

Development Management Sub Committee

Wednesday 19 February 2020

**Application for Planning Permission 19/02084/FUL.
at 51 - 53 Lanark Road, Edinburgh, EH14 1TL.
Proposed conversion of 2 listed buildings into 6
apartments and erection of new build element comprising 2
apartments.**

Item number

Report number

Wards

B09 - Fountainbridge/Craiglockhart

Summary

The application complies with adopted LDP policies Des 1, Des 4, Des 5, Des 12, Env 3, Env 4, Env 12, Env 16, Env 21, Hou 1, Hou 2, Hou 4, Hou 5, Tra 2, Tra 3, the Edinburgh Design Guidance and Historic Environment Scotland's Managing Change in the Historic Environment Guidance notes. The breach in LDP policy Hou 3 is acceptable in this instance.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES04, LDES05, LDES12, LEN04, LEN16, LEN12, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LHOU05, LTRA02, LTRA03, LEN03, NSG, NSGD02, HES, HESUSE, HESEXT, HESWIN, HESINT,

Report

Application for Planning Permission 19/02084/FUL. at 51 - 53 Lanark Road, Edinburgh, EH14 1TL Proposed conversion of 2 listed buildings into 6 apartments and erection of new build element comprising 2 apartments.

Recommendations

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

Background

2.1 Site description

The application consists of a group of listed buildings which, along with those nearby, shaped the core of the historic Slateford Village.

The site now sits near a busy road junction where Lanark Road and Inglis Green Road meet.

No. 51 is a category C listed building, dating from 1901. (Listing date: December 2008, listing reference: LB 28196).

It is a two storey building with a wide 4-bay hall over ground floor shop premises with simple Renaissance detailing on the ground floor. The building is in white painted render with painted coursed stone at 1st floor and red sandstone cornice, skews and finials. There is a modern plate glass shop front inserted into the centre of the ground floor elevation. Some of the windows are currently blocked.

No. 53 is a category B listed building. (Listing date: December 1974, Listing reference: LB 51269). It is an 18th century classical style 2- storey harled house with a later addition to the south west gable.

The properties have been internally joined in the past and utilised as office accommodation with the rear of the property being used as a car park. There are mature trees within the rear car parking area while a large garden area to the south is heavily covered in a variety of trees and large shrubs.

Directly to the east of the site is No. 47-49 Lanark Road, a category C listed building which is a 2 storey shop and tenement which was converted to offices in the 1970s.

To the south east is No. 45 Lanark Road, the former Slateford Church, which is now in use as commercial premises and directly to the south of the former church is No.45 the old manse building. Both of these properties are part of a group B listing.

2.2 Site History

7 September 2005- Planning permission withdrawn for the conversion of existing offices to housing (as amended to omit new houses) (application number 05/01031/FUL)

7 September 2005- Listed Building Consent withdrawn for the conversion of existing offices to housing (as amended to omit new houses) (application number 05/01031/LBC)

Main report

3.1 Description of the Proposal

The application is for planning permission for the conversion of the two listed buildings into six apartments and the erection of a two storey new build element comprising two apartments.

To the principal elevation of the building, two small conservation style rooflights will be formed and an existing bricked up window will be turned into a new door. Two of the other bricked up windows will also be returned to windows.

To the rear of the building, four conservation style rooflights will be installed. A small existing outshot will be removed and a two storey flat roofed extension will be erected. The extension will be finished in a mixture of white render to match that on the existing building and zinc. Car parking for five vehicles is proposed as is secure storage for 18 bikes. An element of new green space is also proposed directly to the rear of the existing building, around the proposed rear extension and around the existing trees. Only one tree within the site is proposed to be removed. Two refuse stores are also proposed to the rear of the site.

Within the property the existing hall/stairway will be altered and the existing great hall will be subdivided and a mezzanine level installed. Other internal alterations include the formation of kitchen units in certain rooms and the subdivision of smaller secondary areas.

Scheme One: - A three storey rear extension was proposed as well as more intensive subdivision of the great hall space.

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 the proposal is acceptable in this location;
- (b) the proposed scale, form, design and materials will adversely affect the character and appearance of the listed building, its setting or that of the surrounding area;
- (c) the proposal will result in an unreasonable loss of neighbouring amenity;
- (d) the proposal provides sufficient amenity for the future occupiers of the development;
- (e) the proposal will have adequate car and cycle parking and will have no impact upon road or pedestrian safety;
- (f) any flooding concerns have been addressed;
- (g) the proposal will not have a damaging impact upon trees worthy of merit or be harmful to ecology and
- (h) representations raised have been addressed.

a) Principle

Policy Hou 1-(Housing Development) of the adopted Edinburgh Local Development Plan (LDP) states that housing development will be supported on suitable sites in the urban area, provided the proposals are compatible with other policies in the plan.

The application site is defined as being part of the urban area in the adopted LDP. The principle of housing development at the site is therefore acceptable as long as the proposals are compatible with other policies in the plan. Compliance with other policies in the plan are addressed in further detail below and in sections 3.3 (b- h).

LDP policy Hou 2- (Housing Mix) states that the Council will seek a mix of house types and sizes where practicable to meet a range of housing needs. The surrounding area is a mixture of flats, commercial units and detached dwellings. The proposed flats are a mix of six, 1 bedroom and two 2 bedroom flats which would provide further accommodation within the area for individuals starting on the property ladder or for smaller families. It therefore complies with LDP policy Hou 2.

LDP policy Des 2- (Co-ordinated Development) states that planning permission will be granted for development which will not compromise the effective development of adjacent land. As stated in section 3.3 c, the proposal will have no material impact upon neighbouring properties in terms of amenity and will not compromise the ability of these properties or adjacent land to be developed in the future. It therefore complies with LDP policy Des 2.

As detailed above the proposal complies with the majority of relevant LDP policies. However, it does constitute a breach in LDP policy Hou 3 (Private Green Space in Housing Development). The proposal therefore does not fully comply with LDP policy Hou 1. However, in this instance the breach is justifiable.

b) Character and Setting of the Listed Building

LDP policy Des 1 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.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) states that proposals to alter a listed building will be permitted where those alterations are justified; will not result in unnecessary damage to historic structures or result in a diminution of the buildings interest; and any additions would be in keeping with other parts of the 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."

Use and adaptation

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is applicable. It states that *for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them. The listed buildings in Scotland reflect a wide range of our history and culture, they contribute to our well- being culturally, socially and economically. We can't have these benefits without caring for these buildings. We need to make sure they have a long term future if we want to benefit from them in the long term*

A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm. Once a building is empty or underused its long term future is immediately at risk

The properties have been previously utilised as offices. However, one of the properties has been vacant for over a year and the building as a whole has been up for sale since October 2018. A suitable use for the property must now be found if its future is to be guaranteed.

Historic Environment Scotland's guidance note on the use and adaptability of listed buildings, explains that the process of converting a building will have some impact on a building's special interest, regardless of how well it is handled.

Interior

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Interiors states that *The 'plan form' is the arrangement and division of internal spaces into rooms and circulation spaces such as halls, stairs and corridors, and is a key component of the character and special interest of any building. The interrelationship of rooms and circulation space is a reflection of the building's design, function, status and period. Where rooms are arranged to create particular spatial effects or views, the position of features such as doors, windows, fireplaces and cupboards can be significant*

Alteration to a historic building should protect its character. In general, the principal spaces in a building are more sensitive to change as these are the spaces that normally make the most significant contribution to its character

The Council's Listed Buildings and Conservation Area guidance (LBCA) states *the original plan form of a building should always be respected. All major works of alteration should be limited to areas of secondary importance. There will be a particular requirement not to sub-divide, either vertically or horizontally, principal rooms and entrance/stair halls. Where the interior is of particular architectural or historical importance, subdivision will not be permitted. The degree of change to the plan form which may be acceptable will normally be dependent on previous alterations and use.*

The proposed internal alterations will preserve the interior of the listed buildings and any special architectural or historic interest they possess. A full assessment of the proposed internal works to the listed buildings is covered in the concurrent application for listed building consent (19/02085/LBC).

Roof

Historic Environment Scotland's Managing Change in the Historic Environment guidance note: Roofs states that *the addition of new features to principal or prominent roof slopes should generally be avoided. New dormers and roof lights should be appropriately designed and located with care.*

The Council's Listed Buildings and Conservation Area guidance (LBCA) states that *roof lights are almost always the preferred solution instead of dormers, but these will not generally be permitted on roof slopes which are largely unaltered. Where acceptable, roof lights should be of conservation type and should be of an appropriate scale and proportion. The proposed number of roof lights will also be a deciding factor.*

It is proposed that two small conservation style roof lights will be installed to the roof of the front elevation of No. 51. It is noted that the roof on the principal elevation of No. 53 already has two small roof lights present. The installation of the two small roof lights to the principal elevation of No. 51 will not affect the special interest of the listed building. Four conservation style roof lights will also be installed to the rear elevation of No. 51 and are also acceptable.

Windows

Historic Environment Scotland's Managing Change in the Historic Environment guidance note: *Windows* states that *subsidiary elevations are more suitable for the conversion of a window to a door. Wherever possible the width of the window shall be retained and the opening expanded downwards.*

An existing window on the principal elevation of the property will be converted into a door. However, this window has already been previously blocked up, as is mentioned in the listing for the building. Its conversion to a door will match that of the front entrance door that currently leads into No. 51. The width of the window will be retained and its opening expanded downwards. Overall, the conversion of the window to a door will limit the intervention required within the listed building itself and will not harm the special interest of the historic building. There are two windows in the principal elevation of No. 53 which also appear to have been blocked up. It is proposed that these windows be reinstated with frames to match that of the existing building.

Rear Extension

Historic Environment Scotland's guidance note *Managing Change in the Historic Environment: Extensions* states that must protect the character and appearance of the building, should be subordinate in scale and form, should be located in a secondary elevation and must be designed in a high quality manner using appropriate materials. It also notes that complimentary new work takes design cues from the profile, massing, bay rhythm, scale and proportion of the existing building but without replication of the details.

The Council's non- statutory Listed Building and Conservation Area guidance highlights that extensions should not normally exceed 50% of the width of any elevation.

LDP policy Des 12- (Alterations and Extensions) states that planning permission will be granted for alterations and extensions to existing buildings which in their design and form, choice of materials and positioning are compatible with the character of the existing building.

LDP policy Hou 4 states that the council will seek an appropriate density of development on each site having regard to the need to create an attractive environment and safeguard living conditions within the development.

The site benefits from a good level of public transport accessibility and higher housing densities can be appropriate in accordance with LDP policy Hou 4.

The existing buildings on the site are of fairly limited height comprising only two levels, a ground and first floor. They are therefore relatively low density. There are other modern flatted developments nearby which are three or four storeys in height and higher density. The extension creates additional housing on the site, increasing its density and making better use of the land whilst still being sensitive to the listed building.

The proposed extension will be located on a secondary elevation, to the rear of No. 51, and will be no higher than the ridge line of the existing property. The proposed extension will not cover more than 50% of the rear elevation of No. 51 and when both properties are seen together the extension is proportionate in comparison to the overall building.

The proposal will have a flat roofed design, its external walls will be finished in render to match that of the original building, while a modern zinc finish is also utilised. The proposal will also incorporate a rounded bay window similar to that on the original structure.

A sedum roof has been added to the extension as part of the revised proposals.

Overall the proposed extension will be subordinate in scale and form to the original building, will be located on a secondary elevation and designed in high quality and appropriate materials.

Setting of listed buildings and surrounding area

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Setting states that *setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.*

Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes.

LDP policy Env 3 (Listed Buildings - Setting) states that development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building or to its setting.

LDP policy Des 4 - Impact on setting states that planning permission will be granted where it is demonstrated that it will have a positive impact upon its surroundings having regard to height and form, scale and proportion, position of buildings and materials and detailing.

The rear grounds of the site are currently fully utilised as a tarmac car parking area and are relatively secluded by other buildings, fencing and trees. The proposed extension will still enable a good proportion of the rear elevation of No. 51 to be read while not obscuring any of features to the rear of No. 53. The extension will only be two storeys in height and will be subordinate in terms of scale to the existing building. Its materials are modern but complementary to the listed structure. The formation of the extension will have no significant impact upon the setting of the listed buildings.

It is noted that the converted church to the south/east of the site is also B listed. This church is accessed through a pend and a courtyard which is screened by mature trees, shrubbery and a high wooden fence. Given the level of screening and the separation distance involved, approximately 9 metres, it will have no impact on the setting of the B listed converted church.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the listed building, adjacent listed buildings and their settings, including any special architectural or historic interest they possess

The proposal complies with LDP policy Des 1, Des 4, Des 12, Hou 4, Env 4, Env 3, the Non Statutory Listed Buildings and Conservation Areas guidance and Historic Environment Scotland's Managing Change in the Historic Environment guidance notes.

c) Neighbouring amenity

LDP policy Des 5 states that planning permission will be granted for development where the amenity of neighbouring developments is not adversely affected while LDP Policy Des 12 seeks alterations and extensions to existing buildings which would not be detrimental to the neighbourhood amenity.

The Edinburgh Design Guidance confirms that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. This means that there may be higher expectations for separation in suburban areas than in historic areas such as the Old Town. In assessing this, the Council will look at each case individually and assess the practicalities of achieving privacy against the need for development.

There is a cluster of buildings within the area directly surrounding the proposed development site. These are largely the original buildings from the historic Slateford Village. Many of these properties have windows within close proximity of each other and do not meet modern window to window or boundary distances.

The front windows of the proposed properties will face out onto Lanark Road and the existing and proposed windows will not be any closer than the established window to window relationships. The windows to the rear of the existing building will also be utilised. Again the relationship between these windows is already established.

Whilst the rear windows of the proposed extension will be located closer to the mutual boundary, the rear of the site is heavily screened by long-established trees and shrubbery, some of which are owned by the applicant. The garden to the rear of the site is also substantial and the property (the ex manse house) which appears to own the gardens is located at an acute angle to the proposal. It is also noted that there will only be two windows which will be sited to the rear of the proposed extension. One of these windows will be at ground floor level and will be screened by the existing fence, trees and shrubbery. The other will be at first floor level and will permit light into the bedroom. This window will also be screened by the large amounts of trees and large shrubbery that are present in the neighbouring garden.

The proposed windows in the extension which will face to the west will overlook the car parking area of the site. The proposed bay windows will permit overlooking into the windows of some of the proposed apartments but this will be at an angle.

The windows of the proposed extension which will face to the east will be set back from the boundary of the site by approximately 2-3 metres. Two of the windows proposed will provide sunlight and daylight to a hall, which is not a habitable room, while another two of the proposed windows will be utilised for proposed bathrooms, again not habitable rooms.

The proposed extension is two storey in height and barely higher than the ridge line of the existing building. The properties directly surrounding the development are commercial in nature. As such, levels of sunlight and daylight to these buildings is not protected. However, the applicant has provided information that shows that the proposal meets the Vertical Sky Component (VSC) for the nearby converted church building and will only negatively impact upon one window in the commercial properties at No. 47-49.

The proposal will not materially impact upon the privacy of neighbouring properties nor impact upon the ability of adjacent buildings to be utilised for residential use in the future.

Environmental Protection was consulted as part of the assessment of the application. It confirmed that it had no objections.

The proposal complies with LDP policy Des 2, Des 5 and Des 12.

d) Amenity for future occupiers

LDP policy Hou 5 confirms that planning permission will be granted for the change of use of existing buildings in non residential use to housing provided a satisfactory residential environment can be achieved.

The proposed units will provide adequate levels of daylight for future occupants and views from the proposed properties will also be good overall.

The Edinburgh Design guidance establishes minimum floor space standards for new residential properties. These are 36 square metres for a studio property, 52 square metres for a one bedroom dwelling and 66 square metres for a two bedroom property.

The proposed apartments exceed these requirements and comply with the minimum floor space standards as established in the Edinburgh Design Guidance.

LDP policy Hou 3 states that planning permission will be granted for development that makes adequate provision for green space to meet the needs of future residents. According to LDP policy Hou 3, units without private garden ground should have 10 square metres per flat and a minimum of 20% of the total site should be useable greenspace.

The site currently has no green space provision as the properties are constructed right up to the pavement to the front of the site and the rear of the property is fully utilised as car parking provision. Green space is proposed around the rear extension, to the rear of the existing building and around the existing trees on the site. It is acknowledged that the green space proposed within the site, while welcome, shall still be quite limited and will not equate to 20% of the site total as advocated by LDP policy Hou 3. There are, however, a number of factors that justify the breach in this instance.

As has been discussed in section 3.3 b, the site benefits from a good level of public transport accessibility and higher housing densities can be appropriate in accordance with LDP policy Hou 4. The existing buildings on the site are of fairly limited height compared to other modern flatted developments nearby which are three or four storeys in height. Given the listed status of these buildings, the intervention proposed internally has been kept to minimum resulting in a restricted number of apartments within the original building that are quite capacious given the amount of bedrooms proposed.

The rear of the site, especially where the extension is proposed, is heavily screened by the large amounts of mature trees and large shrubbery on the border of the property. This means that this element of the rear of the site is quite overshadowed and relatively undesirable as an amenity space. It is also accepted that an element of space to the rear of the site must also be taken up by required cycle parking provision as well as access and refuse storage and it would be unreasonable to expect no parking given the rear area is currently utilised for parking.

It is also important to acknowledge that the site is in close walking distance to the Water of Leith walkway, the Union Canal and other high quality green amenity spaces.

All aspects considered, in this instance the breach in LDP policy Hou 3 is acceptable.

e) Road Safety, car and bike storage

LDP policy Tra 2- (Private Car Parking) states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council Guidance.

LDP policy Tra 3 - (Private Cycle Parking) states that planning permission will be granted for development where the proposed cycle parking and storage facilities comply with the standards set out in Council guidance.

The Roads Authority was consulted as part of the assessment of the application. It has confirmed that it has no objections to the proposals subject to suitable informatives being added to the consent.

Adequate car and secure cycle parking has been accommodated within the site. The accesses remain as existing.

The proposal complies with LDP policy Tra 2 and Tra3.

(f) Flooding

LDP policy Env 21- flooding states that planning permission will not be granted for development that would increase the risk of flooding or be at risk of flooding itself.

A Surface Water Management Plan (SWMP) and Flood Risk Assessment (FRA) were both submitted as part of the application. Both the Councils Flood Prevention Department and the Scottish Environment Protection Agency have no objections to the proposal.

The proposal complies with LDP policy Env 21.

(g) Trees and ecology

LDP policy Env 12- trees states that development will not be permitted if likely to have a damaging impact upon a tree covered by a tree preservation order or worthy of merit.

LDP policy Env 16- species protection states that planning permission will not be granted for development which would have an adverse impact on a species protected by European or UK law.

A tree survey and arboriculture constraints report was submitted as part of the application. It confirms that six trees line the boundary of the car park to the south of the site. Three are within the car park area while others lie immediately beyond the site boundary within the adjacent garden to the south. It states that the five trees which grow along the southern boundary are all growing within a restricted location within a raised bed and their root systems are significantly restricted by the presence of stone walling and tarmac surfacing within the car park. The sixth tree is a self-seeded elm growing between a timber fence and a brick boundary wall at the rear easternmost corner of the building.

The site is not within a conservation area, nor are the trees within the site or nearby covered by a tree preservation order (TPO).

The report states that the dominant tree within the site is a mature copper beech. However, it states that it has structural and rooting defects that limits its safe life. The silver birch within the site has a similarly constrained root system and is likely to decay over the next 10-20 years. The report suggests that the small elm growing between the fence and wall is too close to the existing building and should be removed.

The report also suggests that the trees within the adjacent ground to the south are in reasonable condition. It is expected that they will also have restricted root systems due to the raised bank along the boundary and tarmac surfacing within the existing car park.

The report acknowledges that the proposed rear extension will encroach into the normal root protection area (RPA) of the large copper beech. However, this intrusion shall be limited to 3% and given this trees anticipated restrictions relative to its rooting it is considered that root growth will not extend into the footprint of the extension. No long term damage to the trees is anticipated.

The Council's Arboriculturalist has stated that they have concerns relating to the longer term impact the proposal may have individually and as a whole relating to amenity and safety due to the proposal being sited close to the existing trees.

The applicant has responded that they have carried out a shade analysis that shows that the trees will have a minimal impact upon the extension in terms of shade/overshadowing. It is further noted that the windows that will face onto the south elevation are limited to three. The applicant also states that the works will not structurally harm any of the trees on or around the site and would accept a condition on the consent to ensure that tree protection measures are carried out and a survey of the trees is carried out during and after construction has been completed.

It is also acknowledged that given that the trees are not covered by a TPO, nor are they sited within a conservation area, the applicant could remove all of the trees within their site without the requirement for planning permission. There is only one tree that is proposed to be removed and this is the small elm tree of limited value.

A stage 1 bat survey was provided with the application. The Council's ecologist was consulted and confirmed that the proposal would have no impact upon any protected species.

On balance the proposal overall complies with LDP policies Env 12 and Env 16.

h) Issues raised by objectors

Material Representations - Objections

- Not enough parking spaces on the site. This is addressed in section 3.3e.
- Concerns relating to access and egress to the site. This is addressed in section 3.3e.
- Impact upon sunlight/daylight levels and overshadowing - This is addressed in section 3.3c.
- Loss of privacy. This is addressed in section 3.3c.
- Design, scale and materials inappropriate. This is addressed in section 3.3b.

- Impact upon listed buildings, their setting and in particular the memorial hall. This is addressed in section 3.3b.
- Too many flats, residential accommodation being built in the area. This is addressed in section 3.3 a.
- Neighbour notification not carried out. Neighbour notification was carried out correctly.
- Impact upon local services. This is addressed in section 3.3 a.
- Disruption and noise - This is addressed in section 3.3 c.

Non Material Representations - Objections

- The hall should be for community use. Only the proposal submitted can be considered.
- Impact upon conservation area. The site is not within a conservation area.
- Disruption and noise during construction. This is not a material planning consideration.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building survey, conservation, excavation, reporting and analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. Prior to work finishing on site the applicant will be required to provide further details of the secure cycle parking facilities within the site for the written approval of the Council as Planning Authority. These approved cycle spaces will then be implemented prior to the occupation of the development hereby granted.
3. 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 and completed prior to the development being occupied.
4. Prior to work commencing on site details of all external materials for the proposed extension shall be submitted for the written approval of the Council as Planning Authority.
 5. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 Trees in relation to design, demolition and construction.
 6. If any of the existing windows in the buildings are found to be in need of refurbishment, full details of these works shall be submitted for the written approval of the Planning Authority prior to the refurbishment of the windows commencing.

Reasons:-

1. To protect any archeological interests within the site.
2. In order to provide adequate cycle parking.
3. In the interests of public safety.
4. In the interests of amenity
5. In order to protect the trees within and around the site.
6. In order to protect the special interest of the listed building.

Informatives

It should be noted that:-

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of a car club vehicles in the area;
5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles) public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) timetables for local public transport;
6. The proposed development is below the threshold for disabled vehicle parking provision. However, the applicant should consider providing at least 1 disabled parking space for the development. 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.
7. The proposed development is below the threshold for electric vehicle charging point provision. However, the applicant should consider the provision of electric vehicle charging outlets including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.
8. Transport noise - The scheme will be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings - Code of Practice' to attain the following internal noise levels:-

Bedrooms - 30dB LAeq, T and 45dB LAfmax
Rooms - 35 dB LAeq, D

T - Night-time 8 hours between 2300 - 0700
D - Daytime 16 hours between 0700 - 2300
9. a) All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.

- b) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.
 - c) Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.
 - d) Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.
 - e) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.
 - f) Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.
 - g) This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.
 - h) No bonfires shall be permitted.
10. 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 and reservoirs)
11. Management of surplus peat or 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.
12. 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.

13. 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.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

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

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application received 7 letters of objection and one letter of comment. Longstone Community Council objected as a statutory consultee on the application.

Background reading/external references

- 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

Date registered 30 April 2019

Drawing numbers/Scheme 1-10, 11b, 12d, 13d, 14c, 15a, 16b, 17a, 18b, 19, 20a,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer

E-mail: robert.mcintosh@edinburgh.gov.uk Tel: 0131 529 3422

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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 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 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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

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

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

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 5 (Conversion to Housing) sets out the criteria for change of use of existing buildings to housing.

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 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.

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.

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings sets out Government guidance on the principles that apply to enable the use, the reuse and adaptation of listed buildings.

Managing Change in the Historic Environment: Extensions sets out Government guidance on the principles that apply to extending listed buildings.

Managing Change in the Historic Environment: Windows sets out Government guidance on the principles that apply to altering the windows of listed buildings.

Managing Change in the Historic Environment: Interiors sets out Government guidance on the principles that apply to alterations to the interiors of listed buildings.

Appendix 1

Application for Planning Permission 19/02084/FUL At 51 - 53 Lanark Road, Edinburgh, EH14 1TL Proposed conversion of 2 listed buildings into 6 apartments and erection of new build element comprising 2 apartments.

Consultations

COMMUNITIES AND FAMILIES

The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

Using the pupil generation rates set out in the Supplementary Guidance, the development of nine flats is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.

ARCHEOLOGIST

Further to your consultation request I would like to make the following comments and recommendations in respect to these linked FUL & LBC applications for the proposed conversion of 2 listed buildings into 6 apartments and erection of new build element comprising 3 apartments.

The site is located within historic village of Slateford which, as the name suggests, grew up around the historic ford across the Water of Leith at this point. Mills have existed on the Water of Leith at Slateford from probably the medieval period, with Slateford Waulk Mill first recorded in 1659. This 17th century mill stood to the south of the Union Canal Aqueduct. Occupation around such an important ford is likely to have occurred prior to the first reference to the settlement here in the mid-17th century (Stuart Harris Place Names of Edinburgh, 1996) with the road forming main medieval route between Edinburgh & Lanark. Little is accurately known about the pre-19th century layout of Slateford, though the 17th and 18th century maps suggest that its focus was split between the site of its mill (on Logie Green Road) and the eastern bank of Water of Leith.

By the mid-19th century settlement on the western bank had developed with a range of buildings shown on the 1st edition OS map including Slateford House (53 Lanark Road) and probably the ground floor of the linked Chalmers Memorial Hall. The C-listed hall was commissioned by David Chalmers's widow, Isabella Grace Grant Chalmers, for the purpose of carrying on home mission work in Slateford village in connection with Craiglockhart Parish Church. David Chalmers was possibly a local parish minister or a missionary, born 1820, died 1899. Slateford House dates to the 18th century with alterations occurring throughout its history.

Based on the archaeological and historical evidence this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policies ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Historic Buildings

The refurbishment and alteration will necessitate works which will significantly affect both the external and internal fabric of both these two listed buildings (Slateford House and Chalmers Memorial Hall). Of significant concern is the proposal to convert the existing Chalmers Hall into two separate units, an action which would have a adverse impact upon the character of this listed hall. That said, further to discussions with the architects the revised layout plans for the hall will have allow for more of the design to be understood whilst also being reversible at a later date. Therefore, on archaeological grounds this scheme although having significant impact on character is acceptable in this instance.

If permission/consent are granted, it is essential that a historic building survey (phased internal and external elevations and plans, photographic and written survey and analysis) is undertaken prior to and during development in order to provide a permanent record of this historic building and to record any historic fabric uncovered during these works.

Buried Archaeology

As stated this site occurs within the limits of the historic settlement of Slateford an area regarded as being of archaeological significance. The proposed development will require significant excavations in terms of construction of new apartments as well as other associated ground works. Accordingly, it is recommended that a programme of archaeological excavation is undertaken prior to demolition / development.

This will see a phased archaeological excavation. The initial phase will be an archaeological evaluation of the site proposed for the new apartments. The results of which would allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or full excavation, recording and analysis of any surviving archaeological remains affected.

Accordingly, it is essential that the following condition is attached to any permission/consent granted to ensure that undertaking of the above elements of archaeological work;

No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building survey, conservation, excavation, reporting and analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and

resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant

ROADS AUTHORITY

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

1. The applicant will be required to provide a minimum of 18 cycle parking spaces in a secure and under cover location (15 spaces proposed) to the satisfaction of the Planning Authority;
2. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of a car club vehicles in the area;
3. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;
4. The proposed development is below the threshold for disabled vehicle parking provision. However, the applicant should consider providing at least 1 disabled parking space for the development. 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;
5. The proposed development is below the threshold for electric vehicle charging point provision. However, the applicant should consider the provision of electric vehicle charging outlets including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

Note:

- o The proposed 5 car parking spaces are considered acceptable for the 9 flats;
- o The proposed type of cycle parking does not appear to support the frame of a cycle.

ENVIRONMENTAL PROTECTION

The applicant proposes converting two existing buildings into residential units with a new build element proposed to the rear. It is noted that the building being converted fronts onto the Lanark Road. There are retail units located to the north with an old church building located in the courtyard to the south east. This building is no longer used as a church and is used for storage and distribution. To the south there is open ground and the water of Leith with some existing residential uses located to the south and around to the west.

Transport noise from the rail line and road traffic will affect the north façade of the building being converted. Environmental Protection shall recommend a informative is attached to ensure the applicant is ware of the good standards that should be aimed for with regards reducing the transport noise. There are also other possible sources of noise from the courtyard area due to the public house and storage unit (old church building). There are other residential uses in the area therefore no further information is required regarding these uses.

Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable)

The applicant is proposing a low level of parking which is positive. The applicant must be aware of the Edinburgh Design Standards that have been introduced which stipulates that 1 in 6 car parking spaces must have electric vehicle charging points serving them as a minimum. This proposal falls below this criterion although Environmental Protection recommend that 7Kw (type 2 sockets) charging provision be provided for at all space proposed. This is important as the proposal is near to an Air Quality Management Area. Technical information on chargers is detailed in the Edinburgh Design Standards - Technical Information Design Standards.

Due to the confined nature of the proposed development site and the nearby existing residential units it is recommend that construction dust mitigation impacts are addressed. Environmental Protection shall recommend an informative is attached to highlight this.

Environmental Protection offer no objections subject to the following conditions;

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, and completed prior to the development being occupied.

Informative

1. *Transport noise - The scheme will be designed in accordance with BS8233:2014 Guidance on sound insulation and noise reduction for buildings - Code of Practice to attain the following internal noise levels:*

*Bedrooms - 30dB LAeq, T and 45dB LAfmax
Rooms - 35 dB LAeq, D*

T - Night-time 8 hours between 2300 - 0700

D - Daytime 16 hours between 0700 - 2300

2. *All residential parking spaces shall be served by a minimum 7Kw (32amp) Type 2 electric vehicle charging socket. This shall be installed and operational in full prior to the development being occupied.*

3. *Construction Mitigation*

a) *All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.*

b) *The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.*

c) *Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.*

d) *Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.*

e) *All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.*

f) *Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.*

g) *This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.*

h) *No bonfires shall be permitted*

WASTE SERVICES

No response.

LONGSTONE COMMUNITY COUNCIL

Longstone Community Council strongly objects to this application, mainly because of the damage it will inflict on the Chalmers Memorial Hall. This hall is a listed building, both inside and out. Consequently fitting two stories of flats inside the hall destroys its value and makes it impossible to use as a community hall. LCC wants it put back into community use and preserved for posterity. We refer you to Historic Environment Scotland's description of the hall (LB51269).

We are aware that others object to the loss of daylight and are concerned over parking issues and we support them

FLOOD PLANNING

Thanks for sending this information through, this addresses Flood Prevention's comments. This can now proceed to determination

SEPA

We have no objection to this planning application. Please note the advice provided below.

1. Flood Risk

1.1 We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.

Technical Report

1.2 We have been asked to comment on a change of use from commercial to residential development adjacent to the Water of Leith. Two listed buildings will be converted into 6 apartments with an additional new build area comprising of 3 apartments. As a clear increase in vulnerability land-use type is identified, a Flood Risk Assessment (FRA) by Kaya Consulting has been supplied in support of the application.

1.3 A 1:200 year flow of 79.5m/s has previously been agreed between SEPA and Kaya Consulting for an adjacent site. The same flow has been used in this FRA.

1.4 Although the SEPA FRA checklist has noted a 30% increase in flows, the remainder of the FRA has applied a 40% increase in flows to account for potential future climate change.

We would note that a single Manning's 'n' value of 0.04 was applied to the model to represent the bed and banks. For floodplains, a value of 0.04 would represent mature field crops/cleared land with stumps, which does not appear to be representative of the

channel at this location. Therefore, the Manning's 'n' values would appear to be on the low side of what we would expect at this location. According to Table 3 of the FRA, the model is not sensitive to changes in Manning's 'n' values. The model is sensitive to increases in flows and cross-sections WOL_7353 and WOL_731A are also sensitive to bridge blockage.

1.6 The FRA notes that the downstream weir is in a poor state of repair.

1.7 We would note that Photo 4, taken adjacent to the site, has a boundary wall up to the banks of the river. This may cause backing up behind the structure during high flows.

1.8 There remains residual flood risk to the site as we cannot attach a probability to the occurrence of failure of the Union Canal. We would note that this can happen as witnessed in 2002 in the Fountainbridge area of Edinburgh. We have also not been supplied with modelled tabular output in the FRA, which is contrary to best practice. This information should be submitted as standard. We would also note that it is not clear whether LiDAR and the topographic survey were compared to determine LiDAR accuracy.

1.9 Ground levels are noted as being 63-64mAOD in the FRA, based on a topographic survey. The 1:200 year, including an allowance for climate change, modelled flood level is 60.82mAOD. Therefore, the site is over two metres above the predicted flood level. As existing buildings are to be converted and additional extension is proposed we understand that there will be no lowering of ground levels to enable development.

1.10 We would note that a detailed Water of Leith catchment study commissioned by Edinburgh Council is currently underway and the results should be available in due course. This may change our advice for this area in the future should additional information become available.

Caveats & Additional Information for Applicant

1.11 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² 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/>

1.12 We refer the applicant to the document entitled: Technical Flood Risk Guidance for Stakeholders. This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

Please note that this document should be read in conjunction Policy 41 (Part 2).

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.

1.14 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 Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "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/>.

Regulatory advice for the applicant

2. Regulatory requirements

2.1 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).

2.2 Management of surplus peat or 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.

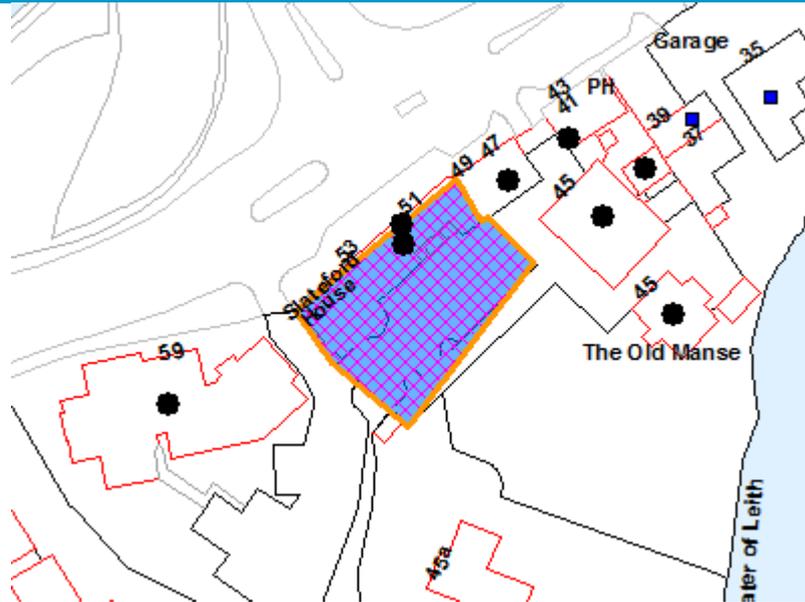
2.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- o is more than 4 hectares,
- o is in excess of 5km, or
- o 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.

2.4 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

Location Plan



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