developer contributions and the LDP Action Programme

- i) the proposal raises any other issues and
- j) any comments raised by third parties to be addressed.

### **a) Principle**

Areas A and B of the application site are designated within the adopted Edinburgh Local Development Plan (LDP) as being part of both the urban area and land allocated for housing development. This can be attributed as follows:-

- Area A (1.02 hectares) within the urban area and forms the SUDS and open space;
- Area B (5.8 hectares) comprises of the remaining part of housing proposal HSG 22 (1.87 hectares) and an area identified as 'Long Term Redevelopment Opportunity - East of Burdiehouse' (3.93 hectares) which lies within the urban area and is the main area of housing development.

Policy Hou 1 (Housing Development) part 1 states that priority will be given to the delivery of the housing land supply and the relevant infrastructure on sites which fall within set criteria. Criteria a) gives priority to sites allocated for housing. Criteria d) gives priority to suitable sites in the urban area, provided proposals are compatible with other policies in this plan.

As the application site comprises of both an allocated housing site and a suitable site within the urban area, the principle of housing of therefore acceptable in accordance with Policy Hou 1 part 1 criteria a) and d).

### **b) Listed Building**

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:-

*In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

The proposed site lies to the east of the category B listed limekilns. These structures are important features in the landscape of south Edinburgh and are highly visible in long views from Burdiehouse Road to the west and north-west and the woodland surrounding the limekilns is prominent in views from Lang Loan to the north. Policy Env 3 (Listed Buildings - Setting) requires development to protect the setting of the listed buildings. The proposal retains the immediate curtilage of the listed structures and maintains a reasonable setting. The proposed housing development would retain the view from Lang Loan to the limekiln woodland area, along the main vehicle access road. The proposal shows landscape open space as a buffer between the site and the adjacent limekilns and therefore the proposal would not adversely affect its setting.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve the setting of the listed building and comply with policy Env 3 (Listed Buildings - Setting).

### **c) Site Brief**

The LDP site brief for Broomhills, Burdiehouse and Lang Loan includes the allocated housing sites Broomhills (HSG 21), Burdiehouse (HSG 22) and North of Lang Loan (HSG 39) together with the main area of development subject to this application, Long Term Redevelopment Opportunity - East of Burdiehouse. The brief sets out a number of principles to be addressed with development.

#### Area A

This area is identified in the brief as an area of new greenspace and woodland with a pedestrian and cycle path connecting from HSG 22 to an existing path to the north. This area is an established SUDS area serving existing development. Along with extending the SUDS to meet the drainage of the proposed development, new pedestrian and cycle path connections would also be provided. These would continue from the now implemented HSG 22 site connecting through Area A to Burdiehouse Road bus stop. Existing woodland to the west would remain.

#### Area B

This area is identified in the brief as providing a new woodland to the north, street improvement and frontage to Lang Loan, pedestrian and cycle links between HSG 22 and the Long Term Development Area, links to Straiton Pond and links to HSG 39. The application addresses the requirement for street improvement to Lang Loan through the introduction of a 3m wide pedestrian and cycle path with an avenue of tree planting running along the boundary. Set back from the main access road to the development will be fronted with new housing is orientated to face Lang Loan and provide an active street frontage. The woodland and shrub planting implemented under HSG 22 will be modified to allow the creation of pedestrian and cycle paths and the connection of the vehicle access. Offsite pedestrian and cycle paths will be created to connect to Burdiehouse Road and to Straiton Ponds.

The proposal complies with the relevant requirements of the Broomhills, Burdiehouse and Lang Loan Site Brief.

### **d) Design, Scale, Materials, Layout and Landscaping**

Policy Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design.

Policy Des 4 (Impact on Setting) requires development to have a positive impact on its surroundings including the character of the wider townscape and landscape, and impact on existing views.

Policy Des 9 (Urban Edge Development) requires development sites on the green belt boundary to conserve and enhance the landscape setting and special character, promote access to the countryside and include landscape improvements that strengthen the green belt boundary.

The design of the development has been informed by the creation of 1.7 hectares of open space formed over an area of the site which, due to historic underground workings associated with the limekilns, cannot be developed for housing. The formation of the open space, along with woodland planting, will act as a buffer between the proposed development and the adjacent limekilns retaining views. The housing plots and flatted blocks have been arranged to provide frontage to the open space.

As noted in section a) the development sits within a collection of new housing sites allocated in the LDP which are now largely completed. The design of the proposed site has been conceived to act as a continuation of the design and layout pattern that has been established.

To address both the LDP site brief and the need to establish a green belt boundary under policy Des 9, woodland planting to the south west edge and tree planting and building frontage to the south east boundary are proposed.

### Landscape and materials

The application is accompanied by a Landscape and Visual Impact Assessment. This sets out that due to the location and levels within the development site there will be visual impacts. These are described as being of moderate significance as the development would be seen within the context of other new development, which includes the adjacent sites in the Broomhills, Burdiehouse and Lang Loan Site Brief. The retention and introduction of woodland planting would help mitigate some of the impacts over time.

The development is predominantly two storeys in height with the exception of the two flatted blocks which are three storeys in height. The flatted blocks have flat roofs in order to minimise their presence within the development. Materials for the flatted blocks and to all houses on the development boundaries are a cream and buff render. Houses within the central areas of the development are finished in white render. All houses have grey concrete roof tiles. The palette of materials is to harmonise with the existing development on adjacent sites. The more muted colours to the flatted blocks and development edges are to minimise their appearance within the wider landscape.

### Layout

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

The development had been designed around a central main access street connecting from Lang Loan through to Martin Street which serves the existing Burdiehouse development HSG 22. The formation of a central street, set in tarmac with formal footways and edged by a formal strip of avenue planting, acts a central character area. Secondary streets feeding off the main street to the eastern part of the site are laid out as shared surface areas and finished in block pavements with hedges and trees used to define the spaces within and increase legibility. To the western portion of the site, secondary streets consist of two courtyard areas serving terraced properties and the flatted blocks with on street parking.

The main street, as well as numerous cycle and footpath connections, provide direct links to adjoining sites and facilities in the wider area. This substantially increases the permeability of the site and encourages walking and cycling. The layout of houses and the flatted blocks has been arranged to front key spaces including creation of an active frontage to Lang Loan, the open space and both primary and secondary streets and spaces through the site. This ensures spaces are active and well overlooked.

The layout forms a legible street hierarchy in line with Designing Streets and policy Des 7.

### **e) Amenity for Existing Neighbours and Future Occupiers**

Policy Des 5 (Development Design - Amenity) states that planning permission will be granted for development where it is demonstrated 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.

#### Amenity of Existing Residents

The neighbours most affected by the proposals are located to the north of the site. Here a group of seven two-storey detached and semi-detached properties adjoin the development site. An area of shrub planting to the rear of these properties will be replaced with tree planting in order to provide a nine metre strip between the existing properties the rear of new properties proposed. This will ensure privacy and separation as well as a green corridor link from the wider area. The tree planning will be managed under maintenance agreement to ensure they do not cause loss of daylight and sunlight.

It is acknowledged that the area will experience a change in character from open land to a residential site and this may have an initial impact on existing amenity through different patterns of use. However, the proposed land uses and design are complementary to the neighbouring area, and therefore, the development is in accordance with policy Des 5.

#### Amenity of Future Residents

##### *Sunlight and Daylight*

All of the properties will benefit from the required amount of sunlight and daylight as set out in the Edinburgh Design Guidance. All houses and over 80% of the flatted properties are dual aspect. The four flatted properties which are single aspect directly overlook the area of open space.

##### *Privacy*

The homes are arranged to ensure privacy is maintained for residents. All houses and the lower ground floor of the flatted blocks, have at least 3 metres of semi-private space between front elevations and public spaces.

### *Housing Mix*

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. The development includes a range of detached, terraced and flatted properties with 1 to 4 bedrooms including a range of types and sizes of affordable homes. All homes meet or exceed the minimum space standards as set out in the Edinburgh Design Guidance.

The overall development represents a positive contribution to meeting a range of housing needs and includes a range of house sizes.

### *Open Space*

The houses have private garden ground to the front and rear and ground floor flats have direct access onto semi-private open space. There is a generous amount of public open space provided on site including a children's play area within the 1.7 hectare greenspace. Greenspace within the site exceeds the required 20% as required in policy Hou 3. The level and quality of open space proposed is therefore acceptable. The proposal is therefore in accordance with policy Des 5.

## **f) Transport Impacts**

Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development and requires a transport assessment to propose mitigation that addresses cumulative and cross boundary transport impacts. The LDP Action Programme (2019) sets out the infrastructure required to implement the LDP to ensure that proposed development is closely aligned with the infrastructure needed to support it.

The applicant has submitted a Transport Assessment (March 2019) in support of the proposal. This assessment models the proposed scheme along with neighbouring recent developments. It concludes that transport provision in the area is considered sufficient to accommodate the development without the need for mitigation. It notes that proposals to encourage walking and cycling should be used to promote connectivity with the surrounding area.

Transport Scotland commented on the proposal stating that although they would not propose to advise against the granting of planning permission, this is provided on the understanding that the Council will make provision (should the application be recommended for approval and if deemed necessary as a consequence of the SESplan Cross Boundary Transport Appraisal) for an agreement with the applicant to make appropriate and proportionate contribution to address cumulative impact on the strategic transport network and for a related action to be incorporated within the Council's Local Development Plan.

The site was assessed as part of the LDP Transport Appraisal Addendum (November 2016) and is included within the LDP Action Programme (January 2019) and the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (August 2018). Within the supplementary guidance, the development falls within healthcare, education and transport contribution zones. For transport, this includes the Straiton Junction Transport Contribution Zone, the Lasswade Road / Lang Loan Transport Contribution Zone and the Burdiehouse Junction contribution zone. A contribution is required towards the Burdiehouse Junction of £52,800. This contribution will be secured by legal agreement.

To ensure the development has suitable access to public transport, the Action Programme seeks support for enhanced bus capacity on Burdiehouse Road, with this action shared across neighbouring sites. The Action Programme also seeks support for the introduction of a bus route connecting to an existing development, The Murrays which sits to the north east of the site. The Action Programme notes that the introduction of the route is constrained by bus operators who may be reluctant to alter current routes. To deliver this route would also require upgrade of the road in site HSG 22 and the use of further land outwith the applicant's control. No costs have been attributed to these actions.

Provision of high quality on and off site pedestrian and cycle connections are also specified in the Action Programme. These include onsite routes allowing connection to adjacent walking and cycle routes to the north, east and south and neighbouring residential areas and continuation of the active travel route along Lang Loan.

On-site the proposed development has responded to this requirement by providing three main segregated walking and cycling links running east to west and north to south through the site and along Lang Loan. These routes are specified as being three metres in width. These routes will be delivered with the development.

Four off-site connections are specified in the Action Programme. These are links to West Edge Farm (228m) and The Murrays (103m) to the east of the site, Straiton Ponds (481m) to the south of the site and Burdiehouse Burn/Bus Stop (594m) to the west. The offsite routes are specified as 4m wide and lit with the exception of the section to Lang Loan. The applicant has indicated that the links to the west and south of the site are within land which they control. Delivery of these west and south links is to be secured by condition. Links to the east of the development site are on land which the applicant does not have control and will be secured by legal agreement.

### **Car parking and cycle parking**

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.

The proposed development includes 57 on street car parking spaces including 6 spaces for disabled people and 72 off street parking spaces, to a total of 129 spaces. Current parking standards would permit up to 219 spaces for the 116 units and require provision of 1 in 6 on street spaces to be for disabled people. The provision is therefore in accordance with policy Tra 2.

For the flatted blocks two cycle stores are proposed. One is accommodated internally within south flatted block and the other as a separate covered area within the courtyard. These areas provide storage for 42 cycle spaces for 21 flats. Cycle parking for the houses can be accommodated within garages and private garden areas. This provision meets the requirements of policy Tra 3 and the Edinburgh Design Guidance.

### **g) Sustainability**

Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development. Supplementary Guidance on Heat Opportunities Mapping was adopted in December 2018. This requires applicants for allocated housing and major development sites to make an assessment as to whether a creation of or connection to a heat network would be feasible.

The applicant has completed the required S1 Sustainability Statement and submitted a Heat Network Assessment. The S1 statement shows the development will meet all essential criteria as set out in the table below. This includes use of photovoltaic cells on roofs and provision of ducting for electric car charging points. The Heat Network Assessment confirms that in this location and with the nature of the housing development proposed, a heat network would not be a viable option.

The points achieved against the essential criteria are set out in the table below:

Essential Criteria	Available/Achieved
Section 1: Energy Needs	20/20
Section 2: Water Conservation	10/10
Section 3: Surface water run-off	10/10
Section 4: Recycling	10/10
Section 5: Materials	30/30
Total points	80/80

The development meets the required sustainability requirements of policy Des 6 and the associated Supplementary Guidance.

### **h) Developer Contributions and Action Programme**

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

The finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (August 2018) and the LDP Action Programme (January 2019) require the following contributions and actions.

## **Education**

Assessment based on: -

21 Flats

95 Houses

This site falls within Sub-Area LG-1 of the 'Liberton Gracemount Education Contribution Zone'. 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 and land contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

£2,010,105

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.

Total land contribution required:

£257,932

Note - no indexation to be applied to land contribution.

## **Healthcare**

The site falls within the Gilmerton healthcare contribution zone. This amounts to £1050 per dwelling (for a new practice), based on 116 dwellings

Total contribution required:

£121,800

## **Transport**

The applicant will be required to contribute:

- the sum of £52,800 to the Burdiehouse Junction Transport Contribution Zone
- the sum of £361,674 minus the amount of links to be delivered directly by the applicant, to provide high quality pedestrian/cycle connections outwith the site, as set out in the Edinburgh Local Development Plan Action Programme January 2019, it is expected that this would be prior to 25% of the residential units being sold or completed
- The sum of £18,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area. In support of the Council's LTS Cars1 policy, the applicant should consider the provision of 3 car club vehicles.

## **Affordable Housing**

At least 25% of the total number of residential units on site shall be affordable.

A legal agreement will be required to secure the contributions outlined above, and the progression of traffic orders as necessary, including the redetermination of footways and carriageways, a stopping up order and the enforcement of disabled car parking spaces.

## **i) Other issues**

The Environmental Impact Assessment (EIA) submitted with the application assessed the development in relation to its environmental impacts.

### Noise

The site is approximately 250m from the A720 Edinburgh City Bypass, with Langloan immediately bounding the site to its south. To the south of the site are high voltage electrical pylons sitting approximately 35m from the proposed development. The EIA includes a Noise Impact Assessment and requires mitigation to protect future residents from the impacts of these potential noise sources.

Environmental Protection has recommended conditions to ensure that these impacts are mitigated. These include a 1.8 m high acoustic barrier around plot 101 and noise reducing glazing to habitable rooms facing the southern edge of the development towards the bypass.

### Mining

The Coal Authority has advised that it does not object to the application subject to a condition to ensure that further site investigations are carried out, as there are likely to be coal mining features and hazards. It recommends further intrusive site investigation works, along with the stabilisation of the mine entries and/or areas of shallow mine workings, within the application boundary, and that these works should be undertaken prior to development. Therefore, a condition requiring further intrusive site investigation and further remedial works, if necessary, is recommended.

### Contaminated Land

The applicant has submitted a Ground Investigation Report. Environmental Protection has advised that a site survey 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. This will be secured by condition.

## Archaeology

The City's Archaeologist has advised that the site is of archaeological significance, the aim should be to preserve the archaeological remains in situ and that mitigation measures will be required. A programme of archaeological works will be required prior to development and will be expected to demonstrate phased, detailed mitigation strategies and incorporation of heritage in the final designs whether through public art or interpretative panels. Therefore, a condition is recommended to ensure that archaeological remains are protected, excavated or appropriately recorded. This complies with Policies Env 8 (Protection of Important Remains) and Env 9 (Development of Sites of Archaeological Significance).

## Trees

The application site extends into woodland area on the eastern boundary, which is covered in part by a Tree Preservation Order. However, TPO 13 is not affected by this proposal and therefore no objection under Policy Env 12 (Trees), subject to condition that the trees should be safeguarded by tree protection plans, secured by condition, if the application is to be approved.

## Ecology and Protected Species

Scottish Natural Heritage (SNH) has no objection to the proposals and are supportive of the proposed creation of extensive greenspace and new tree planting which is included in the Landscape and Ecology Management Plan. They have recommended that the standard construction mitigation measures for badgers, as set out in section 5.2 of Appendix 9.3 of the Landscape and Ecology Management Plan, are taken forward.

## **j) Public Comments**

Material Representations:

- Object to through road to new development due to impact on Martin Street and Clippen's Drive including increase in traffic, threat to road safety, unsuitability of road to accommodate traffic, increase in noise and air pollution, loss of residential character and amenity and potential for connection to be used as a rat run.
- Object to connection to Murrays on road safety and amenity.
- Object to formation of bus route due to road safety and amenity.
- Comprehensive traffic study/audit required.
- Increase in on street parking in existing estate.

Issues of road safety, layout, travel and transport have been addressed in sections 3.3c) to 3.3f) and a transport study has been submitted and considered under section 3.3f).

- Need for playpark or other community space in development
- Loss of amenity including daylight, sunlight and loss of privacy
- Lack of infrastructure including roads, medical practice and schools
- No links to Burdiehouse Burn Valley Park, opportunities not taken to enhance the park

Issues of amenity, access to open space and infrastructure are addressed in sections 3.3c) to 3.3h).

Non-material Representations:

- Loss of view
- Should have a lit pavement whole way along Burdiehouse Road
- Barratts advised no through road would be made between developments
- Creation of footway on Lang Loan desirable
- Need for enhanced pedestrian and cycle facilities in wider area
- Need speed reduction measures on Clippen's Drive

### Conclusion

The proposal complies with the Local Development Plan Site Brief for Broomhills, Burdiehouse and Lang Loan and will provide 116 residential units including 30 affordable homes in the south east of Edinburgh. The proposal will provide public open space along with pedestrian and cycle connections to the wider area. The proposed development is of an acceptable design, scale and layout and is acceptable in terms of amenity, access, cycle and car parking.

The proposal complies with the adopted Edinburgh Local Development Plan. There are no material considerations which outweigh this conclusion.

### **Addendum to Assessment**

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

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

#### **Conditions: -**

1. The following noise protection measures to the proposed development, as defined in the Airshed 'Noise Assessment' report (AS 0677), dated 27 May 2019:
  - The Proposed Development shall include a 1.8 m high acoustic barrier around plot 101. The location, extent and geometry of the noise barrier is highlighted in Figure 6 of the noise assessment. The barrier shall be constructed continuously ensuring there are no air gaps, either between the boards or at the barrier base a dry mass density of 12 kg/m<sup>2</sup> as a minimum.
  - Glazing units serving the habitable rooms overlooking the A720 shall have a minimum sound reduction level of 33 dBw double glazing with acoustic trickle ventilation of 38dB Dne minimum sound reduction levels (specific units highlighted on figure 6 of the noise assessment) shall be carried out in full and completed prior to the development being occupied.

..

2. 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.
3. i) Prior to the commencement of construction works on site the following will be required complete:
  - The undertaking of an appropriate scheme of intrusive site investigations for the mine entries;
  - The submission of a report of findings arising from the intrusive site investigations;
  - The submission of a scheme of remedial works for approval by the planning authority and
  - Implementation of those remedial works.
4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
5. Provision of the high quality pedestrian/cycle connections 'link to Straiton Ponds (481m) and 'link to Burdiehouse Burn/Bus Sop (594m) as set out in the Local Development Plan Action Programme, shall be implemented prior to no more than 35 units on site being occupied. Specification of the surface and lighting of these links shall be submitted for approval of the Planning Authority.

6. No development shall take place including demolition, ground works, vegetation clearance until a Construction Environmental Management Plan (CEMP:Biodiversity) has been submitted and approved in writing by the planning authority. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the planning authority.
7. The approved landscaping scheme shall be fully implemented within the first planting season following completion of the development. Any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing by the Planning Authority.

**Reasons:-**

1. In order to ensure a suitable residential environment.
2. In order to ensure that the site is suitable for redevelopment.
3. In the interests of public safety.
4. In order to safeguard the interests of archaeological heritage.
5. In order to ensure the development is supported by suitable walking and cycling infrastructure.
6. In the interest of protecting biodiversity.
7. In order to ensure appropriate planting is established on site in the interests of amenity and setting of the development.

**Informatives**

It should be noted that:

1. Planning permission shall not be issued until a legal agreement has been concluded with respect to:-

**Education**

Sub-Area LG-1 of the 'Liberton Gracemount Education Contribution Zone'

Total infrastructure contribution required:  
£2,010,105

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.

Total land contribution required:

£257,932

Note - no indexation to be applied to land contribution.

## **Healthcare**

Gilmerton healthcare contribution zone

£1050 per dwelling, based on 116 dwellings

Total contribution required:

£121,800

## **Transport**

The applicant will be required to contribute: -

- the sum of £52,800 to the Burdiehouse Junction Transport Contribution Zone
- the sum of £361,674 minus the amount of links to be delivered directly by the applicant, to provide high quality pedestrian / cycle connections outwith the site. As set out in the Edinburgh Local Development Plan Action Programme January 2019, it is expected that this would be prior to 25% of the residential units being sold or completed
- the sum of £18,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area. In support of the Council's LTS Cars1 policy, the applicant should consider the provision of 3 car club vehicles.

## **Affordable Housing**

At least 25% of the total number of residential units on site shall be affordable.

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. The applicant will be required to provide 10 on-street electric vehicle charging points (1 in 6 spaces)
6. In support of the Council's LTS Cars1 policy, the applicant should consider the provision of 3 car club vehicles. The sum of £18,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area.

7. 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.
8. For the avoidance of doubt, appropriate lighting to an adoptable will be required on all adoptable remote footpaths.
9. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
10. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.
11. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including 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.
12. 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.
13. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
14. 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.

15. Electric vehicle charging outlets should be considered for all properties with off-street parking.
16. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

## **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 assessed 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**

A Proposal of Application Notice (18/08834/PAN) was submitted to City of Edinburgh Council on 12 October 2018, for residential development providing a range of private and affordable homes, and associated landscape, access and infrastructure.

A pre-application report was presented to the Committee on 5 December 2018. The Committee noted the key issues at that stage in the process.

The PAN set out a proposed programme of pre-application consultation. A copy was sent to the following organisations:

#### Community Councils

Gilmerton and Inch Community Council

#### Neighbourhood Partnerships

Liberton and Gilmerton Neighbourhood Partnership

South Edinburgh Partnership

### Ward Councillors

Cllr Lezley Marion Cameron  
Cllr Derek Howie  
Cllr Lesley Macinnes  
Cllr Stephanie Smith

### Public Exhibition

A public exhibition took place on 23 November 2018 at the Gilmerton Society Hall, Edinburgh. The details and feedback are set out in the Pre Application Consultation Report dated February 2019. This is available to view on the Planning and Building Standards Online Services.

The proposals were submitted to the Urban Design Panel on 28 November 2018. Full details of the response can be found in the Consultations section.

### Schools

Gilmerton Primary School  
Liberton High School  
Gracemount High School  
St Catherine's Roman Catholic Primary School  
Holy Rood RC High School

### Other Organisations

Friends of Burdiehouse Burn Valley Park

### MSPs

Ash Denham MSP  
Jeremy Balfour MSP  
Miles Briggs MSP  
Kezia Dugdale MSP  
Neil Findlay MSP  
Alison Johnstone MSP  
Gordon Lindhurst MSP  
Andy Wightman MSP

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

Neighbours were notified of this application on 18 June 2019. There have been 30 letters from surrounding residents including 25 objections, four neutral comments and one letter of support.

The Community Council has not commented.

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 application site is located within the Urban Area and housing allocation HSG 22 as defined by the Local Development Plan.

**Date registered**

14 June 2019

**Drawing numbers/Scheme**

01-45A,

Scheme 2

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynne McMenemy, Senior Planning Officer

E-mail: [lynne.mcmenemy@edinburgh.gov.uk](mailto:lynne.mcmenemy@edinburgh.gov.uk) Tel:0131 529 2485

**Links - Policies**

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**Relevant Policies:**

**Relevant policies of the Local Development Plan.**

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 Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

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 7 (Public Transport Proposals and Safeguards) prevents development which would prejudice the implementation of the public transport proposals and safeguards listed.

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.

LDP Policy Tra 10 (New and Existing Roads) safeguards identified routes for new roads and road network improvements listed.

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

### **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.

# Appendix 1

## **Application for Planning Permission 19/02616/FUL At Land 100 Metres East Of 53, Burdiehouse Road, Edinburgh Residential development 116 dwellings and associated landscaping and infrastructure (as amended).**

### **Consultations**

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#### **Affordable Housing**

##### *1. Introduction*

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

*Housing Management and Development assess housing requirements by tenure to support the city's Affordable Housing Policy (AHP).*

- o The AHP makes the provision of affordable housing a planning condition. 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.*

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

*This application is for a development consisting of 116 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (29) homes of approved affordable tenures. The developer has entered into dialogue with the Council.*

- o The tenure of the affordable housing must be agreed by the Council;*
- o The applicant has entered into dialogue with a Registered Social Landlord regarding the the affordable homes but has not yet selected an affordable housing partner;*
- o The applicant entered into dialogue with the Councils Housing Service in regards to delivery of a well integrated and representative mix of affordable housing on site.*

*Negotiation with the applicant has resulted in a revised affordable housing mix in two locations and an increase in the number of affordable homes being provided. The applicant has stated that*

*the affordable housing will account for 30 homes (26% of the new homes), and this above policy level of affordable housing delivery is welcomed by this department. The affordable housing will consist of 21 flatted apartments and 9 terraced houses which will offer a mix*

of homes. Three of the terraced homes are to be delivered by the RSL and the remaining six would be for Golden Share:

- o 4x 1b apartments (RSL)
- o 17x 2b apartments (RSL)
- o 3x 3b terrace units (RSL)
- o 6x 3b terrace units (Golden Share)

*The revised proposal offers a more representative mix than originally proposed by the applicant. The affordable homes are required to be tenure blind, fully compliant with latest building regulations and must comply with guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides. An equitable and fair share of parking for affordable housing, consistent with the parking requirements set out in the Edinburgh Design Guidance, is provided.*

*The affordable homes are situated within close proximity (within 400 metres) of regular public transport links and are located next to local amenities. It is important that an equitable and fair share of parking for affordable housing, consistent with the parking requirements set out in the Edinburgh Design Guidance, is provided.*

### 3. Summary

*The applicant has made a commitment to provide 26% (30 homes) as 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 entered into dialogue with both the Council and a Registered Social Landlord (RSLs) to deliver the affordable housing*
- o *The tenure of the affordable housing must be agreed with the Council*
- o *The affordable housing will include a both flatted and terraced housing, providing a variety of house types and sizes in two locations within the site*
- o *All the affordable homes must meet the Edinburgh Design Guidance and also meet the relevant Housing Association Design Guidance size and space standards*
- 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 applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

### **SEPA**

*We have no objection to this planning application, but please note the advice provided below.*

#### *Flood Risk*

*We have reviewed the information provided with this planning application and we note that part of the application site lies adjacent to the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and it may, therefore, be at medium to high risk of flooding.*

*The risk identified at this site is from surface water flooding only. The City of Edinburgh Council should be satisfied with the drainage design and that the site does not increase surface water flood risk elsewhere.*

*Review of the Site Layout - Wider Context drawing (18173(PL)001\_G, dated 12/10/2018) and OS Map contours, indicates that the site is located on ground levels approximately 135-146mAOD. The Burdiehouse Burn is situated well below 120m AOD, approximately 140 metres north of the red line boundary. Review of topographic information submitted as part of the previous proposal (planning application 16/06036/PPP), which extends down to the watercourse, supports these elevations. There is sufficient height difference, therefore, between the site and Burdiehouse Burn. We are not aware of any other watercourses within or immediately adjacent to the site.*

*We would recommend that contact is made with the council's Flood Prevention Officers to gather any information/ local knowledge they may have.*

*If you require us to provide additional comments on the flood risk issue, please re-consult us and specify the nature of the perceived flood risk.*

#### *Caveats & Additional Information for Applicant*

*The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>*

*Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.*

*The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to the City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>*

#### *Stabilisation of mine workings with Pulverised Fuel Ash (PVA) Grouts.*

*We recommend that if stabilisation works are identified as being required to facilitate the development then an appropriate risk assessment for the proposed stabilisation of mine workings with PFA grout is produced prior to this activity being undertaken on site.*

*The pouring of grout below the water table is a controlled activity under General Binding Rule (GBR) 16 of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). GBR 16 includes a requirement that no material coming into contact with groundwater shall cause pollution of the water environment. SEPA considers that an assessment should be undertaken to assess whether the use of PFA grout will meet the*

requirements of GBR 16. If the activity causes pollution, SEPA may take enforcement action in accordance with these regulations.

SEPA recommends that the assessment is undertaken in line with the guidance document: *Stabilising mine workings with PFA grouts. Environmental code of practice. 2nd Edition, BRE Report 509.*

is higher risk and conceptually complex, then a complex risk assessment is required. At this stage it may be prudent for the developer to highlight this to SEPA through additional consultation.

#### *Additional Information*

Further details relating to CAR requirements can be found on SEPA's website at; [http://www.sepa.org.uk/water/water\\_regulation/regimes.aspx](http://www.sepa.org.uk/water/water_regulation/regimes.aspx)

Consultation with The Coal Authority is recommended.

*Key points to note in relation to the water environment when undertaking mine workings grouting:*

*An adequate hydrogeological conceptual model is required (e.g. an assessment of ground conditions, depth to groundwater, likely flow of groundwater, depth/size of old mines workings etc). Ideally, the conceptual model would be backed up with site specific ground investigation and monitoring data.*

*It is recommended that the applicant/agent carries out an appropriate water features survey to identify what there is in the surrounding area that might be affected by the grout.*

*Note that potential hazards and impacts may not necessarily be confined to the proposed development site. Applicants should consider and mitigate as necessary risks both within and outwith the development site.*

*It should be noted that even if mine waters are currently low (i.e. below workings to be grouted), groundwater levels might, in the future, rebound into the grouted zone if mine water pumping were to cease. SEPA would recommend that both scenarios are considered.*

*If the excavation works require dewatering, the applicant may be required to demonstrate that this will not adversely affect the hydrogeological regime. Any adverse effects will depend on the size and duration of the excavation works.*

#### *Air Quality*

*In the EIA non-technical document there is a statement that the traffic generated by the development is under the thresholds indicative of requiring detailed assessment. No specific mitigation has therefore been proposed. Should the planning authority agree with this, we advise that good practice to reduce emissions and exposure is incorporated into all developments at the outset.*

*The council should refer to EPS & RTPI Scotland's guidance document: *Delivering Cleaner Air for Scotland - Development Planning and Development Management* for more information on how effective development can minimise impact on air quality.*

#### *Future consents from SEPA*

*It appears that sewage is going to the Scottish Water foul sewer. This should be confirmed by the applicants and Scottish Water.*

*If there are any alterations to the burn the applicants should consult SEPA's local team (contact details below) to obtain the relevant permissions. We also advise the applicants to contact our local team to discuss soil movements as a Waste Management Licence exemption may be needed.*

*Regulatory advice for the applicant*

#### *Regulatory requirements*

*Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).*

*Management of surplus soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.*

*A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:*

*is more than 4 hectares,*

*is in excess of 5km, or*

*includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25*

*See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.*

*Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.*

*Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in the local SEPA office at:*

*Silvan House, SEPA 3rd Floor, 231 Corstorphine Road, Edinburgh EH12 7AT.*

#### **Coal Authority**

*The application site falls within the defined Development High Risk Area.*

*The Coal Authority records indicate that there are 3 recorded mine entries (shafts and adit) within, or within 20m of the planning boundary.*

*The Coal Authority notes the submitted Phase 1 Ground Condition Assessment (Contamination and Stability), which appends the Environmental Impact Assessment (May 2019, prepared by Peter Brett Associates LLP). The Report has been informed by up-to-date geological and mining information and results from intrusive site investigations undertaken.*

*Based on this review of existing information, the Phase 1 Assessment correctly identifies the risks to the development posed by both oil shale and limestone workings and the recorded mine entries, one of which relates to oil shale. However, The Coal Authority is not responsible for oil shale or limestone within the site. It is the responsibility of the landowner/developer to ensure that the site is or can be made safe and stable for the proposed development in accordance with the requirements of the planning system. The Coal Authority therefore has no objections to this planning application subject to a planning condition to ensure the investigation and potential treatment of the mine entries as recommended within the Report.*

#### *The Coal Authority Recommendation to the LPA*

*The Coal Authority concurs with the recommendations of the Phase 1 Ground Condition Assessment (Contamination and Stability) (November 2016, prepared by Peter Brett Associates LLP); that recorded mine entries pose a risk to both public safety and ground stability. Consequently, intrusive site investigation works should be undertaken in order to establish the exact situation regarding them.*

*The Coal Authority is therefore able to recommend that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring site investigation works prior to commencement of development.*

*In the event that the site investigations confirm the need for remedial works to treat the mine entries to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.*

*A condition should therefore require prior to the commencement of development:*

*\*The undertaking of an appropriate scheme of intrusive site investigations for the mine entries;*

*\* The submission of a report of findings arising from the intrusive site investigations;*

*\* The submission of a scheme of remedial works for approval; and*

*\* Implementation of those remedial works.*

*The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.*

#### **Scottish Natural Heritage**

*Thank you for consulting Scottish Natural Heritage on the above proposed residential development. This is a full planning application which supersedes the previous application (16/06036/PPP). The development has changed and is supported by a new environmental impact assessment (EIA) in order to comply with the 2017 EIA Regulations.*

#### *Summary*

*The new application, if delivered to appropriate standards and in accordance with submitted masterplans, designs and codes, has the potential to provide a well-integrated housing development, providing a new neighbourhood with a favourable level of integrated, accessible and multi-functional green infrastructure.*

#### *Strategic Context*

*The proposed development is addressed in the Edinburgh Local Development Plan: housing north of Lang Loan (HSG 39). The proposal is subject to the design principles set out in the Broomhills and Burdiehouse Site Brief and we are satisfied that the application accords with these principles.*

*The site lies in a prominent and exposed location on the edge of the city and, together with other planned developments in this area, will alter the character of the city edge at this location. We therefore advise that a strong and cohesive approach is required to place-making and design in order to integrate these various developments with each other and within their broader landscape context.*

#### *Appraisal of the Impacts and Advice Landscape and Green Infrastructure*

*We are not able to comment on the landscape and visual impacts of this proposal. We are currently providing landscape and visual advice in only the highest priority circumstances, where development:*

- 1. Is likely to have significant adverse effects on the integrity and objectives of designation of a National Scenic Area.*
- 2. Is likely to have significant adverse effects on Special Landscape Qualities of a National Park.*
- 3. Is likely to have significant adverse effects on the qualities of a Wild Land Area.*
- 4. Raises landscape issues of national interest in the wider countryside.*
- 5. Contributes to selected place-based priorities.*

*However, since we previously provided landscape comments on this proposal and these are still relevant, we repeat this advice below.*

*The proposed site lies on the northwards slope of an elongated minor ridge on the edge of the city of Edinburgh, close to the city by-pass. In part, this ridge helps define the landscape setting of this area of the city, particularly as experienced from the city by-pass and other areas to the south. We note that the proposed layout seeks to locate built development below the minor ridge. This siting of the housing, combined with the proposed avenue planting along Lang Loan, will help to shelter and visually contain the effects of built development, and associated ancillary infrastructure such as night-time lighting.*

*We consider the proposal has built on the key development principles outlined within the Local Development Plan, producing a detailed masterplan and landscape plans for the site. These principles, including the design approach for the site's green infrastructure, if successfully delivered to appropriate standards and ensuring appropriate linkages to the neighbouring developments and proposals, could lead to multiple benefits for both people and nature.*

*We welcome the avenue planting and 3m wide multi-user path along the southern boundary of the site next to Lang Loan. We highlight that the planting will need to be very well executed in order to establish satisfactorily. We draw attention to the exposed location and the difficulties in achieving successful planting in such conditions.*

*We also note the extensive area of green space / green infrastructure lying to the west of the site where the land is not suitable for housing. We welcome the varied treatment in this area with a mix of wildflower meadow, wetland grassland and tree planting fronted by the proposed new housing. We think that this should help create a high amenity area for recreation, and with active travel links (cycle paths and footways) between the new housing and phase 2 of the Burdiehouse development, helping link the development with wider communities and to other routes or areas of greenspace such as the Burdiehouse Burn.*

*We recommend that further information is needed for the appropriate delivery, maintenance and management of all the proposed green infrastructure, which should all be included within the Landscape and Ecology Management Plan. The short and long term approach to maintenance and management of all areas of open space will strongly define the quality of the local environment created within the application area and we advise that these matters are adequately clarified in advance.*

### *Ecology*

*The environmental report provides an evaluation of the relevant ecological features found on-site, informed by a combination of baseline ecological desk study and survey work undertaken in January-March 2019. As indicated we are supportive of the proposed creation of extensive green space and new tree planting which is to be included in the Landscape and Ecology Management Plan.*

*It is proposed that a bat survey will be undertaken in May-June 2019 with the details to be provided in an addendum prior to determination of the planning application. We note that the wider ecological surveys have indicated the possibility of bats being present on-site so until the addendum is submitted we can't provide further comment on this aspect. Advice on bats is available from our website:*

*<https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/protected-species-z-guide/protected-species-bats>*

*Although there are badgers in the wider area, site survey undertaken on 4 March 2019 did not identify any badger setts on-site or within the 100m buffer area surveyed (see Appendix 9.3). Therefore we advise that no specific mitigation or licence is required in respect of badgers. We recommend that the standard construction mitigation measures for badgers, as set out in section 5.2 of Appendix 9.3, are taken forward.*

*We hope you find this advice useful, please do not hesitate to get in touch by email: [catriona.gall@nature.scot](mailto:catriona.gall@nature.scot) or by 'phone: 01738 458665 if you require further information.*

## **Historic Environment Scotland**

*Thank you for your consultation which we received on 18 June 2019. We have considered it and its accompanying EIA Report in our role as a consultee under the terms of the above regulations and for our historic environment remit as set out under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Our remit is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, Historic Marine Protected Areas (HMPAs), gardens and designed landscapes (GDLs) and battlefields in their respective inventories.*

*You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.*

### *Proposed Development*

*We understand that the proposed development comprises a residential development of 115 units in addition to landscaping, transport and drainage infrastructure. The proposed development is located 120m south east of the completed Phase I Burdiehouse development and immediately south to the Phase II Burdiehouse development.*

### *Our Advice*

*We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.*

## **Transport Scotland**

*The Director does not propose to advise against the granting of permission.*

*Transport Scotland's response is provided on the understanding that the City of Edinburgh Council will make provision, if deemed necessary as a consequence of the SESplan Cross Boundary Transport Appraisal, for an agreement with the applicant to make appropriate and proportionate contribution to address cumulative impact on the strategic transport network and for a related action to be incorporated within the Council's Local Development Plan.*

## **Midlothian Council**

*Midlothian Council wishes to ensure that the roads in the locality of the development operate satisfactorily in terms of safety and congestion in the context of the expected cumulative development. The 'SESplan Cross Boundary and Land Use Appraisal Final - April 2017' (Cross Boundary Study or CBS) identified problem 'hotspots' including Straiton junction. These are locations where significant deterioration in the performance of the network might occur due to the impact of cross boundary trips from non-committed development (defined as allocations within adopted plans and proposed LDPs at the time the study was published in 2017).*

*Although the proposed development is relatively small in the context of development along the A701 and A720 corridors, Scottish Government transport appraisal guidance*

*states that the significance of a traffic impact depends not only on the percentage increase of traffic but the available capacity. It would be valuable to seek an opinion from Transport Scotland on the acceptability of the proposals, and to consider the need for any developer contributions towards improvements.*

*The CBS also refers to SEStran's Strategic Cross Boundary Cycle Development report, which identifies gaps and barriers in the cross-boundary active travel network, including the A701 corridor at Straiton junction. Midlothian Council's adopted Green Network Supplementary Guidance establishes a green network requirement to create an active travel route along the A701 from Bilston to Straiton with onward connection to the Edinburgh Active Travel Network. If the Burdiehouse development is consented it is important that a contribution is made to overcoming this barrier in the active travel network. Joint working between Transport Scotland, and Midlothian/ CEC planning and roads services would be useful in helping develop improvements for pedestrians and cyclists at this location.*

#### *Landscape*

*The development extends up to the ridgeline along Lang Loan, which provides visual containment to the City of Edinburgh and would be visible on the skyline from the south, where not screened by intervening development. The EIA (paragraph 10.11.44) assesses these as visual effects of moderate significance.*

*The proposal is not on a site allocated in the recently adopted CEC LDP and so does not benefit from a site brief to set out development principles. Midlothian Council would rather the development were contained within the existing landscape boundaries. A reworked proposal, drawing the developed area further back from the ridgeline and more use of single or one and a half storey houses at the higher parts of the site would assist in reducing the impact of the development.*

### **Edinburgh Urban Design Panel – Pre Application Stage**

*Report of meeting held at the City Chambers on 28 November 2018*  
*Recommendations*

*The Panel welcomed the opportunity to provide design advice for this proposal at an early stage in the design process and suggested the following matters be considered further:*

*The design and connections for the site to be shown in the context of the wider area*

*Sustainability*

*Development of a site wide landscape framework*

*Development of onsite affordable housing which is tenure blind*

*Development of character areas*

*Development of a suitable greenbelt edge*

#### *Planning Context*

*The application site is approximately eight hectares in area and is located within the southeast of Edinburgh, to the south of Burdiehouse. It consists of two separate areas. Area A is adjacent to Burdiehouse Road and Burdiehouse Valley Park. Area B is immediately north of Lang Loan and includes frontage/vehicular access to Lang Loan.*

*Area B is adjacent to the south of the category B listed Lime Kilns (listed building reference: LB28159, dated 14 December 1970). There are overhead power lines adjacent to the southern boundary of the Area A.*

*At present, area A is SUDS and wildlife area and area B is open countryside/farmland.*

*A Proposal of Application Notice (PAN) has been submitted for a major residential development.*

*The site is located in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP). The site also includes land designated as Local Nature Conservation Area and Area of Importance for Flood Management. The part of Area B along the northern boundary is also included within LDP HSG 22.*

*A Proposal of Application Notice has been submitted - the Community Engagement will form part of the pre-application process and is required to be undertaken by the applicant. A summary of this consultation with the community will be submitted with the application via a Pre Application Consultation (PAC) report.*

*No declarations of interest were noted.*

*This report should be read in conjunction with the pre-meeting papers.*

*This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view at the proposals at a later stage.*

#### *Panel Comments*

*The Panel had detailed comments as follows:*

*The Panel welcomed the opportunity to offer advice on the proposals at this early stage of the design process.*

#### *HSG 22 Broomhills, Burdiehouse and Lang Loan Site Brief*

*The Panel noted that this site sits within the above wider area and it is therefore important to show this site within the wider context and how it is connected.*

*The Panel noted that in the context of this site being part of a larger site little infrastructure is being provided and although an allocated site is still prime agricultural land and therefore these sites should be delivering highly sustainable development.*

#### *Design Concept / approach*

*The Panel noted that the design was at an early stage and no detail has been provided on matters such as the housing layout, housing mix, open space within the residential units and the proposed architecture and design of the individual houses. Therefore, they are only able to provide limited comment on the concept layout plan.*

*The Panel noted that in developing the proposals there is an opportunity to develop different character areas for the site, within an overall coherence with the earlier phases.*

### *Edge of Development*

*The Panel noted the importance of providing an appropriately designed edge to the development edge fronting Lang Loan. Given the topography of the site (on a ridge) and adjacency to the greenbelt this should be tested through an LVIA and submitted as part of the supporting information for the application.*

*The site brief in the Edinburgh Local Development Plan indicates that this edge is a street frontage. The Panel expressed concern regarding this and suggested that a green edge may be more appropriate subject to the findings of the LVIA.*

*The Panel commented that the city may benefit from the development of a greenbelt management plan.*

### *Movement*

*The Panel expressed concern regarding the accessibility of the site to public transport and that this could result in a car dependant development.*

*The Panel encouraged the design team to consider the wider movement structure in considering the design for this site and engage with Lothian buses.*

*The edge conditions needs to strike the correct balance between rural context and providing safe and secure off road links.*

### *Affordable Housing*

*The Panel welcomed the inclusion of tenure blind affordable housing in the site.*

### *Open Space, landscape and connections*

*The Panel noted that a landscape strategy should be developed for the entire site. This should not just include the proposed area of open space but extend beyond the red line to show linkages and include the area allocated for housing on the concept plan.*

*With respect to the design of the large area of open space, the Panel suggested that this space could be designed to take account of views to the Pentland Hills and the Lime Kilns.*

### *Lime Kilns*

*Proposals for these structures including routes and views through and too them have been developed as part of other phases of HSG22.*

*The Panel noted that connections both physical and visual should be shown as part of this application to the Lime Kilns and be coordinated with the previous application which have dealt with these features.*

*The Panel noted that clarification of ownership, of the Lime Kilns, would help to guide the open space and access strategy for the wider area.*

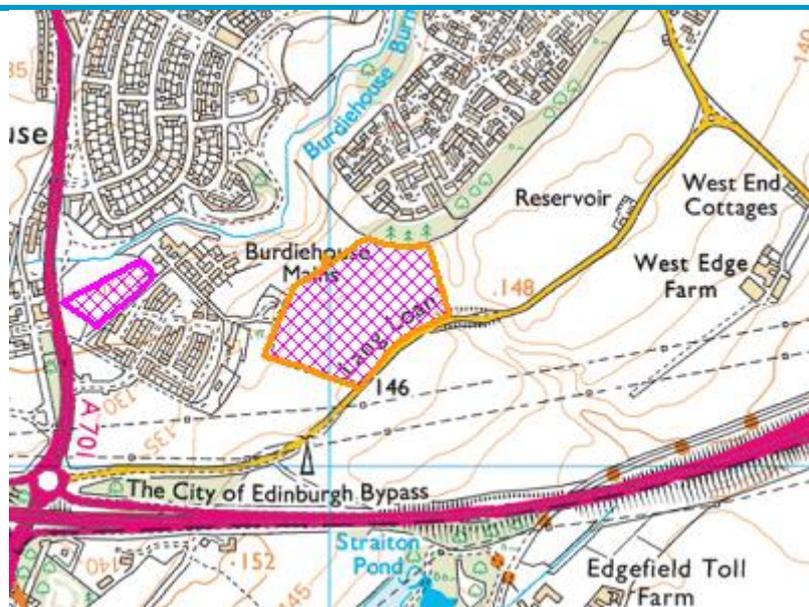
## Community Safety

The Panel encourage Secure by Design accreditation for the entire site. Also, carefully designed open space with adequate overlooking and a scheme of maintenance to ensure the open space is well maintained.

## Sustainability

The Panel advocated that the design for this site and others on the urban edge should have sustainability at its heart. For example grey water supplies from SUDS, reed bed treatment, alternative to mains gas on site, highly insulated orientated dwellings with adequate infrastructure and facilities.

## Location Plan



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**END**