

Development Management Sub Committee

Wednesday 12 August 2020

**Application for Planning Permission 20/01351/FUL
at 37 Corstorphine Road, Edinburgh, EH12 5QQ.
Demolition of existing house and erection of new residential
building to form residential apartments with associated car
parking and landscaping.**

Item number

Report number

Wards

B06 - Corstorphine/Murrayfield

Summary

The proposal complies with the Local Development Plan. The scale, form, design and materials are acceptable and will have no effect on the character of the surrounding area. The proposals will have no adverse impact on the neighbouring listed building or its setting. The development will have no detrimental impact on significant archaeological remains, flora or fauna, residential amenity or road safety.

In view of SEPA's outstanding objection as a statutory consultee, the Scottish Ministers will require to be notified should Committee decide to grant the application.

There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES03, LDES05, LDES10, LHOU01, LHOU02, LHOU03, LHOU06, LTRA02, LTRA03, LTRA04, LEN15, LEN21, LDES04, NSG, NSGD02,

Report

Application for Planning Permission 20/01351/FUL At 37 Corstorphine Road, Edinburgh, EH12 5QQ. Demolition of existing house and erection of new residential building to form residential apartments with associated car parking and landscaping.

Recommendations

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

Background

2.1 Site description

The site is located on the south side of Corstorphine Road and extends to approximately 0.17 hectares. The site is triangular in shape, bounded by a stone wall and is currently occupied by a detached two storey residential villa, single storey garage and incidental garden ground. Neither of the buildings are listed. The Water of Leith is directly to the rear of the site, with Roseburn Park lying beyond this. To the north of the site are large detached villas which are in residential and commercial use, detached villas also lie to the west. Numbers 39, 41 and 43 Corstorphine Road, that lie to the west, are category C listed (LB ref: 28587 and 28588, listed 18/09/2002).

There are three vehicular access points to the site from Corstorphine Road.

The site is not located within a conservation area but is adjacent to the West Murrayfield Conservation Area to the west and the Coltbridge and Wester Coates Conservation Area to the east.

2.2 Site History

17 July 2003 - Planning permission granted to construct two way vehicle access with gates and turning area (application number 03/01727/FUL).

16 May 2016 - Planning permission granted to form new vehicle access and associated parking area (application number 16/01583/FUL).

July 2019 - Planning permission refused for the demolition of existing house, erection of new building to form residential apartments with associated car parking and landscaping (application number 18/02404/FUL).

20 January 2020 - Appeal determined by the DPEA and dismissed at appeal (planning appeal reference PPA-230-2287). The reporter concluded that the proposal would be at risk of flooding due to uncertain levels of protection and an inadequate level of freeboard allowance being available.

The proposal would also result in an unreasonable impact on the privacy of a neighbouring property. The Reporter also concluded that the design was not of a poor quality, it would not affect the character of the conservation area or the setting of the adjacent listed building and that appropriate open space was being provided.

Main report

3.1 Description of the Proposal

The application is to demolish the existing villa and garage and erect a residential development comprising 20 apartments: 12 two-bedroom and eight three-bedroom within a four storey block with terraces, balconies, cycle and car parking, landscaping and refuse space.

The proposed building is contemporary in style, a flat roofed structure of four storeys with part of the top floor recessed at the front and rear elevation. The main facing material is sandstone, supplemented with brick cladding, bronze coloured aluminium, timber cladding and bronze finished windows and steel metal balustrades.

Landscaped areas are proposed to the front, in the north east corner and south west corner of the building, with timber decked private gardens facing onto the Water of Leith and Roseburn Park.

The scheme provides 19 car parking spaces, including three spaces with electric car charging points, 44 secure cycle parking spaces and four sheffield stands for eight cycles.

Supporting Documents

The following documents are available on the Planning and Building Standards Online Services:

- Planning Supporting Statement;
- Flood Risk Assessment and
- Planning and Design Statement.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the development is acceptable in principle in this location;
- b) the proposal will have any adverse impacts on the setting of the adjacent listed building and conservation area
- c) the scale, form, design and materials are acceptable;
- d) the development will impact on residential amenity;
- e) the proposal raises any issues in terms of residential amenity for the future occupiers of the development;
- f) the landscape impacts are acceptable;
- g) transport, parking and access are satisfactory;
- h) there is an Affordable Housing contribution required;
- i) the proposal has any significant impacts in terms of flooding;
- j) the proposal is acceptable in relation to other relevant material considerations and
- k) the representations have been addressed.

a) Principle

The site is allocated as Urban Area in the Edinburgh Local Development Plan (LDP) where housing development in principle is acceptable. Housing is supported within the urban area by Policy Hou1 where it is compatible with other policies in the local plan.

The development is acceptable in principle in this location subject to the consideration of other matters below.

b) Impact on the Setting of the Listed Building and conservation areas

Policy Env 3 (Listed Building - Setting) does not allow development that would be detrimental to the setting of a listed building. Policy Env 6 (Conservation Area - Development) states that development affecting the setting of a conservation area should preserve or enhance the character or appearance of the conservation area.

The site itself is not located within a conservation area but does lie in close proximity to both the Coltbridge and Wester Coates Conservation Area and the West Murrayfield Conservation Area. Villas constitute the main building form, but whether detached, semi-detached or terraced, are generous in massing and scale. This is predominantly found on the north side of Corstorphine Road and there is little reference made in the character appraisals to the south side.

Murrayfield Parish Church and the properties on Abinger Garden within the Coltbridge and Wester Coates conservation area are separated by Corstorphine Road and secluded by way of an avenue of trees with the West Murrayfield conservation area being located an appropriate distance from the site. The scale of the proposal would not have a detrimental impact on the character or setting of either conservation area and accords with LDP Policy Env 6.

Numbers 39, 41 and 43 Corstorphine Road are all category C listed buildings. Number 41 and 43 are a sufficient distance from the site to ensure there will be no detrimental impact to their setting. Number 39 is located adjacent to the site at a distance of approximately 20 metres and is a plain styled villa set within generous garden grounds. The proposed building provides suitable spacing between number 39 reflective of that between the existing villas. The proposal will replace the existing building with another built form of a similar height and its scale would not affect the setting of the adjacent listed building when viewed from Corstorphine Road.

The proposal complies with Policy Env 3.

c) Scale, Form, Design, Materials and Density

Edinburgh Local Development Plan policies Des 1 (Design Quality and Context) and Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) states that planning permission will not be granted for poor quality or inappropriate design that would be damaging to the character of the area and that development should demonstrate that the existing characteristics have been incorporated and enhanced through its design and will have a positive impact on its surroundings. LDP Policy Des 4 (Development Design - Impact on Setting) requires development to demonstrate that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views. In addition, policy Des 10 (Waterside Development) sets criteria for new development adjacent to a watercourse.

Policies Hou 2 (Housing Mix) and Hou 4 (Housing Density) seek an appropriate mix of accommodation and appropriate density on each site.

The Edinburgh Design Guidance sets out key aims for new development to have a positive impact on the immediate surroundings, through its height and form; scale and proportions; positioning of the buildings on site and materials and detailing.

The surrounding area is of a mixed character, encompassing detached dwellings and larger commercial buildings to the east. The scale and height of the proposed building has been designed to respond to the variety of buildings in close proximity to the site. The set back at the third floor is designed to respond to the rooflines of the adjacent listed buildings, whilst the height on the east elevation responds to the commercial developments. The overall scale and height of the building will not significantly alter the character of Corstorphine Road or be out of scale with the variety of buildings found in close proximity along the south side of Corstorphine Road.

The proposal is a contemporary design and uses a range of materials including stone on the main elevations, brick and timber cladding. These are high quality materials which will harmonise with the traditional building materials found in the immediate vicinity. The rear elevation is articulated with large windows and balconies to take advantage of the open outlook over Roseburn Park and the Water of Leith and provides a sympathetic and attractive frontage onto that watercourse.

The overall design of the proposal has responded to the nature and shape of the site and will integrate well within the wider context. It is noted that the design concept is the same as that refused by the Committee under application 18/02404/FUL but the

Reporter found this aspect to be compatible with the Development Plan. The appeal decision is a material planning consideration in this case.

The development complies with LDP policies Des 1, Des 3, Des 4 and Des 10

Housing Mix

The mix of two and three bedroomed properties is acceptable in compliance with policy Hou 2.

Density

Edinburgh Local Development Plan policies Hou 4 seeks an appropriate density of development on each site having regard to its characteristics and those of the surrounding area.

The spatial character of the area is mixed. Generally higher densities and larger built form and footprints exist along the Corstorphine Road corridor particularly to the east of the site, the closer it gets to the city centre. To the north, lower densities prevail. The site marks the gateway to this change in character and an opportunity exists to create a development which contributes to a greater sense of arrival. There is a strong urban design rationale for a high density development which reflects its sustainable location along an arterial route.

The density of the proposal is acceptable and would create an attractive residential environment with good access to public transport.

The development complies with LDP policy Hou 4.

d) Residential Amenity

LDP 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.

The internal floor area of each for the two-bedroom flats range from 79 square metres to 95.7 square metres and 109.7 square metres to 130.5 square metres for the three bedroom flats which complies with the minimum standards as set out in the Edinburgh Design Guidance.

In terms of sunlight to existing residents, the applicant provided a sun path shadow analysis which compared the impact of the proposed buildings on all surrounding properties during the spring equinox. This study demonstrates that the proposal will result in a small increase to the shadow already cast on 39 Corstorphine Road and the properties on the opposite side of Corstorphine Road but will not result in a significant loss of sunlight to this space.

In terms of privacy, the west elevation of the proposed building has been designed with a chamfered edge to reduce direct overlooking to number 39 Corstorphine Road and increase the space around the building. This was one of the issues that the Reporter dismissed the appeal on. The Reporter was concerned with the potential for overlooking the garden of No.39 and stated - *The orientation of windows within main rooms (bedrooms and living areas) would result in a direct and intrusive view into the private garden area; including areas that appear to be commonly used by the occupants of number 39. The elevated third floor terrace, which wraps around the south west corner of the proposal, would to my mind (with its associated full length windows) present an overbearing feeling of being overlooked within the garden of number 39.*

The revised design has taken account of the Reporter's concerns and the windows on this elevation are now between 12.4 metres and 15.5 metres from the boundary with two windows, positioned at the first and second floor, tapered to look due south. The amount of glazing on this elevation has also been reduced and the wrap around roof terrace has been amended so it now only faces south. The orientation of the windows at the upper floors will result in some overlooking to the south west corner of the garden of number 39 but this is not a significant proportion of the overall large garden area associated with the property and the amendments address the Reporter's concerns.

The development complies with LDP Policy Des 5.

Policy Hou 3 (Private Green Space) in the LDP requires a minimum of 20% of the total site area to be usable open space and 10 square metres per flat to be provided for those units without a garden.

Green open space will be provided by way of courtyards, balconies, roof terraces and private gardens. Fifteen flats proposed have no garden area, which would require 150 square metres of communal open space to be provided; the proposal will provide 263.9 square metres which is 26% of the total site area. The open space to the north provides a setting for the building but will be limited in terms of its usability given it will be overshadowed by the building and will not benefit from large amounts of light. The south facing flats will have private balconies overlooking the Water of Leith and Roseburn Park. The proximity to Roseburn Park and its accessibility ameliorates the level of provision within the scheme and was accepted by the Reporter as justification to support the policy.

The proposal complies with LDP Policy Hou 3.

f) Landscape Impacts

The site is adjacent to a Local Nature Conservation Site as defined in the LDP. Policy Env 15 (Sites of Local Importance) guards against development which is likely to have an adverse impact on the flora, fauna, landscape or geological features of the site.

Adjacent to the riverbank, the site has been cleared of any vegetation which was to accommodate the flood prevention works. The only vegetation and planting on the site are around the existing house and this has no restrictions on removal.

The proposed development to the south is set back approximately 1.2 metres from the site boundary. Outwith the site there is a natural river edge to the Water of Leith abutting the flood wall and this provides a reasonable set back.

The development will therefore have no adverse impact on flora or fauna, in compliance with LDP Policy Env 15.

g) Road Safety

Policy Tra 2 (Car Parking) and Tra 3 (Cycle Parking) states permission will be granted for development where proposed car parking provision complies with and does not exceed parking standards and cycle parking and storage complies with the standards.

The development is providing 19 parking spaces for the residential units, including 3 with electric charging points. The distribution of parking around the site, access routes to them and overall provision meets levels required in the Council's guidance and is satisfactory. Cycle stores are to be located to the north of the site to provide secure cycle parking.

Transport, parking and access are satisfactory and accord with policy Tra 2 and Tra 3 of the LDP.

h) Affordable Housing

Policy Hou 6 (Affordable Housing) states that sites consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units. For proposals above 20 or more units, the provision should normally be on site. Whenever practical, the affordable housing should be integrated with market housing.

The application is for 20 units and as such the policy requires 5 affordable units to be provided on site for affordable housing. It is only where the Council is satisfied that the affordable housing could not be viably delivered onsite by a housing association, that alternative proposals are considered.

A commuted sum was deemed to be acceptable in 2019 for the previous application for 20 flats on this site (application number 18/02404/FUL). The current application is for a very similar proposal, with the same number of flats and general form.

Onsite RSL delivery was considered but discounted for the following two reasons:

1. High build costs - CEC Property Management asked independent surveyors Currie and Brown to carry out an appraisal of the development proposals. Currie and Brown ran their own appraisal using current standard development costs/assumptions. The average build cost per unit is marginally higher than the previous scheme. On this basis, the properties are not financially viable for an RSL as they have an average unit cost of between £240,000 to £280,000. RSLs build costs are approximately £130,000 per unit. The funding gap is therefore highly significant as the use of any commuted sums or additional grant funding to bridge this gap would not present value for money.

2. The current design and requirement for five affordable homes means that an RSL would not have majority ownership in a stair. This poses significant ownership, management and maintenance issues for RSLs. Design changes to incorporate a standalone affordable block would be significant and may require an additional stairwell, potentially reducing the total number of units. If the project has under 20 units in total; the default policy position would be for a commuted sum payment.

Places for People and Dunedin Canmore Housing Association both advised that the previous scheme would not be viable for the above reasons.

Where the developer has clearly established that the development would not be viable for a housing association then the affordable housing policy allows for alternative methods of delivery to be considered. The developer has submitted an indicative sales cost, which makes golden share an unviable delivery model.

The housing service accepts that payment of a commuted sum in lieu of onsite affordable housing can be justified for this application. The actual commuted sum will be secured through a S75 agreement and determined by land value, with the final figure provided by the District Valuer in line with the approach set out in the Council's planning guidance on 'Affordable Housing'. An informative has been added requiring the conclusion of a legal agreement to secure financial contribution for this purpose.

i) Flooding

Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase a flood risk or be at a risk of flooding itself, impeded the flow of flood water or be prejudicial to existing or planned flood defence systems.

SEPA is a Statutory Consultee and in this instance has objected in principle to the proposed development on the grounds that given the uncertainties attached to the standard of protection, the application site does not conform to Planning Information Note 4 guidance

There is a Flood Protection Scheme (FPS) along the Water of Leith which affords a level of protection to existing property and infrastructure located behind it. This area falls within Phase 2 of this scheme. In August 2017, SEPA published a Planning Information Note 4 which sets out the position it now takes for development behind a FPS. In summary, where a planning application will result in land use change to a highly vulnerable use such as residential, SEPA requires the development to be protected to a 1:200 year standard including an appropriate allowance for climate change.

SEPA has a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce flood risk and promote sustainable flood risk management. It states that the cornerstone of sustainable flood risk management is the avoidance of flood risk. It is SEPA's view that vulnerable uses such as residential development should be directed to alternative locations rather than incorporating mitigation measures.

However, SEPA recognises that in determining applications, planning authorities have to consider a range of material considerations as well as flood risk. There may be circumstances where applications are granted planning permission despite an objection from SEPA.

The applicant has submitted a Flood Risk Assessment. This assessment considered the DPEA Reporter's findings in the recent appeal decision (PPA-230-2287) which stated that a finished floor level of 42.7 metres above ordnance datum, an increase of 330 millimetres would be required to meet what was agreed to be SEPA position at the time. This application proposes a finished floor level of 42.84 metres above ordnance datum, an increase of 440 millimetres.

The applicant has designed the proposals to meet these requirements and the Council's Flooding team is satisfied that the mitigation proposed is acceptable. Notwithstanding SEPA's objection to the principle of residential development, this proposal has been designed to mitigate potential flood risk and accords with LDP policy ENV 21 Flood Protection and addresses the Reporter's concerns in the appeal decision.

As SEPA has objected to the application, if the Council is minded to grant planning permission, it must notify Scottish Ministers.

j) Other relevant material considerations

Archaeology

The site contains an unlisted Victorian Villa and occurs on the southern side of the historic medieval road linking Edinburgh and Glasgow and is therefore considered to be of archaeological interest. Although the site has been significantly affected by modern disturbances, groundbreaking works associated with demolition and development may disturb evidence for this historic settlement. It is recommended that a programme of archaeological work (excavation) is undertaken prior to/during development to fully excavate, record, analyse and publish any significant remains that may be disturbed. A condition has been added in respect of this.

Education

Policy Del 1 requires proposals to contribute towards education provision.

This site falls within Sub-Area W-2 of the 'West Edinburgh Education Contribution Zone'. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme. Appropriate education infrastructure actions to mitigate the cumulative impact of development now anticipated are identified. The required contribution will therefore be based on the established 'per house' 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 is £2,240 index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

A legal agreement is recommended to secure the required contribution.

k) Public Comments

Material Representations - Objection

- scale of the building too big - addressed in section 3.3 (c)
- out of character - addressed in section 3.3 (c)
- loss of the villa -addressed in section 3.3 (b)
- pressure on local parking - addressed in section 3.3 (g)
- traffic impact - addressed in section 3.3 (g)
- flooding issues with the site - addressed in section 3.3 (i)
- failure to address privacy issues - addressed in section 3.3 (d)
- too little space around the building - addressed in section 3.3 (d)
- no affordable housing - addressed in section 3.3 (h)

Material Representations - Support

- providing much needed residential accommodation
- address the housing need
- positive impression on the townscape
- this site will reduce the need for greenfield housing
- high quality environment for residents.

Murrayfield Community Council

- The Murrayfield Community Council did not request to be a statutory consultee but it objected on the following grounds:
- the proposal will affect the setting of the adjacent listed buildings - addressed in paragraph 3.3 (b)
- development does not contribute to a sense of place - addressed in paragraph 3.3 (c)
- height of the block is excessive - addressed in paragraph 3.3 (c)
- while the applicant has made some modifications to windows and terraces, the height and proximity issues remain - addressed in paragraph 3.3 (c)
- proximity to the flood defence wall - addressed in paragraph 3.3 (i)
- limited green space - addressed in section 3.3 (d)

Conclusion

In conclusion, the proposal complies with the Local Development Plan. The scale, form, design and materials are acceptable and will have no effect on the character of the surrounding area. The proposals will have no adverse impact on the neighbouring listed building or its setting. The development will have no detrimental impact on significant archaeological remains, flora or fauna, residential amenity or road safety.

A suitable legal agreement shall be entered into to ensure an appropriate contribution to the provision of affordable housing and education.

Flooding arrangements for the site are acceptable to CEC's Flood Team. However, SEPA are objecting on the grounds that there is a risk of flooding of the proposed buildings. In view of this outstanding objection, as SEPA is a statutory consultee, the Scottish Ministers will require to be notified should committee decide to grant the application. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. The application shall be notified to the Scottish Ministers prior to determination.
2. 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.

Reasons:-

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the interests of archaeological heritage.

Informatives

It should be noted that:

1. Permission should not be issued until the applicant has entered into a suitable legal agreement to ensure that affordable housing is provided in accordance with Council policy.

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

2. Consent shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to Children and Families to alleviate accommodation pressures in the local catchment area.

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

3. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
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. 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.
- 6.1 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), secure cycle parking, 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;

2. 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;

3. The applicant should be advised that, as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See

https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-

[_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf](#) (Category D - New Build);

4. With regard to the off-street parking are
:
 - a. Access to the car parking area is to be by dropped kerb (i.e. not bell mouth);
 - b. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
 - c. Any gate or doors must open inwards onto the property;
 - d. Any hard standing outside should be porous;
 - e. Any works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>
5. 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.

Financial impact

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

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:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

A total of 176 letters of representation has been received. 126 of these are objections and 50 letters are in support.

An objection was received from Murrayfield Community Council.

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

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

Edinburgh Local Development Plan - The site is designated as an Urban Area.

Date registered

19 March 2020

Drawing numbers/Scheme

01-19,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynsey Townsend, Senior Planning Officer

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

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

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

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 Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

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

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

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.

Appendix 1

Application for Planning Permission 20/01351/FUL At 37 Corstorphine Road, Edinburgh, EH12 5QQ Demolition of existing house and erection of new residential building to form residential apartments with associated car parking and landscaping.

Consultations

Affordable Housing

Housing Management and Development are the statutory consultee for Affordable Housing. Housing provision is assessed to ensure it meets the requirements of the city's Affordable Housing Policy (AHP).

Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.

25% of the total number of units proposed should be affordable housing.

The Council has published Affordable Housing Guidance which sets out the requirements of the AHP, and the guidance can be downloaded here:

<https://www.edinburgh.gov.uk/affordable-homes/affordable-housing-policy/1>

2. Affordable Housing Provision

This application is for a development of 20 flats of two and three bedrooms. There is an affordable housing requirement for 5 units (25%) to be an approved affordable housing tenure.

For applications of 20 or more units, the Council expects the 25% affordable housing contribution to be delivered on-site. More than 9 out of every 10 applications have affordable housing delivered onsite. However, the Council's planning guidance on 'Affordable Housing' sets out that if options for onsite delivery have been explored but are not viable, then as a last resort a commuted sum payment can be agreed in lieu of onsite affordable housing.

A commuted sum was deemed to be acceptable in 2019 for a previous application for 20 flats on this site (planning application reference 18/02404/FUL). The current application is for a very similar proposal, with the same number of flats and general form.

Housing Management and Development has reviewed the new application and accepts that payment of a commuted sum payment in lieu of onsite affordable housing can be justified for the reasons set out below.

High Build Costs

The properties are not financially viable for an Registered Social Landlord (RSL). To evidence this the applicant has provided a new cost plan which has been independently appraised. It is estimated that the average build cost per unit would be between £240,000 to £280,000. The estimated average build cost per unit is marginally higher than that for the previous scheme.

RSLs build costs are approximately £130,000 per unit. The funding gap is therefore highly significant and the use of any commuted sums or additional grant funding to bridge this gap would not present value for money.

Minority Ownership Issues

The current design and requirement for five affordable homes means that a RSL would not have majority ownership in a stair. This poses significant ownership, management and maintenance issues for RSLs (for example, any maintenance to shared areas will require a majority consent with owners). Design changes to incorporate a standalone affordable block would be significant and may require an additional stairwell, potentially reducing the total number of units that could be delivered.

Places for People and Dunedin Canmore Housing Association both advised that the previous scheme would not be viable for the above reasons.

Housing Management and Development has also considered whether the provision of 'Golden Share' homes would be an alternative way of delivering on-site affordable housing. However, the cost plan indicates that anticipated purchase prices for individual units would make 'Golden Share' an unviable delivery model. The Council's current guidance on 'Affordable Housing' states that for a property to be treated as a 'Golden Share' affordable home the purchase price when based on 80% of market value should not exceed £214,796, and properties approaching this value are expected to be three-bedroom.

Overall, Housing Management and Development accepts that payment of a commuted sum in lieu of onsite affordable housing can be justified for this application. The actual commuted sum will be secured through a S75 agreement and determined by land value, with the final figure provided by the District Valuer in line with the approach set out in the Council's planning guidance on 'Affordable Housing'. For information, an estimated sum for the previous application was over £40,000 per unit.

The Council will have 10 years to use the commuted sum to secure an affordable housing project. With the expanding housing programme, opportunities will arise within this timeframe to identify a project which requires additional financial support either in the same or an adjacent ward.

3. Summary

For applications of 20 or more units, the Council expects the 25% affordable housing contribution to be delivered on-site. However, the Council's planning guidance on 'Affordable Housing' sets out that if options for onsite delivery have been explored but are not viable, then as a last resort a commuted sum payment can be agreed in lieu of onsite affordable housing.

Housing Management and Development has considered whether it would be viable for this development to deliver on-site affordable homes but accepts that payment of a commuted sum in lieu of onsite affordable housing can be justified. The commuted sum should be secured through a S75 agreement.

Affordable Housing updated comment

1. Introduction

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

Housing Management and Development are the statutory consultee for Affordable Housing. Housing provision is assessed to ensure it meets the requirements of the city's Affordable Housing Policy (AHP).

- o Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.*

- o 25% of the total number of units proposed should be affordable housing.*

- o The Council has published Affordable Housing Guidance which sets out the requirements of the AHP, and the guidance can be downloaded here:*

<https://www.edinburgh.gov.uk/affordable-homes/affordable-housing-policy/1>

2. Affordable Housing Provision

This application is for a development of 20 flats of two and three bedrooms. There is an affordable housing requirement for 5 units (25%) to be an approved affordable housing tenure.

For applications of 20 or more units, the Council expects the 25% affordable housing contribution to be delivered on-site. More than 9 out of every 10 applications have affordable housing delivered onsite. However, the Council's planning guidance on 'Affordable Housing' sets out that if options for onsite delivery have been explored but are not viable, then as a last resort a commuted sum payment can be agreed in lieu of onsite affordable housing.

A commuted sum was deemed to be acceptable in 2019 for a previous application for 20 flats on this site (planning application reference 18/02404/FUL). The current

application is for a very similar proposal, with the same number of flats and general form.

Housing Management and Development has reviewed the new application and accepts that payment of a commuted sum payment in lieu of onsite affordable housing can be justified for the reasons set out below.

o *High Build Costs*

The properties are not financially viable for an Registered Social Landlord (RSL). To evidence this the applicant has provided a new cost plan which has been independently appraised. It is estimated that the average build cost per unit would be between £240,000 to £280,000. The estimated average build cost per unit is marginally higher than that for the previous scheme.

RSLs build costs are approximately £130,000 per unit. The funding gap is therefore highly significant and the use of any commuted sums or additional grant funding to bridge this gap would not present value for money.

o *Minority Ownership Issues*

The current design and requirement for five affordable homes means that a RSL would not have majority ownership in a stair. This poses significant ownership, management and maintenance issues for RSLs (for example, any maintenance to shared areas will require a majority consent with owners). Design changes to incorporate a standalone affordable block would be significant and may require an additional stairwell, potentially reducing the total number of units that could be delivered.

Places for People and Dunedin Canmore Housing Association both advised that the previous scheme would not be viable for the above reasons.

Housing Management and Development has also considered whether the provision of 'Golden Share' homes would be an alternative way of delivering on-site affordable housing. However, the cost plan indicates that anticipated purchase prices for individual units would make 'Golden Share' an unviable delivery model. The Council's current guidance on 'Affordable Housing' states that for a property to be treated as a 'Golden Share' affordable home the purchase price when based on 80% of market value should not exceed £214,796, and properties approaching this value are expected to be three-bedroom.

Overall, Housing Management and Development accepts that payment of a commuted sum in lieu of onsite affordable housing can be justified for this application. The actual commuted sum will be secured through a S75 agreement and determined by land value, with the final figure provided by the District Valuer in line with the approach set out in the Council's planning guidance on 'Affordable Housing'. For information, an estimated sum for the previous application was over £40,000 per unit.

The Council will have 10 years to use the commuted sum to secure an affordable housing project. With the expanding housing programme, opportunities will arise within this timeframe to identify a project which requires additional financial support either in the same or an adjacent ward.

3. Summary

For applications of 20 or more units, the Council expects the 25% affordable housing contribution to be delivered on-site. However, the Council's planning guidance on 'Affordable Housing' sets out that if options for onsite delivery have been explored but are not viable, then as a last resort a commuted sum payment can be agreed in lieu of onsite affordable housing.

Housing Management and Development has considered whether it would be viable for this development to deliver on-site affordable homes but accepts that payment of a commuted sum in lieu of onsite affordable housing can be justified. The commuted sum should be secured through a S75 agreement.

SEPA

We object in principle to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. The proposal is also contrary to SEPA Requirement 1 as stated in our Development Management guidance.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

We anticipate that you will consult with the Council's flood risk management staff in respect of the issues we have highlighted in section 1.18 below which relate to construction in close proximity to the Water of Leith flood wall at this location.

1. Flood Risk

1.1 We have been consulted on a new planning application for the demolition of an existing house and the erection of a building to form residential apartments with associated car parking at 37 Corstorphine Road, Edinburgh. A previous planning application met with an objection in principle on flood risk grounds from SEPA and was refused planning permission. An unsuccessful appeal was lodged by the developer.

1.2 Site drawings indicate that the lowest parts of the site lie immediately behind the floodwall at elevations of approximately 40.7 mAOD with ground levels rising to approximately 41.5 mAOD and 42.6 mAOD adjacent to Corstorphine Road. The existing house footprint is on the highest ground at the north-west corner of the site near to the road. The proposed development layout drawing indicates that the apartment building footprint is immediately behind the floodwall where ground levels are at their lowest. Proposed development drawings suggest that some land raising is proposed to elevate the site up to about 41.3 mAOD at the flood wall and form flood free access and egress.

1.3 The application site is adjacent to the Water of Leith Phase 2 Flood Protection Scheme. Originally the Phase 2 Scheme was to be designed to a 0.5% AP (1:200) flood standard including a climate change allowance of 20%. The climate change allowance was reduced to 13% and then a further decision was taken (based on cost-benefit recommendations from the public local inquiry) to leave those areas considered to be safe from a 0.67% AP (1:150) flood without any further defences. Areas within the Phase 2 Flood Scheme corridor that were at a greater risk than a 0.67% AP (1:150) flood were to be provided with defences designed to an standard equivalent to the estimated 0.5% AP (1:200) flood plus a 13% climate change allowance. The Scheme can only be considered to protect up to the 0.67% AP (1:150) standard of protection as floodwater spilling out from the unprotected reaches can potentially enter the drainage system with a potential to overwhelm that system and cause flooding behind the formal defences.

1.4 The City of Edinburgh Council has employed its consultants Arup to undertake a flood study of the Water of Leith which will reassess the catchment hydrology and review the standard of protection afforded by the Water of Leith Flood Protection Scheme. Unfortunately, due to the Covid-19 outbreak the final survey work has been delayed. Until the survey is complete the hydraulic model cannot be completed and run. We are hopeful that SEPA and Arup might be in a position to agree on design flows in the very near future.

1.5 A flood risk assessment (FRA) report by Terrenus Land and Water (February 2020) has been submitted in support of the current planning application. The FRA describes the site location in relation to the Water of Leith and key structures including the flood protection scheme. It advises that the crest of the flood defence wall near to the site is 42.25 mAOD. It also advises that 95 m upstream of the site is a footbridge and a further 35 m upstream of that is a road bridge. There are gates at these two bridges that will require to be closed manually by the Council to prevent floodwater breaching the defences. If the Council is unable to close the gates in time floodwater will start to flow from these gaps and pond behind the hard defences.

1.6 The Terrenus FRA is supported by an FRA undertaken by Kaya Consulting for the previous planning application for redevelopment of the site. This FRA was updated prior to the planning appeal (February 2019). SEPA reviewed this FRA for the DPEA.

1.7 The Kaya FRA is based on a hydrological assessment of the Water of Leith using a number of available methods. From this assessment a design flow has been selected by the consultant and input into a hydraulic model to determine flood levels adjacent to the application site. The consultant has determined a range of design flows for the Water of Leith at the appeal site using a number of industry standard methods. The range of estimates provided by the consultant for the 0.5% AP (1:200) flood at the site ranges from 91.1 m³s⁻¹ to 134.7 m³s⁻¹. The Water of Leith hydrology is complex, in part due to the proportions of urbanised and rural sub-catchments and upland catchment reservoirs. In its current study Arup's review of the long term rainfall in the upper and lower catchments of the Water of Leith also indicates seasonal differences which only serves to add to the complexities in establishing a reasonable estimate of the 0.5% AP (1:200) design flow.

1.8 SEPA operates a flow measurement station on the Water of Leith at Murrayfield, approximately 200m downstream from the application site. Given the unique hydrology

of the Water of Leith catchment there is an argument that the FEH Single Site flood frequency analysis, using flow data from the Murrayfield flow measurement station, should provide the most reliable estimate of the design flow. However an FEH Single Site estimate requires significant extrapolation beyond the gauging station's record length to estimate a 0.5% AP (1:200) flood and does not take account of significant flood events in 1948 and 1920 for which descriptions suggest are as large as and quite possibly larger than the April 2000 flood.

1.9 The largest flood in the annual maximum peak flow series for the Water of Leith at Murrayfield gauging station occurred in April 2000. This is the event that led to the decision to construct flood defences in Edinburgh to protect properties from a repeat of this event. Based on an FEH Single Site analysis of the data available for the Murrayfield station the April 2000 flood is equivalent to a 1% AP (1:100) event. However anecdotal information implies that there are three floods of similar severity and perhaps more severe than the April 2000 event. These floods occurred in August 1948, 1920 and late 1870s. Statistically it would be an extremely low probability that three floods equivalent to or larger than a 1% AP (1:100) event would occur within an 80 year period or four similar floods within a 130 year period. This implies that the probability of a recurrence of the April 2000 flood is likely to be greater than suggested by standard flood frequency methods based on the station record alone. This was an issue that was raised by independent consultants at the public local inquiry held for the flood protection scheme and raised the issue of the standard of protection afforded by the Water of Leith Flood Protection Scheme. FEH Winfap 4, is the UK standard software used to undertake flood frequency analysis. This has a capability to consider historical information within its analysis. By adding the 1948 and 1920 into the analysis, the April 2000 event is reduced to being equivalent to approximately a 1.4% to 2.0% AP (1:50 to 1:70) event and adding in the earlier recorded event from the 19th Century results in a similar probability of occurrence. To summarise the analysis of the data available for the Murrayfield flow monitoring station would suggest that the 0.5% AP (1:200) flood is approximately 103.9 m³s⁻¹ but taking account of earlier flood events would suggest that it could be closer to 120 to 140 m³s⁻¹. Arup is currently reviewing the catchment hydrology as part of the Water of Leith flood study for City of Edinburgh Council and it is hoped that some agreement might be reached shortly.

1.10 Kaya Consulting advise in its FRA that it received a hydraulic model of the Water of Leith from the Council. This model represents the Water of Leith prior to the flood protection scheme (Arup is currently developing a hydraulic model to represent the current configuration of the Water of Leith channel and floodplain that takes account of the flood defences). The Kaya FRA advises that five new cross-sections were surveyed for its study and added to a section of the Council pre-scheme model to investigate the risk of flooding at the application site. It is best practice to calibrate hydraulic models using observed data. The consultant has used observed water level data from the April 2000 flood event to calibrate its model. This is done by adjusting parameters of the model until the model output is a close match to the observed flood event data. The consultant advises that it has achieved a close match. However we would advise that the channel has been significantly modified by the construction of the scheme therefore observed April 2000 flood levels are no longer appropriate for calibrating a post scheme model. We therefore advise that there is some uncertainty attached to the modelled output in terms of both flow and water levels reported in the FRA.

1.11 We note from the model runs that the model is sensitive to changes in flow and Manning's 'n', the parameter used to represent the channel roughness. A 20% increase in design flow, essentially the difference between the estimated 0.5% AP (1:200) flood used in the FRA and the estimated 0.5% AP (1:200) flood which includes consideration of the historical flooding, will result in flood levels being higher by approximately 300-350mm. A 20% change in the roughness parameter results in a water level 200-300mm higher than the baseline model or approximately 500-700mm lower. The model is therefore sensitive to both flow and channel roughness parameters. The consultant makes the point that the model has been calibrated to the April 2000 flood levels, but we have highlighted above April 2000 flood levels are no longer valid for calibrating the post flood protection scheme hydraulic model.

1.12 Kaya Consulting advise that the crest of the adjacent flood wall is approximately 42.25mAOD. If it is assumed that the consultants flow and modelled water levels are accurate then this would provide a 500mm freeboard allowance without any consideration of climate change impacts. It also indicates that 0.5% AP (1:200) flood levels will be approximately 1.0 m above site ground levels behind the defence wall. If a 20% climate change allowance is added to the 0.5% AP (1:200) flood then this will reduce the freeboard allowance of the defence to 190mm and if 30% is added then only 150mm freeboard allowance is provided. The Terrenus FRA advises that it is currently awaiting the results of an additional model run from Kaya for a 0.5% AP (1:200) flood estimate including a 40% uplift for climate change impacts.

1.13 In applying SEPA Planning Information Note 4 (PIN4) we would accept a climate change allowance of 20% as being satisfactory therefore we would argue that there is 190 mm freeboard allowance being provided at the application site. However, if we are to consider the historical information, there may only be a maximum of 200mm freeboard above a current 0.5% AP (1:200) flood without a climate change allowance and perhaps much less if any.

1.14 The FRA suggests that the 0.5% AP (1:200) plus 20% climate change allowance flood level is approximately 42.0 - 42.1 mAOD. However we have highlighted in this response that the model is sensitive both to the design flow and to the channel roughness parameter and the model has been calibrated to a flood level dating prior to the construction of the flood protection scheme. Both the FRA and SEPA have highlighted how the estimate of design flow varies according to choice of estimation method. The inclusion of significant flood events prior to the beginning of the Murrayfield monitoring station record would suggest that the design flows used in the FRA could be significantly underestimated which is consistent with professional opinion expressed by independent consultants at the public inquiry for the scheme. We advise that an appropriate freeboard allowance is essential to account for all the uncertainties associated with determining flood levels adjacent to the appeal site.

1.15 The consultant argues that the flood defence adjacent to the site provides 510 mm of freeboard above the 0.5% AP (1:200) flood level. As a freeboard allowance 510mm would be acceptable for a flood wall. However when a 20% climate change allowance is added to the estimated 0.5% AP (1:200) flood level the freeboard allowance is reduced to 190 mm. Given the uncertainties attached to the design flow, channel roughness parameter and calibration of the model we would advise that this is insufficient and as such it is SEPA's opinion that the application site does not meet the criteria in PIN 4 for the proposed residential apartments. Further uncertainties include

the gates at the two upstream bridges which need to be closed by Council staff in the event of a flood event that will rise above the threshold levels. If these are not closed or fail then floodwater could come out of bank and start to flow into the built up area behind the defences.

1.16 The Harley Haddow drawing (dwg no. 302599-c-102) shows overland flow paths at the site and indicates the direction of overland flow from a number of potential sources. This indicates that water will tend to flow to the low areas of the site and pond at the south-west corner of the site and the eastern end behind the defence wall.

1.17 There should be more clarity on the standard of protection afforded by the flood protection scheme once Arup has completed its Water of Leith study for the Council. Unfortunately the Covid-19 is presently holding that work up.

1.18 It is proposed to locate the building close to the floodwall. We would express extreme caution about building so close to the flood defence. There are several different designs for floodwalls therefore it would be important to understand the design and construction of the defences at the site and be aware of any measures to address seepage and the presence of any cut off drains. It is essential that the flood risk management staff are consulted as the proposals may have implications for the integrity of the flood protection scheme, Future access will also need to be maintained for essential inspection and maintenance of the flood defence and possible enhancement of the defence should climate change impacts be more severe than predicted at present.

1.19 To summarise, the application is for the demolition of a single house and to erect a building to accommodate several residential apartments. In flood risk terms this will mean that the site increases in vulnerability because of the increase in numbers of properties and families that will be located on the floodplain. If we assume that the hydrological assessment and hydraulic modelling results are accurate then the estimated 0.5% AP (1:200) flood level will be up to 1.0 m above the lowest site levels. Likewise the estimated 0.5% AP (1:200) plus 20% climate change level would be only 200 mm below the crest of the floodwall. There is also the additional uncertainty of the schemes effectiveness being linked to timely flood gate closure. Although the FFL has been raised to 47.84 mAOD, 600 mm above the top of the adjacent flood wall. Given the uncertainties attached to the standard of protection, design flow, channel roughness parameter and calibration of the model it is SEPA's opinion that the application site does not meet the criteria in PIN 4 for the proposed residential apartments. Our advice would be to delay making a decision on the application until the Council's flood study has been completed. Upon completion of the review and assuming it provides an agreed Standard of Protection for the scheme it may be possible for the council to consider some form of development at this site. Considering the reporter's findings on the previous appeal, wherein it is noted (PPA-230-2287 date of appeal decision 20 January 2020)

'I also accept the principle that the main purpose of a flood defence scheme is to protect existing properties from flood events rather than to allow new proposals.' It is clear that the introduction of greater numbers of 'highly vulnerable' users into a site which benefits from an unknown standard of protection is contrary to SPP.

Caveats & Additional Information for Applicant

1.20 *Standard of protection (SOP) is the standard (expressed as an annual probability or return period) that flood defences will withstand with a high degree of certainty. The Scottish Flood Defence Asset Database expresses the SOP with a freeboard which provides a high degree of confidence that the scheme will withstand the design flood levels and flows.*

1.21 *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.*

1.22 *The flood risk 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 City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1).*

SEPA additional comments - 16/06/20

I can confirm that SEPA took account of the additional run of the hydraulic model with a 0.5% AP (1:200) flood with a 40% climate change uplift when it reviewed the flood risk assessments by Terrenus and Kaya Consulting.

For clarification, at present SEPA is not satisfied that the current planning application conforms to its PIN4 guidance.

To support a highly vulnerable land use, like residential, behind a formal flood defence SEPA requires that the flood defence has a minimum Standard of Protection (SOP) of 200 years including a 20% allowance for climate change. The SOP does not refer to the top level of the defence structure. The SOP is the standard that flood defences will withstand with a high degree of certainty. The Scottish Flood Defence Asset Database expresses the SOP with a freeboard which provides a high degree of confidence that the scheme will withstand the design flood levels and flows.

The City of Edinburgh Council's consultant is currently undertaking a hydrological and hydraulic modelling study of the Water of Leith that will include the flood protection scheme and an assessment of the SOP of the defences. SEPA's recommendation is that any current planning decisions for proposed developments directly behind the defences should be delayed until the conclusion of the flood study.

Flood Planning

Thank you for sending through the additional comments, which confirm the need for a pumped surface water system. The applicant has confirmed that they are aware of the risks of a pumped system and the need to adhere to a maintenance programme. This satisfies CEC Flood Prevention's concerns. This application can proceed to determination, with no further comments from our department.

Roads Authority

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

1. 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), secure cycle parking, 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;

2. 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;

3. The applicant should be advised that, as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf (Category D - New Build);

4. With regard to the off-street parking are:

a. Access to the car parking area is to be by dropped kerb (i.e. not bell mouth);

b. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;

c. Any gate or doors must open inwards onto the property;

d. Any hard-standing outside should be porous;

e. Any works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits

<https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

5. 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.

Note:

The proposed 19 car parking spaces (including 1 disabled space and 3 electric vehicle charging spaces) and the proposed 44 cycle parking spaces for the 20 residential units is considered acceptable.

Communities and Families

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which

will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (February 2020).

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

Assessment and Contribution Requirements

Assessment based on:

20 Flats

This site falls within Sub-Area W-2 of the 'West Education Contribution Zone'.

Using the pupil generation rates set out in the Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery', the development is expected to generate at least one additional primary school pupil but not at least one additional secondary school pupil. The Supplementary Guidance states that if a development is expected to generate at least one primary school pupil but less than one secondary school pupil, only a contribution towards new primary school infrastructure may be required.

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

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

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

Total infrastructure contribution required:

£2,240

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.

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the demolition of existing house and erection of new residential building to form residential apartments with associated car parking and landscaping.

The site contains an unlisted Victorian Villa and occurs on the southern side of the historic medieval road linking Edinburgh and Glasgow and is therefore considered to be of archaeological interest. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), HES's Historic Environment Policy for Scotland (HEPS) 2019, Managing Change documents and Archaeology Strategy plus CEC's Edinburgh Local Development Plan (2016) Policies 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.

As stated the development will require the demolition of a 19th century villa possibly shown on the 1st Edition OS Map as Hawthornbank. Although its loss will have a significant impact, the loss of this locally important building is not regarded as being significant to warrant refusal of consent. However, it is recommended that a detailed historic building survey (phased internal and external elevations and plans, photographic and written survey and analysis) is undertaken prior to and during demolition, in order to provide a permanent record of this historic structure.

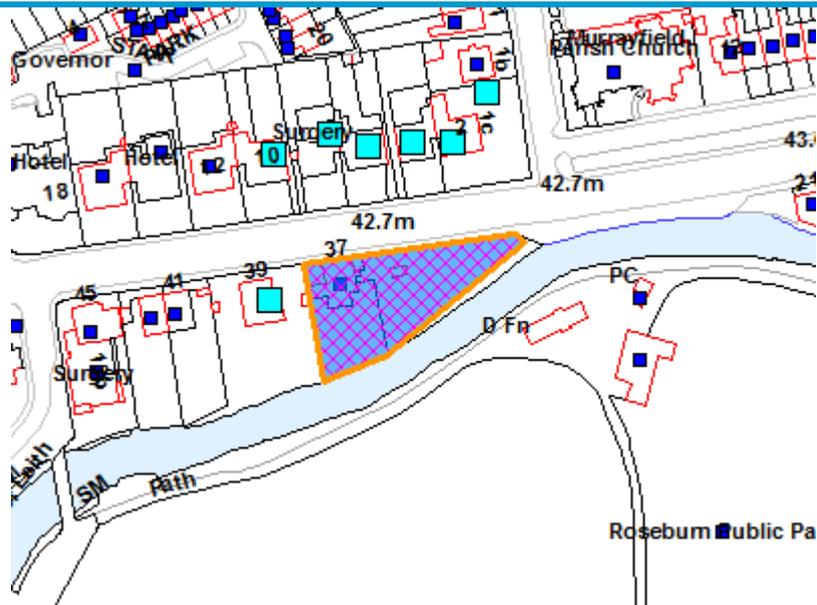
In addition, General Roy's 1750's military survey indicates the site may overly an unnamed row of buildings located, located either side of this historic road. Although the site has been significantly affected by modern disturbances ground breaking works associated with demolition and development may disturb evidence for this historic settlement. Accordingly, it is recommended therefore that in association with the historic building recording that a programme of archaeological work (excavation) is undertaken prior to/during development too fully excavate, record, analyse and publish any significant remains that may be disturbed.

Such mitigation should be secured by the following condition;

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

The work would 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.

Location Plan



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