

Development Management Sub Committee

Wednesday 9 September 2020

**Application for Planning Permission 20/00487/FUL.
at 224-234 Mayfield Road and 14-15 Braefoot Road,
Edinburgh EH9 3BE.
Erection of student accommodation 148 beds (124 units).
(amendment to planning permission 18/03617/FUL).**

Item number

Report number

Wards

B16 - Liberton/Gilmerton

Summary

The proposals comply with the development plan, the Council's Guidance for Student Housing and the Edinburgh Design Guidance. The scale, design and materials are satisfactory. There is no unacceptable loss of residential amenity and the proposal provides a satisfactory level of amenity for the new occupiers. There are no road safety issues. There are no other material considerations which outweigh this conclusion. Overall, the development complies with the development plan and there are no material considerations which indicate otherwise.

The application requires to be referred to the Scottish Ministers prior to determination due to the outstanding objection from SEPA.

Links

[Policies and guidance for this application](#)

LDPP, LHOU08, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LTRA02, LTRA03, LEN21, LEN22, LRS06, LEN06, LEN11, LEN12, LEN16, LHOU01, NSG, NSGD02, NSGSTU, CRPCMP,

Report

Application for Planning Permission 20/00487/FUL at 224-234 Mayfield Road and 14-15 Braefoot Road, Edinburgh EH9 3BE. Erection of student accommodation 148 beds (124 units). (amendment to planning permission 18/03617/FUL).

Recommendations

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

Background

2.1 Site description

The site measures 1333 sq m and is located on Mayfield Road, just north of the main junction of Kirk Brae/Liberton Brae with Mayfield Road/Liberton Road. Liberton Road is a principal route into the city centre and provides frequent bus services, with north and south bound bus stops located within 100m of the site.

The northern part of the application site is occupied in part by a row of stone built residential dwellings. The south of the site was previously occupied in part by a mid-20th century building which last served as a commercial car repair garage. This building has now been demolished and an area of vacant brownfield land remains.

To the rear of the site is a large earth bank known as Liberton Dam beyond which lies Craigmillar Park Golf Course. The Braid Burn runs to the immediate north of the site, before being culverted just outwith the north west corner of the site. Blackford Hill is located beyond the golf course, approximately 800m west of the site. Land to the immediate south of the site is occupied by a terraced row of two/ two and a half storey stone built residential properties, some with commercial properties at ground floor level.

Edinburgh University's Kings Buildings campus lies immediately to the north-west, approximately 150m from the site. The wider context area comprises a mix of residential uses, with some small commercial ground floor uses nearby on Mayfield Road.

2.2 Site History

14 November 2016 - Planning permission granted for the demolition of the existing garage, office and first floor flat and to erect purpose-built student accommodation. This application did not include the site of the residential properties to the north which are now included in this application. (Application reference 16/01889/FUL).

22 March 2019 - Planning permission granted for the demolition of the existing office, garage and 224-234 Mayfield Road and to erect purpose built student accommodation comprising 148 self-contained studios (as amended). (Application reference 18/03617/FUL).

17 September 2019 - Application withdrawn for the demolition of existing buildings and erection of a part-five, part-seven storey building comprising 282 units (306 beds) of accommodation for students (Sui Generis), together with associated works. (Application reference 19/03609/FUL).

04 February 2020 - Application withdrawn for the erection of a part-five, part-seven storey building comprising 136 no. units of student accommodation at 224-234 Mayfield Road. (Application reference 19/04768/FUL).

Adjacent sites to the north

16 December 2016 - Application withdrawn for the demolition of existing building and erection of student accommodation, including all associated works. (Application reference 14/04204/FUL).

14 February 2017 - Planning permission was granted to demolish the existing public house/restaurant and the erection of purpose built managed student accommodation to the north (on the site of the Braidburn Inn). (Application reference 16/04158/FUL).

04 February 2020 - Application withdrawn for the erection of a seven-storey building comprising 138 no. units of student accommodation (application reference 19/04858/FUL).

Pending consideration - Application for the erection of 112 bed spaces of student accommodation (amendment to planning permission 16/04158/FUL) (application reference 20/02489/FUL).

Main report

3.1 Description of the Proposal

The proposal is for the demolition of the existing buildings and the erection of student accommodation. Associated works, such as parking and landscaping, are also proposed. The proposed development is an updated scheme to the previously approved student development comprising 148 student beds (application reference 18/03617/FUL) which remains extant.

The proposed building covers a broadly similar footprint to the consented scheme, with an increase of 60 sq. m on the previously consented building footprint.

The proposed building is four/ five storeys in height. The fifth storey covers the central part of the building, allowing the building to step down in height to meet the adjacent residential properties on Mayfield Road. The fifth storey is set back from the building frontage.

The building includes 148 student bed spaces. This includes a mix of 103 studio bedrooms and 12 three-bedroom cluster apartments with shared communal spaces. A further nine accessible bedrooms are provided. Lift access is included within the building to ensure that it is fully accessible.

An area of indoor communal space (71 sq m) is provided at ground floor level, which opens up to an outdoor terrace (123 sq m) which provides further amenity space. In total, 15% of the site is occupied by communal amenity space.

The southern part of the building frontage is set back from Mayfield Road by 1.5m to 3m and is separated by a low retaining wall with a painted steel fence. The set back area will contain pavements and some low timber planter boxes. The northern part of the building steps out to sit directly onto the street frontage of Mayfield Road.

The development proposes a zero parking approach for vehicles. 100% cycle parking is proposed, providing 148 cycle spaces.

Cycle parking is provided in two locations, in a secure outdoor area to the rear of the building and in an internal area inside the building. Access to the rear cycle parking area will be provided via footpath at the south of the site, separated by a metal gate.

An outdoor amenity area is provided to the rear of the building. This comprises 123 sq m of green and hard landscaped open space, and additional footpath and amenity space is provided around the edges of the building.

The proposed palette of building materials includes buff brick (Weinerberger Rothesay Blend) along with white precast concrete plinth and detailing. The top storey will be finished with zinc cladding.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of development is acceptable in this location
- b) the proposals are of appropriate scale, layout and design;

- c) the proposals have an impact on the amenity of neighbouring properties;
- d) the proposals are acceptable in terms of access parking or transport issues;
- e) the proposals will affect flooding;
- f) the proposals will affect archaeology;
- g) any other material considerations and
- h) the public comments have been addressed.

a) Principle of development

The application site has an extant permission for student housing therefore the principle of development as proposed has therefore previously been accepted in this location. Notwithstanding this, the proposal is a stand-alone application and must be assessed against the relevant policies of the Edinburgh Local Development Plan (LDP) and supporting non-statutory guidance.

The site lies within the urban area of the adopted Edinburgh Local Development Plan (LDP) where Policy Hou 1 Housing Development states that priority will be given to the delivery of the housing land supply and relevant infrastructure. The site has not been allocated for housing on the proposals map. It is not part of business led mixed use proposal or part of a regeneration proposal. However, Criteria (d) of the policy covers other suitable sites in the urban area, provided the proposals are compatible with other policies in the plan. However, in this case Policy Hou 8 provides the locational justification for the site to be developed for student accommodation rather than housing.

LDP Policy Hou 8 states that planning permission will be granted for purpose-built student accommodation where:

a) the location is appropriate in terms of access to university and college facilities by walking, cycling and public transport; and

b) the proposal will not result in an excessive concentration of student accommodation (including that in the private rented sector) to the extent that would be detrimental to the maintenance of balanced communities or to the established character and residential amenity of the locality.

The Council's Guidance for Student Housing provides guidance for interpreting LDP policy Hou 8 and is a material consideration in the determination of this application. The criteria in LDP policy Hou 8 are applied to proposals for student accommodation using the locational guidance set out in the guideline. The Guidance for Student Housing also notes that where sites are over 0.25ha in area, developments for student housing will be required to provide a minimum of 50% residential development on site.

The site lies adjacent to Kings Buildings, a large campus of the University of Edinburgh. It is well served by public transport leading to other university campuses across the city and to the city centre. The Edinburgh Student Housing Guidance identifies that the site falls within an area of low student housing provision at present.

The site measures 0.13ha which falls below the threshold of 0.25 hectares in area which requires a development to provide a mixed scheme incorporating housing. Its proposed use as student housing is therefore compliant with the provisions of policy Hou 8 and the Edinburgh Student Housing Guidance and is justifiable.

The loss of housing on the site is not protected under current planning policies.

The extant planning permission establishing the principle of purpose-built student housing on this site is a significant material consideration and there has been no change to planning policy or guidance since this application was assessed.

Policy Emp 9 applies to sites previously in use for employment or business purposes and is applicable to this site due to its previous use in part as a car repair garage. The proposed development of the site for student accommodation complies with the criteria of policy Emp 9 in that it will not impact on any nearby employment uses and will regenerate an existing vacant site. The site boundary does not exceed the 1ha threshold requirement of policy Emp 9 to provide new floorspace for business or employment use. It is therefore acceptable in this regard.

The development is therefore acceptable in principle provided it complies with other policy requirements.

b) Scale, Design and Materials

In assessing the scale, layout and design of the proposals, LDP policies Des 1 (Design Quality and Context) to Des 8 (Public Realm and Landscape Design) provide a robust framework along with the Edinburgh Design Guidance.

Context

LDP Policy Des 1 supports new development whose design contributes towards a sense of place and picks up on the positive characteristics of the area. The surrounding built environment is urban with a mix of building materials and styles. The proposed building creates a strong frontage onto Mayfield Road, and allows for an area of private space to be provided to the rear of the building, in keeping with the existing built pattern along the street. There is a clear separation of public and private space. The layout of the proposed development contributes to the urban form and is acceptable.

LDP Policy Env 6 seeks to ensure that new development has no adverse affects on the setting or character of a conservation area. The site faces onto the boundary of Craigmillar Park Conservation Area, and therefore the setting of this area must be considered.

Craigmillar Park is characterised by a distinct pattern of detached, semi-detached and terraced mainly Victorian houses orientated towards the street frontages, set within significant gardens. The site faces an area of green space within the conservation area, which is lined with trees along the edge of Mayfield Road. There is no direct visual connection between the site and the built form of the conservation area.

The proposed building will strengthen the terraced frontage along Mayfield Road opposite the conservation area, which will complement the existing form of the street frontage. It will have no adverse impact on the green space within the conservation area. The proposed form and character of the building is considered to be appropriate for this setting of the conservation area and is acceptable in this regard.

LDP Policy Env 11 protects the special character and qualities of the city's Special Landscape Areas. The development site back onto the Braids, Mortonhall and Liberton Special Landscape Area. Liberton Dam provides a distinct boundary between the site and this special landscape area, and the proposed development is not considered to have any adverse impacts on the character or qualities of the special landscape area.

Scale, height and massing

LDP Policy Des 4 seeks to ensure that new development is compatible in terms of height and form in addition to scale and proportions.

The site slopes from north to south and to the rear of the building the land rises steeply. The proposed building is three to five storeys in height, with the fifth storey element of the building located centrally, allowing the built form to step down to four storeys to sit below the ridgeline of the existing properties on Mayfield Road, and down further to three storeys at the northern edge of the site adjacent to the existing gap site.

The setback detailing of the fifth storey minimises the visual presence of this storey at street level whilst providing an appropriate increase in height for the central part of the building. This provides an appropriate transition in building height between the proposed building and existing properties to the south, and to the existing gap site to the north and allows the built form to sit effectively in the streetscape.

Materials and detailing

The building is finished in buff coloured brick (Weinerberger Rothesay Blend), precast concrete and zinc detailing.

The building footprint steps in twice at the southern end of the site, which helps it to fit effectively into the streetscape. The ground floor storey is finished with a pre-cast concrete basecourse which breaks up the elevation and provides definition to the frontage. The principal elevation has vertical detailing in precast concrete panelling which articulates the variation in the footprint and provides interest to the frontage.

The window pattern is appropriate to the context and presents a residential character to the street frontage. The fifth storey will be finished in a zinc material which minimises the visual impact of the highest part of the building on the streetscape and provides further detail to the elevation. The building is well balanced with the adjacent residential properties and provides a visual coherence along the street frontage. The proposed mix of materials and architectural detailing is appropriate for the context and is acceptable.

The detailed specification of hard and soft landscape materials and a planting schedule/ landscape maintenance strategy is not approved at this stage. A condition has been added in order for these matters to be considered in detail at pre-commencement stage.

c) Amenity

Existing residents

LDP Policy Des 5 Amenity seeks to ensure that new development meets the needs of the users and occupiers, with consideration given to impacts on neighbouring properties to ensure no unreasonable noise impact or loss of daylight, sunlight or privacy.

The majority of windows from habitable rooms in the proposed building face onto Mayfield Road and to the steep embankment to the rear. The south (gable) elevation faces towards the existing gable of the residential properties on Mayfield Road. The gable of the proposed building contains a limited number of windows only, and these are positioned within the rear part of the building which is set back from the site boundary by 18m. There is no adverse impact from the positioning of these windows on the amenity of the neighbouring properties to the south.

In terms of daylight and sunlight, the proposal will not have an adverse impact on amenity given the location of the site to the north of residential properties, existence of open space to the west and Mayfield Road forming the eastern boundary with garden ground of residential properties beyond. The proposal complies with the Council's Edinburgh Design Guidance in this regard.

New Occupiers

The development proposes 148 student bed spaces, of which the majority (103) will be provided in a studio format. There is no minimum room size standard for student accommodation in the Council's Edinburgh Design Guidance. Rooms range in size from 13 sq. m to 26 sq. m, with the majority of rooms measuring a minimum of 18sq m. Twelve three-bedroom en-suite apartments with shared communal space are provided. Nine rooms are designed to allow for disabled access, and the building has been provided with lift access to provide accessibility for all.

The proposed rooms are single aspect. A daylight assessment has been carried out using the recommended no-skyline method set out in the Edinburgh Design Guidance. This demonstrates that all rooms will receive an adequate amount of daylight and are compliant with the guidance.

An indoor communal area is proposed on the ground floor of the development with amenity open space to the rear and side of the building. The outdoor amenity space provided is 15 sq. m greater than that included in the previously approved scheme for the site and equates to 9% of the overall site area. The majority of the outdoor open space has a south/ west aspect and will receive an adequate amount of sunlight.

The site is located in close proximity to existing high quality outdoor space at Blackford Hill which provides a significant amount of open space available for general use. In balance, the provision of amenity open space within the site is an improvement of the previously consented scheme and considered to be acceptable.

Adjacent site

The northern gable end of the building includes a number of habitable rooms with windows facing north on floors one to four. The Braid Burn which forms the site boundary forms a natural break of a minimum 5.5m, and the building is set back from a minimum of 1.7m, meaning that there is a minimum 7.2m between the built form and the edge of the adjacent site. The existing consented proposal on the adjacent site for student accommodation includes no windows on its southern gable. A current application is also under consideration on the adjacent site, which also has no habitable windows on the southern elevation, containing windows at the end of access corridors only. The proposed development will therefore have no adverse impacts on the amenity of future residents on the site to the north.

Noise

Environmental Protection offer no objections to the proposal in terms of amenity. Due to the proximity of Mayfield Road to the east of the site, it is noted that an informative should be added to planning permission to ensure that adequate protection from noise is provided.

Overall, the proposal maintains an acceptable level of residential amenity. A satisfactory level of amenity is provided for the new occupiers. The proposal complies with LDP Policy Des 5.

Waste

The proposed waste management strategy has been agreed with waste officers and is acceptable.

d) Road safety and Parking

The proposal includes zero provision of car parking which is acceptable within the current Council parking standards. The development proposes 100% cycle parking provision for the development which complies with the Council's cycle parking standards. Transportation has been consulted on this application and is satisfied with the proposal subject to details concerning the access gate being finalised and a condition is attached with respect to this matter. The proposal complies with LDP Policies Tra 2 and Tra 3 and is acceptable.

e) Flooding

As the site lies within an area of importance for flood management, LDP Policy Env 21 is relevant. LDP Policy Env 21 states that planning permission will not be granted for development that would increase a flood risk or be at risk from flooding itself. The supporting text accompanying this policy states that proposals will only be favourably considered if accompanied by a flood risk assessment, demonstrating how compensatory measures are to be carried out, and that any loss of flood storage capacity is mitigated. It notes that in some circumstances, sustainable flood management or mitigation measures may not be achievable.

Also relevant is Scottish Planning Policy (SPP), particularly paragraph 254 to 256, which relate to managing flood risk and drainage.

The applicant has submitted a Flood Risk Assessment, Drainage Strategy Report and the required Self Certification Certificate as requested by CEC flood planning officers and SEPA in support of this application.

The site is located adjacent to the indicative limits of the 0.5% AP (200 year) SEPA fluvial flood map (2014) and marginally within the 0.1% AP (1000 year) fluvial flood map and may therefore be at risk of fluvial flooding. On this basis, SEPA has noted an objection in principle to the application.

The flood risk assessment undertaken by the applicant has found that the flood risk to the site is pluvial flooding on Mayfield Road, where boundary walls and the existing bridge parapet currently constrain the flow and prevent it from entering the channel of the Braid Burn. The flood level from this has been assessed at 55.1m AOD. The proposed development provides a route to the Braid Burn at a lower level, 55.0m AOD. The proposed layout shows a floor level of 55.44m, giving a freeboard of 440mm, which falls below the recommended threshold of 600mm threshold as required by CEC. It is noted that the floor level is constrained by the provision of level access to the footpath.

The applicant has noted that whilst the proposed freeboard is less than the 600mm required, the section of the building that would be affected by any pluvial flooding is restricted to the storage areas for bins/ cycles and would therefore have little impact on any of the residential units. There are also secondary means of access available to the building along the main entrance and from the rear and footpath along the south gable of the building at a level approximately 1.6m above the flood level. The potential area of pluvial flooding is located on the road carriageway adjacent to the site and the flood risk assessment confirms that safe access/ egress to all properties can be achieved via the main entrance of Mayfield Road.

CEC Flood Prevention is satisfied that the applicant has demonstrated that the proposed development complies with CEC guidance in terms of flood risk, and that appropriate drainage measures have been included in the design to address and flooding issues. Taking this into account it can be concluded that the proposed measures are sufficient in order for the development to conform to LDP Policy Env 21, SPP and CEC guidance in terms of flood risk. It is noted that the application will require to be referred to the Scottish Ministers prior to determination due to the outstanding objection from SEPA.

f) Archaeology

The proposal involves the demolition of the existing buildings on the site. Whilst these are of local interest they are not protected in any way. The City Archaeologist has confirmed that the site is located in an area regarded as an area of archaeological importance and there may be some remains of archaeological interest on the site. Whilst the garage previously located on the site has now been demolished, the residential buildings remain. It is therefore recommended that a condition be attached relating to a programme of archaeological works for the site.

The proposal is considered acceptable in terms of archaeology.

g) Other Material Considerations

Contaminated Land

The former use of the site as a garage means that the land could have become contaminated and should be investigated to ensure that the site is made safe for the intended use. A condition is recommended in this regard. Waste and recycling facilities are to be located to the side of the building satisfactorily incorporated within the development.

Biodiversity

The site is currently brownfield in nature. The development will provide some areas of soft landscaping which will incorporate an appropriate mix of native species that are appropriate in supporting local biodiversity. An informative is attached to the permission recommending that swift bricks are incorporated into the development.

Waste Treatment capacity

Scottish Water has been consulted and has raised no objections to the proposed development.

h) Public Comments

Twelve public comments have been received in response to the application.

Material considerations;

- Principle of student housing - addressed in section 3.3(a).
- Loss of existing housing on site - addressed in section 3.3(a).
- Design aspects including scale, materials, height, context, provision of amenity space - addressed in section 3.3 (b).
- Impact on amenity, including capacity of local facilities, noise, privacy, loss of access to the grass mound, overshadowing of existing garden grounds - addressed in section 3.3 (c).
- Potential of flood risk from development - addressed in section 3.3 (e).
- Impact of the development on existing sewerage capacity - addressed in section 3.3 (g).

- Impact of development on availability of parking parking provision in the wider area - addressed in section 3.3(d).
- Impact of the development on biodiversity along the Braid Burn corridor - addressed in section 3.3(g).

Community Council

Liberton and District Community Council has made the following material comments in relation to the application;

Support

- Support for the improved mix of student accommodation provided within the development.

Objection;

- Objection to the development of student housing in principle and to the loss of existing housing on the site - addressed in section 3.3(a);
- Design aspects of the proposals including building scale, context, sunlight/daylight provision, adaptability, waste servicing and internal layout of the building - addressed in section 3.3(b);
- Transport impacts of additional cyclists generated from the proposals - addressed in section 3.3(d);
- Potential flooding concerns in relation to the development's proximity to the Braid Burn; addressed in section 3.3(e);
- Impact of the development on potential archaeological assets - addressed in section 3.3(f);

Conclusion

The proposals comply with the development plan, the Council's Guidance for Student Housing and the Edinburgh Design Guidance. The scale, design and materials are satisfactory. There is no unacceptable loss of residential amenity and the proposal provides a satisfactory level of amenity for the new occupiers. There are no road safety issues. There are no other material considerations which outweigh this conclusion. Overall, the development complies with the development plan and there are no material considerations which indicate otherwise.

The application requires to be referred to the Scottish Ministers prior to determination due to the outstanding objection from SEPA.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, 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 remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

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 to the satisfaction of the Head of Planning.

2. No demolition/development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building recording, 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.
3. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
4. Prior to the commencement of works on site, details of the undernoted matters shall be submitted and approved by the Council as planning authority, in the form of a detailed layout of that phase of the site and include;
 - a) A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. This will include;
 - i) Provision of a hard works plan including details and materials for all surfacing, walls, fences, gates, street furniture and any other boundary treatments. It is noted that all kerbs are required to have a minimum 50mm upstand to allow for equal access for all;
 - ii) The location of all new trees, shrubs and hedges within the residential area, including details of tree trenches, tree pits and raised planters;
 - iii) A schedule of plants to comprise species, plant size and proposed number/density;

- iv) Programme of completion and subsequent maintenance of landscaping;
- v) Details of phasing of these works.

The approved landscaping scheme shall be fully implemented within 6 months of the completion of the development.

- 5. The position of the access gate at the southern edge of the site is not yet approved. Details of the gate position should be submitted by the applicant and approved by the Planning Authority prior to commencement of the development.

Reasons:-

- 1. In order to enable the planning authority to consider this/these matter/s in detail.
- 2. In order to safeguard the interests of archaeological heritage.
- 3. In order to enable the planning authority to consider this/these matter/s in detail.
- 4. In order to ensure that the landscape strategy is delivered and maintained to an acceptable standard, in the interests of amenity of the site and wider area.
- 5. In order to ensure that a good level of end user safety and amenity is provided.

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. A scheme for protecting all bedrooms and living rooms of the residential development against road traffic noise should be developed. The scheme will be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following internal noise levels:

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

- T - Night-time 8 hours between 2300 - 0700
- D - Daytime 16 hours between 0700 - 2300

The applicant will need to submit details of the proposed energy system being proposed for the development.

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), 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.
6. The approved landscape scheme shall be fully implemented within six months of the completion of the development.
7. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
8. Swift bricks should be incorporated into the building. Proposed locations should be approved by the planning authority.
9. The applicant is to contact Scottish Water directly to identify any potential conflicts with Scottish Water assets at the Asset Impact Team directly at service.relocation@scottishwater.co.uk. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

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 is not subject to 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

Public summary of representations and Community Council comments

Neighbour notification was undertaken on 12 February 2020. Twelve comments were received from members of the public objecting to the application. Comments were also received from Liberton and District Community Council. Matters raised are addressed in section 3.3 (h).

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

The site lies within the urban area of the adopted Edinburgh Local Development Plan.

Date registered

12 February 2020

Drawing numbers/Scheme

01, 02, 03C, 04A, 05-08, 09B, 10B, 11A, 12-15,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Julie Ross, Planning Officer

E-mail: julie.ross@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Hou 8 (Student Accommodation) sets out the criteria for assessing purpose-built student accommodation.

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

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

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

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

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

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

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

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

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

LDP Policy RS 6 (Water and Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 11 (Special Landscape Areas) establishes a presumption against development that would adversely affect Special Landscape Areas.

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

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

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

Relevant Non-Statutory Guidelines

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

Non-statutory guidelines Student Housing Guidance interprets local plan policy, supporting student housing proposals in accessible locations provided that they will not result in an excessive concentration.

The Craigmillar Park Conservation Area Character Appraisal emphasises the predominance of high-quality stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing and the use of traditional materials, and the predominant residential use.

Appendix 1

Application for Planning Permission 20/00487/FUL At 224-234 Mayfield Road And 14-15 Braefoot Road, Edinburgh, EH9 3BE Erection of student accommodation 148 beds (124 units). (amendment to planning permission 18/03617/FUL).

Consultations

Archaeology

224-234 Mayfield Road & 14-15 Braefoot Terrace

Further to your consultation request I would like to make the following comments and recommendations in respect to this application for the erection of student accommodation 148 beds (14 units) (amendment to planning permission 18/03617/FUL).

The site occupies the site of Liberton Dam, part of though upstream from, the small historic rural settlement of Nether Liberton, first recorded in 1369. The layout of this small medieval village can be seen on J Laurie's 1766 A plan of Edinburgh and places adjacent and comprised a small number (8) of buildings spread on each side of the Braid Burn with the focus being the former Nether Liberton mill (situated on the opposite bank of the burn due east of the site). A mill at this location is suspected from the medieval period onwards and mill lades were certainly in operation by the end of the 16th century. Laurie's 1766 plan also depicts a building occupying this.

Liberton Dam is recorded as early as 1682 and takes its name from the Old Scots for mill lade, being at the junction of two such features, one of which feeds Liberton Mill to the NE. General Roy's 1750's Military Map depicts a range of buildings in this location possibly on this site. The greater detail of the 1850's 1st Edition OS map shows a group of separate buildings on this site with a mill lade forming the sites southern boundary. The settlement was also the site of a steam-pump constructed in 1788 to supply water to Edinburgh from the Braid Burn, though it is not known if this was located on this development site

The site is therefore regarded as occurring within an area of archaeological importance both in terms of late-medieval and post-medieval development of Neither Liberton and its rural industrial heritage. The site is occupied by a row of 19th century cottages. The 1st Edition OS map records a cottage underlying the southernmost cottage in this row, though it is probably that this building was demolished to make way for the current row of cottages.

Until 2018/19 the site was also occupied by a range of buildings, predominantly 20th century garage/workshop buildings. However, it was considered at the time of the 2018 application (18/03617/FUL) for student housing that these buildings (see my response

to Jennifer Zochowska dated 17th July 2018) may have retained earlier upstanding fabric, relating to the site's 18th and 19th century occupation. As it was recommended that prior to demolition that a detailed historic building survey be undertaken to record any historic (pre-1914) fabric. After granting of this consent the garage buildings have been demolished, apparently without any such archaeological recording having taken place.

The site is therefore regarded as occurring within an area of archaeological importance both in terms of late-medieval and post-medieval development of Neither Liberton and its rural industrial heritage. Accordingly, this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and Edinburgh Local Development Plan (2016) 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 site still contains a row of 19th century cottages and significantly overlies the site of Liberton Dams and is regarded as being of archaeological significance primarily in terms of its post-medieval Industrial archaeology. The proposed development will require extensive excavations in terms demolition and construction of new buildings, utilities etc. Accordingly, it is recommended that a programme of archaeological excavation is undertaken prior to development.

This will require a phased archaeological excavation. The initial phase will be an archaeological evaluation up to a maximum of 10% of the site to assess what may survive on site as a result of the actions of the recent demolition work. The results will determine the scope of further mitigation strategies to be drawn up to ensure the appropriate protection and/or full excavation, recording and analysis of any surviving archaeological remains affected.

In addition to the above the row of 19th century cottages are of local archaeological interest. It is therefore recommended that they are recorded (annotated plans, elevations, photographic and written description) prior to demolition as part of the overall programme of archaeological works.

Accordingly, it is essential that the following condition is attached to this consent to ensure that undertaking of the above elements of archaeological work are undertaken.

'No demolition/development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building recording, 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.

Environmental Protection

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

20/00487/FUL | Erection of student accommodation 148 beds (124 units). (amendment to planning permission 18/03617/FUL). | 224-234 Mayfield Road And 14-15 Braefoot Road.

The proposal is for the demolition of the existing former garage and adjacent terrace houses and the erection of purpose build student accommodation. Environmental Protection have commented on a similar proposal previously on this site, planning applications 18/03617/FUL & 16/01889/FUL. This new application has only varied by extending the previous proposal to the adjacent land to the north to include a total of 158No self-contained studio rooms. The site is bordered to the north and south by residential dwellings, to the west by a golf course and to the east by Mayfield Road.

The existing use of the site as a garage means that the land could have become contaminated and should be investigated to ensure that the site is made safe for the intended use. A condition is recommended in this regard.

Due to the proximity of the busy Mayfield Road to the east of the site, the agent should ensure that adequate protection from associated noise is reduced to acceptable levels. An informative is recommended in this regard.

The applicant has confirmed that the proposal will not included any carparking spaces which is something Environmental Protection supports. If the applicant is proposing an energy centre or centralised boilers you will need to ensure that information is submitted and if required a supporting chimney height calculation as per the Clean Air Act which is anything above 366Kw. The Pollution Prevention and Control (Scotland) Regulations 2012 were amended in December 2017 to transpose the requirements of the Medium Combustion Plant Directive (MCPD -Directive (EU) 2015/2193 of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants). The purpose of the MCPD is to improve air quality. All combustion plant between 1 and 50 MW (net rated thermal input) will have to register or have a permit from SEPA. Environmental Protection will require that secondary abatement technology is incorporated into any plant above 1MW (accumulate assessment). It should also be noted that due to the zero carbon targets and climate emergency Environmental Protection recommend that no fossil fuels are used including gas. The applicant should fully investigate the use of ground and air sourced heat pumps and photovoltaic/ solar panels linked to battery storage.

Amenity is unlikely to be adversely affected by this proposal; Environmental Protection has no objections to this proposed development, subject to the following condition:

Condition:

Prior to the commencement of construction works on site:

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, 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 remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

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 to the satisfaction of the Head of Planning.

Informative:

A scheme for protecting all bedrooms and living rooms of the residential development against road traffic noise should be developed. The scheme will be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following internal noise levels:

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

T - Night-time 8 hours between 2300 - 0700
D - Daytime 16 hours between 0700 - 2300

The applicant will need to submit details of the proposed energy system being proposed for the development.

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;

Note:

- The proposes zero car parking is acceptable;
- The proposed 148 cycle parking spaces for the 148 beds is acceptable.

Waste

Response 1 (5th May 2020)

The site below seems fine we just need to make sure the door opening meets our architects guidance. Also, we can't have bins over lapping (circled in the corner) I've calculated the requirements for 124 units so this might help create space within the store if not the store will need to be altered.

Requirements for 124 units-

6x1280 residual
5x1280 DMR
1x500 Food waste
2x360 Glass

Response 2 (5th August 2020)

We have no objections relating to waste arrangements

Scottish Water

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

Water

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

Foul

This proposed development will be serviced by Edinburgh PFI Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application

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

Infrastructure within boundary

According to our records, the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Scottish Water Disclaimer

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss,

damage or costs caused by relying upon it or from carrying out any such site investigation."

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused. In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

Scottish Water asset plans can be obtained from our appointed asset plan providers:

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

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

Please find all of our application forms on our website at the following link

<https://www.scottishwater.co.uk/business/connections/connecting-yourproperty/new-development-process-and-applications-forms>

Next Steps:

Single Property/Less than 10 dwellings For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a PreDevelopment Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

10 or more domestic dwellings:

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals. Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

Non Domestic/Commercial Property:

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

Trade Effluent Discharge from Non Dom Property:

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

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/ourservices/compliance/trade-effluent/trade-effluent-documents/trade-effluent-noticeform-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off. For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Flood Planning

SEPA

Response 1 (17th April 2020)

Town and Country Planning (Scotland) Acts

Planning application: 20/00487/FUL

Erection Of Student Accommodation 148 Beds (124 Units). (Amendment to Planning Permission 18/03617/Ful). At 224-234 Mayfield Road

14-15 Braefoot Road, Edinburgh, EH9 3BE - Reference Number: 20/00487/FUL

Thank you for your consultation email which SEPA received on 13 February 2020.

Advice for the planning authority

We object to this planning application on the grounds of lack of information. We will review this objection if the issues detailed in Section 1 below are adequately addressed.

1. Flood risk

1.1 We object to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

1.2 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.

Technical Report

1.3 We previously provided comments on this application within a letter dated the 16th of January 2020. We objected and requested that a satisfactory FRA which includes the potential of culvert blockage and demonstrated that the proposed building footprint is outwith the 0.5% annual probability (1:200) floodplain and there is flood free access and egress during a 0.5% annual probability (1:200) flood. The FRA should also demonstrate that the proposed development will not increase the risk of flooding elsewhere.

1.4 A Flood Risk Assessment and Drainage Strategy Report has been submitted in support of the application. No hydrological analysis or hydraulic modelling has been

undertaken within the report. We do not deem this as a satisfactory FRA to demonstrate that the proposed development is outwith the 0.5% AP (1:200) floodplain and therefore request a satisfactory FRA, as stated above, is provided.

1.5 The report concludes that there is no risk to the development site from the Braid Burn. As previously stated this conclusion has been reached solely on the basis of the SEPA Flood Map which is only indicative of the risk of flooding and the flood outline has been derived without any information about the four nearby culverts. A planning application for a site with the potential to be in a flood risk zone needs to be supported by a site specific flood risk assessment (FRA). This requires an assessment of the flood hydrology of the Braid Burn and hydraulic modelling which for this site should have consideration of the four nearby culverts. We would advise that there is considerable woody debris in the Braid Burn which originates from the Hermitage upstream. The presence of this woody debris increases the risk of culvert blockage which should also be considered within a satisfactory FRA.

1.6 The FRA should not only consider the flood risk from the Braid Burn discharging from the upstream culvert but should also assess the flood risk posed by any backing up of water upstream of the embankment and any impact an elevated head of water might have on flows through the site. We hold no information on the ownership of the embankment, but further details should be obtained including on any inspection or maintenance of the structure. As this is not part of a formal flood prevention scheme and there may be a risk of breach or collapse of this structure then an assessment should consider the flood risk during such an event.

1.7 We would advise that any FRA should also consider access and egress from the proposed development which should remain flood free during a 0.5% AP (1:200) event.

Summary of Technical Points

1.8 In summary we wish to receive clarification on the following points before we would consider removing our objection to the proposed development:

- A satisfactory FRA which includes the potential of culvert blockage and demonstrates that the proposed building footprint is outwith the 0.5% AP (1:200) floodplain and there is flood free access and egress during a 0.5% AP (1:200) flood. The FRA should also demonstrate that the proposed development will not increase the risk of flooding elsewhere.

2. Standing advice

2.1 For all other matters, including drainage, we have provided standing advice applicable to this type of small-scale local development which is available at SEPA Guidance Note 8- SEPA standing advice for planning authorities and developers on development management consultations.

Detailed advice for the applicant

We have objected to this planning application. The applicant should provide the information requested in section 1 above before we can consider reviewing the objection.

3. Flood risk

3.1 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.

3.2 We refer the applicant to the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction with Policy 41 (Part 2).

3.3 Our Flood Risk Assessment Checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process.

3.4 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.

3.5 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 Edinburgh Council as Planning Authority in terms of the said Section 72 (1).

Regulatory advice for the applicant

4. Regulatory requirements

4.1 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).

4.2 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.

4.3 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:

- 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 degrees

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.

4.4 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.

4.5 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulation section of our website or by contacting waterpermitting@sepa.org.uk or wastepermitting@sepa.org.uk.

4.6 If you have any queries relating to this letter, please contact me by email at planning.se@sepa.org.uk.

SEPA Response 2 (4th May 2020)

We are writing to you because we received an email from Scott Hobbs Planning on the 21 April 2020, also copied to you, asking why we have objected with our letter of the 17 April 2020 (our ref: PCS/170074) considering that this consultation (20/00487/FUL) is an amendment of 18/03617/FUL, previously approved by the Council. Please see our response below.

Advice for the planning authority

1. Flood risk

1.1 We previously provided comments on the 17th of April 2020. We objected to the proposed development and requested a satisfactory floods risk assessment (FRA) which includes the potential of culvert blockage and demonstrated that the proposed building footprint is outwith the 0.5% AP (1:200) floodplain and there is flood free access and egress during a 0.5% AP (1:200) flood. The FRA should also demonstrate that the proposed development will not increase the risk of flooding elsewhere.

1.2 Since our previous letter the applicant has informed us that the proposed application reference 20/00487/FUL is an amendment to an approved scheme, reference 18/03617/FUL. We were not consulted on the previous application under 18/03617/FUL.

1.3 We have not received a satisfactory FRA and we were not consulted on the previously approved scheme. Therefore, we are unable to comment on flood risk.

Caveats and detailed advice for the applicant

2. Flood risk

2.1 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.

2.2 We refer the applicant to the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction with Policy 41 (Part 2).

2.3 Our Flood Risk Assessment Checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process.

2.4 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.

2.5 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 Edinburgh Council as Planning Authority in terms of the said Section 72 (1).

Regulatory advice for the applicant

3. Regulatory requirements

3.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulation section of our website or by contacting waterpermitting@sepa.org.uk or wastepermitting@sepa.org.uk.

3.2 If you have any queries relating to this letter, please contact me by email at planning.se@sepa.org.uk.

SEPA Response 3 (2nd July 2020)

Thank you for your consultation email which SEPA received on 17 June 2020.

Advice for the planning authority

We object to this planning application on the grounds of lack of information. We will review this objection if the issues detailed in Section 1 below are adequately addressed.

1. Flood risk

1.1 We maintain our objection to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

1.2 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.

Technical Report

1.3 We previously responded to this application on the 17th of April 2020 and 16th of January 2020. We requested a satisfactory Flood Risk Assessment (FRA) which includes the potential of culvert blockage and demonstrates that the proposed building footprint is outwith the 1 in 200 year floodplain and there is flood free access and egress during a 1 in 200 year flood. The FRA should also demonstrate that the proposed development will not increase the risk of flooding elsewhere.

1.4 Since our previous responses a new FRA has been submitted in support of the application, undertaken by JBA Consulting. Within this FRA, JBA have taken the City of Edinburgh Council (CEC) hydraulic model and design estimated flows for the Braid Burn Flood Protection Scheme (FPS) undertaken in 2003, and used this to assess flood risk at the site. It is stated within the FRA that the model has not been changed and the design flows used within the original model have been used to assess flood risk to the site. We would highlight that SEPA did not review the original hydraulic model or design flow estimates. We request that the hydrology for the Braid Burn is reviewed and updated within the hydraulic model for the scenarios stated below. In-house analysis indicates that the QMED used in 2003, for the Liberton gauging station and the hydraulic model, is approximately 18% lower than the QMED based on the longer record up to the period when the FPS was constructed. Unfortunately the FPS has impacted upon the gauging station and high flows are no longer reliable beyond this date.

1.5 No further information has been provided on the location of the cross sections, Manning's *n* roughness values, design flow estimates, velocities or Froude numbers. Therefore, we request modelled tabular output for the relevant cross sections, cross section locations and Manning's *n* roughness values.

1.6 It is stated in the FRA that the flood wall, from review of the FPS drawings, is to a level of 55.49mAOD. We would request this is cross referenced to the topographic level information to ensure the height of the flood wall stated in the drawings is correct as built. We would also advise the planning authority that the crest level of a defence does not represent the standard of protection (SOP). The crest of a defence is equivalent to the SOP plus an appropriate freeboard allowance.

1.7 A flood protection scheme can reduce flood risk but cannot eliminate it entirely. Its primary purpose is to protect existing development from flood risk rather than to facilitate new development. For this reason the policy principle of avoidance should be promoted for any proposed development behind such schemes. Flood Protection Schemes can still overtop, fail, or be breached and subsequent flooding can be more hazardous in nature due to the rate of onset and velocity of inundation. If this happens,

water trapped behind the scheme can also lead to prolonged inundation leading to significant damage to properties and businesses. Flood Protection Schemes have a finite design life, which may be less than that of the proposed and future development. Also, predicted changes in climate could have a significant impact on the SOP of a flood protection scheme over its lifetime.

1.8 A flood wall, as a part of the FPS, is located on the right hand bank of the Braid Burn, along the northern edge of the site, Mayfield 1. The SOP of the Braid Burn is stated to be 1 in 200 year plus 12% climate change. Due to the vulnerability classification of the proposed development, we require the SOP of the FPS is to a 1 in 200 year plus 20% climate change for new developments behind a scheme, as stated within our Planning Information Note 4 (PIN 4). Indications are that the design flow estimates used in 2003 can now be considered underestimated based on the longer available flow record. We would deem the 1 in 200 year plus 40% climate change flood levels provided within the FRA to be more representative of the 1 in 200 year plus 20% climate change based on current QMED figures. Based on the information contained within the FRA we would suggest that the SOP of the flood defence is not only significantly less than the 1 in 200 year plus 20% climate change allowance flood level but the defence would be overtopping before it reached this level.

1.9 To summarize the hydraulic modelling has been undertaken using the CEC Braid Burn FPS model. Based on the information provided in the FRA we would suggest that the SOP of the Braid Burn FPS is not to an appropriate standard for the proposed development based on our PIN 4. We therefore recommend that the applicant modify the proposed development in order that it complies. This will require some further model runs after updating the hydrology input. For the scenarios provided below there should be no modification to existing ground levels within the flood extent used. The scenario taken forward by the applicant should then be used to inform development layout. We would highlight that we would be unable to support development or land raising within any of the flood extents within the proposed scenarios described below. Therefore, we recommend that the proposed development is either,

- outwith the 1 in 200 year flood extent without the FPS in place with updated hydrology, or
- the proposed development is outwith the 1 in 200 year plus 40% climate change flood levels as shown within Table 3-1 of the FRA, or
- demonstrate that the SOP of the flood defence is equal or greater than a 1 in 200 year plus 20% climate change allowance level.

Summary of Technical Points

1.10 In summary we wish to receive clarification on the following points before we would consider removing our objection to the proposed development:

- Review of the design flow estimates and re-run within the hydraulic model within the scenarios described below.
- Modelled tabular output, cross section locations and Manning's n roughness values used
- Height of the flood wall cross referenced with topographic level information
- The proposed development is either;

- outwith the 1 in 200 year flood extent without the FPS in place with updated hydrology, or
- the proposed development is outwith the 1 in 200 year plus 40% climate change flood levels as shown within Table 3-1 of the FRA, or
- demonstrate that the SOP of the flood defence is equal or greater than a 1 in 200 year plus 20% climate change allowance level.

2. Standing advice

2.1 For all other matters, including drainage, we have provided standing advice applicable to this type of small-scale local development which is available at SEPA Guidance Note 8- SEPA standing advice for planning authorities and developers on development management consultations.

Caveats and additional information for the applicant

The applicant will note that we are maintaining our objection on the basis of lack of information in relation to flood risk.

3. Flood risk

3.1 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.

3.2 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.

3.3 We refer the applicant to the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction with Policy 41 (Part 2).

3.4 Our Flood Risk Assessment Checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process.

3.5 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.

3.6 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 Edinburgh Council as Planning Authority in terms of the said Section 72 (1).

Regulatory advice for the applicant

4. Regulatory requirements

4.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulation section of our website or by contacting waterpermitting@sepa.org.uk or wastepermitting@sepa.org.uk.

4.2 If you have any queries relating to this letter, please contact me by email at planning.se@sepa.org.uk.

SEPA Response 4 (28th July 2020)

Thank you for your consultation email which SEPA received on 15 July 2020. Following our last response of the 2 July 2020 (our ref. PCS/171836) we received feedback in a letter from JBS consulting dated 6 July 2020.

Please also note in Appendix 1 of this letter the pre-application advice we provided to GDL Architecture in January 2019 for developments in Braefoot and Mayfield, which clearly highlighted issues with this proposal.

Advice for the planning authority

We object in principle to this planning application in principle on the grounds of flood risk. Please note the advice provided below.

1. Flood risk

1.1 We previously responded to this application on the 2nd July 2020. We maintained our objection and requested the following;

i. Review of the design flow estimates and re-run within the hydraulic model within the scenarios described below,

ii. Modelled tabular output, cross section locations and Manning's n roughness values used

iii. Height of the flood wall cross referenced with topographic level information

iv. The proposed development is either;

- Outwith the 1 in 200 year flood extent without the FPS in place with updated hydrology, or

- Outwith the 1 in 200 year plus 40% climate change flood levels as shown within Table 3-1 of the FRA, or

- Protected by a scheme where it is demonstrated that the SOP of the flood defence is equal or greater than a 1 in 200 year plus 20% climate change allowance level.

1.2 Since our previous letter JBA Consulting has submitted a letter dated 6th July 2020 addressing the points above. Within JBA's letter they have referenced the above

points 1 to 4, from top to bottom. Points 1 and 4 above were addressed within the JBA letter together. For ease this referencing system is used below.

1.3 Within the JBA letter, addressing point 2 above, modelled tabular output, cross section locations and Manning's *n* roughness values used within the hydraulic model have been provided, which we are grateful for. We would highlight that cross sections BB_215C to May1 are relevant to the proposed development.

1.4 We would like to highlight that SEPA was not consulted on the previous planning permission (18/03617/FUL) and therefore we cannot comment on the previously approved application. However, we advise that the current proposed application provides a betterment than the previously approved application, if the council were minded to approve this application. We would also highlight that we provided pre-application advice to the developers architect in January 2019 whereby we stated that we would be unable to support an increase in the number of persons at risk within the functional floodplain or an increase in vulnerability. Within this email we also requested that access should be maintained for the Braid Burn and its culverts for inspection and maintenance. This advice appears to have not been taken on board from what we now have in front of us. E.g. the current application has the student accommodation located right up to the flood wall, and still represents an increase in the number of persons at risk and thus an increase in flood risk to Human Health, as warned against in the Flood Risk Management (Scotland) Act, 2009.

1.5 For information, this application is for the erection of student accommodation on a site that currently consists of residential dwellings and the majority of the site is now vacant land due to the demolition of a former garage. As the majority of the site was of a less vulnerable use it is our view that there is an overall increase in vulnerability from least vulnerable to highly vulnerable. The residential block to the north consists of 5 dwellings. The current proposal is for 124 units, significantly increasing the number of persons on site and at risk.

1.6 JBA has used the original 1 in 200 year flood estimate used for the FPS plus 40% climate change flood levels. This is to represent the flood level which would approximately correspond to our understanding of a 1 in 200 year plus 20% climate change flood level, which is required to meet SEPA's Planning Information Note 4 (PIN4) advice. For clarification the 1 in 200 year plus 40% allowance is derived by the 1 in 200 year floodplain, plus 20% climate change and an additional 20% to take account of the increase in QMED as described in our previous letter. This gives a flood level of 55.64mAOD at cross section BB_215E. We would highlight that SEPA are requesting updated flood levels for a current planning application to the north of the Braid Burn. Options for the northern site have been presented to JBA including review of the hydrology used within the hydraulic model. We would highlight that if the hydrology for the northern site is reviewed this may impact on flood levels for this application.

1.7 Point 3 within the JBA letter advises that the flood wall height quoted within the City of Edinburgh Council (CEC) documents of 55.49mAOD is not what exists on the site. From site topography and visual inspections the height of the wall is approximately 54mAOD, 1.49m lower than documented by CEC. Therefore, the FPS does not provide the application site with any significant protection, if any, from flooding in the Braid Burn.

1.8 Based on the 1 in 200 year plus 40% climate change flood level of 55.64mAOD, and the flood wall of only 54mAOD, there could be significant amount of flood water overtopping the wall. Review of the topographic level information provided the majority of the site will be inundated, with the northern section potentially to significant depths based on the flood levels provided.

1.9 It is unclear at this moment in time if there will be flood free access and egress for occupants and emergency services during the design flood event.

1.10 In summary it has been demonstrated that the current FPS wall located on the northern boundary is not to an appropriate standard of protection, or to a height quoted by CEC, for the proposed development, as stated within our PIN4. The majority of the site will be inundated with significant depths of floodwater during the design flood event. Therefore, we are unable to support the current proposed development on flood risk grounds but would advise that the current application will be at less risk of flood damage than the proposed development with extant planning permission.

Caveats and detailed advice for the applicant

The applicant will note that we object in principle to this proposal. Details in the section above.

2. Flood risk

2.1 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.

2.2 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.

2.3 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).

Regulatory advice for the applicant

3. Regulatory requirements

3.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulation section of our website or by contacting waterpermitting@sepa.org.uk or wastepermitting@sepa.org.uk.

3.2 If you have any queries relating to this letter, please contact me by email at planning.se@sepa.org.uk.

Yours sincerely

*Silvia Cagnoni-Watt
Senior Planning Officer
Planning Service*

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our website planning pages.

Appendix 1 - Pre-application consultation email response to GDL Architecture (sent Monday 28/01/2019 11:54)

Douglas,

Further to your consultation email of 15 January below, I have consulted with our flood risk hydrologists and our regulatory team and we would offer the following pre planning advice:

Flood Risk

If formally consulted through the planning process on the proposed development we would object on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy based on the information supplied with this consultation.

Technical Report

1. Review of the SEPA Flood Map indicates that this site, or parts thereof, lies within the 0.5% annual probability (1 in 200-year) flood extent and may therefore be at medium to high risk of flooding. The flood risk identified at the site is shown to be from fluvial and surface water sources although it is likely that the key flood risk is from the Braid Burn which runs through the middle of the site.

2. Little information has been provided but it appears as if the proposals are for the erection of two blocks of flats on either side of the Braid Burn with a link bridge at first floor level between the blocks. The land to the north of the Braid Burn appears to be derelict but was most recently a pub and to the south of the Braid Burn, it is residential.

The change of use from pub to residential is an increase in vulnerability and would not be suitable for areas at flood risk. Should there be a likely increase in the numbers of persons at risk (e.g. an increase in the number of residences) on the land currently residential then we are also likely to object should the site be shown to be at flood risk.

3 In order to determine whether the proposals are appropriate we would require provision of a Flood Risk Assessment (FRA) for the site. This should determine the flood risk from the Braid Burn, and any other potential sources of flooding. There should be no increase in vulnerability or number of persons residing within the functional floodplain. This assessment should consider any potential flood risk arising from a blockage of the Mayfield Road bridge.

4. The FRA should not only consider the flood risk from the Braid Burn discharging from the upstream culvert but should also assess the flood risk posed by any backing up of water upstream of the embankment and any impact this may have on flows through the site. We believe the embankment was constructed historically as Liberton Dams to serve the Mill Lade and associated industries in the area. We hold no information on the ownership of the embankment, but further details should be obtained including on any inspection or maintenance of the structure. As this is not part of a formal flood prevention scheme and there may be a risk of breach or collapse of this structure then an assessment should be made of the flood risk during such an event. Dependent on any flood risk and its potential consequence it may be that the flood risk at the site is considered too significant for any development of increased vulnerability which will result in an overall increase in flood risk.

5. We request additional information to determine whether the Mill Lade shown on historic maps as running to the south of the site is still in existence and if so what flood risk this may pose.

6. We have no objection to the building of accommodation on the link bridge provided it is demonstrated that the properties would be located above the predicted design flood level and that access to the channel is maintained for inspection and clearance purposes.

Summary of Technical Points

7. In summary we would wish to receive clarification on the following points before we would consider removing our objection to the proposed development:

- A Flood Risk Assessment should be provided to determine the functional floodplain for the Braid Burn, and flood risk from any other sources. This should take account of any blockages at the Mayfield Road bridge and a failure of the upstream embankment.

- Further information on the Mill Lade and whether it is still in existence should be provided and a FRA if appropriate.

- There should be no increase in overall flood risk at the site i.e. no land use of increased vulnerability from existing or increase in number - Access should be maintained for the Braid Burn and its culverts for inspection and maintenance.

Caveats & Additional Information for Applicant

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

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/media/162602/ss-nfr-p-002-technical-flood-risk-guidance-for-stakeholders.pdf> Please note that this document should be read in conjunction with Policy 41 (Part 2).

Our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process. It can be downloaded from <http://www.sepa.org.uk/media/159170/flood-risk-assessment-checklist.xls>

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.

Licensing requirements under the Water Environment (Controlled Activities) (Scotland) Regulations (CAR)

The site could potentially require a CAR licence for the proposed bridge but it would depend on the details - we would advise that you consult SEPA's Practical Guide to the Controlled Activities Regulations in order to determine the likely licensing requirements - please see section 6 of the Guide which addresses engineering activities. If, following your review of this guidance you require any further advice or assistance regarding CAR licensing, our regulatory team in our Edinburgh Office would be able to assist. Please contact me and I'll provide you with the best point of contact.

There is potential for silt migration into the burn and we would advise that you ensure the site's surface water drainage system (SUDS) is constructed prior to stripping the site of top soil. We would welcome and indeed appreciate the opportunity to review your SUDS proposals prior to work being undertaken. We would recommend that you consult SEPA's Regulatory Method on Sustainable Urban Drainage Systems. Further detail with regards construction phase SUDS is contained in Chapter 31 of SUDS Manual (C753). Comments should be requested from Scottish Water where the SUDS proposals would be adopted by them, and the views of the local authority's roads department and flood prevention unit should be sought on the SUDS strategy in terms of water quantity and flooding issues.

I trust these comments are of assistance - please do not hesitate to contact me if you require any further information.

Regards

Alasdair

Alasdair Milne
Senior Planning Officer
Scottish Environment Protection Agency

CEC Flooding

CEC Flooding Response 1 (13th March 2020)

I have reviewed the FRA report on the portal and have the following comments to be addressed by the applicant. The FRA report refers to drawings that I cannot see on the portal or within the report. Perhaps the drawings on the portal are not publicly visible.

1. *Could the applicant please provide the following drawings:*
 - a. *Drainage Layout drawing (J3438-002)*
 - b. *Post development flow paths for site and surrounding area (Assuming this is drawing J3438-011)*
2. *Could the applicant please provide confirmation of where the surface water is discharging to. If discharging to the Scottish Water combined sewer, written confirmation will be required - confirming that Scottish Water agree with the proposed discharge.*
3. *Could the applicant please confirm the max flood level in the 1:200-year+40%CC storm event. We would request that the finished floor level (FFL) is 600mm above this max flood level. If this 600mm freeboard is not technically feasible, than a freeboard assessment should be conducted to confirm that a freeboard less than 600mm is appropriate.*
4. *Underground storage tanks are proposed to attenuate surface water. CEC Flood prevention request that surface water assets, in particular attenuation structures, are above ground and not below ground for easier maintenance and identification of potential reduction in storage capacity or blockages. Could the applicant please confirm why above ground storage is not feasible.*

CEC Flooding Response 2 (17th April 2020)

Thank you for the additional information. This satisfies Flood Prevention's comments. This application can proceed to determination, with no further comments from our department.

CEC Flooding Response 2 (29th June 2020)

Thank you for the update. I have reviewed the additional flood risk assessment and the revised finished floor level satisfies our concerns. This application can proceed to determination, with no further comments from our department.

Liberton and District Community Council

Planning Application 20/00487/FUL - 224-234 Mayfield Road and 14-15 Braefoot Road, Edinburgh EH9 3BE: 136 student accommodation units

1 THE SITE

1.1 The site lies within the Liberton and District Community Council area.

1.2 The site and the adjacent vacant site at 200 Mayfield Road are owned by Lanark Student Living Ltd based at 166 College Road, Harrow, Middlesex, England HA1 1RA.

1.3 LDCC notes that Lanark Student Living Ltd was incorporated in 2015, and its confirmation statement with Companies House is currently overdue.

1.4 LDCC notes that the development is being funded with £6.195m agreed with Oblix Capital and from a further £809,728 raised by Lanark Student Living via the Crowd With Us crowdfunding platform. The platform's website states: "The site has planning permission in place for 237 beds at a current valuation of £8.85m. Enhanced planning has been submitted to increase the size by 69 beds making a total of 306 beds, at an enhanced value with planning of £11m. The developer will be working with a Tier one contractor, Meldrum Construction Services with whom they have a prior relationship to build out the scheme. Once built the projected total GDV for this scheme is £53m with £22m profit. Once planning for the additional 69 beds is secured, the developer will refinance the scheme with Oblix Capital, the senior lender, at 65% LTV and repay the CWU Bondholders early (minimum term 6 months). Considering the developer has already received planning on the two adjacent sites, this is believed to be the most likely outcome. Expected Valuation based on £36k per bed therefore 306 x £36k = £11m. 65% of £11m = £7.15m. This should provide sufficient lending to pay out CWU investors".

1.5 LDCC notes that in the event of the enhanced planning not being achieved the developer offers four "alternate exits" based on other developments in Liverpool, Sheffield, Nottingham and/or Edinburgh.

1.6 LDCC notes the withdrawal of an earlier application (19/03609/FUL) for a single development on the larger combined site, and the subsequent withdrawal of later applications (19/04858/FUL and 19/04768/FUL).

1.7 In the light of previous applications quoted in the Design and Access Statement (2.03), the offer to investors (see 1.3-1.4 above), and the illustrations in the Design and Access Statement (4.01) LDCC is concerned that the intention of Lanark Student Living Ltd is to develop both sites, and that once again, by submitting separate applications, the restrictions applied to developments over 0.25 ha would be avoided. This is not in keeping with the location and design guidance given in the CEC's Student housing guidance (p.8) which states that "sites with greater than 0.25ha developable area must comprise a proportion of housing as part of the proposed development, to balance the mix of land uses and to contribute to housing land need. On these sites the new build residential gross floor area shall represent a minimum of 50% of the total new build housing and student accommodation gross floor area." This proposal is contrary to Edinburgh's Local Development Plan, 2016 (LDP) policy Hou 1 (d) (p.114).

1.8 It should be noted also that the demolition of five houses on the site to accommodate the application will deplete the residential housing in the area.

1.9 LDCC notes that the two identical documents giving Scottish Water Board responses are inconclusive regarding water supply to the development.

1.10 Consequently, LDCC objects to the intended development of the site exclusively for speculative student accommodation, with no replacement for lost residential accommodation, and contrary to the Local Development Plan policy.

2 PROGRESSION OF APPLICATION

2.1 An application for a development of fifty student bedrooms on the site of the former Braidburn Inn, with seven car parking spaces (Ref: 14/04204/FUL) was not supported by a planning statement and withdrawn.

2.2 A later application (Ref: 16/04158/FUL) for 89 self-contained studio flats on five levels was granted planning permission in 2017.

2.3 Planning consent was granted subject to certain legal requirements for 83 self-contained studio flats with no parking spaces on the site of the former garage in 2016 (Ref:16/01889/FUL).

2.4 In 2018, an application (Ref: 18/03617/FUL) expanding this site following the demolition of the present residential housing to 148 student flats was granted planning permission.

2.5 Two applications (19/04858/FUL and 19/04768/FUL) proposed a two block development: Block A providing 124 self-contained studio rooms and 12 'twodios' giving 148 beds; Block B providing 126 self-contained studio rooms and 12 'twodios' giving 150 beds. The applications for the essentially single development were withdrawn.

2.6 The current application purports to be an amendment of application 18/03617/FUL which has already received planning permission.

3 BUILDING VISUAL IMPACT

3.1 The Planning Statement (2.3) states inaccurately that the height of the building "is appropriate being three storey at the northern end, increasing to four storeys at the lowest part of the site." The accommodation schedule however indicates a five-storey building comprising ground, and 1st to 4th floors. LDCC does not deem this appropriate.

3.2 LDCC notes the changes to the appearance of the Mayfield Road elevation. However, the CEC's Student Housing Guidance (2016) (p.7) states that "Large mono-use development has significant potential to harm the character of an area." LDCC maintains that the proposed development is a direct contravention of LDP policies Des 7 and Des 9 (pp.96-97). It does not respect local context and street pattern, or, in particular, the scale and proportions of surrounding buildings. It would be out of character with the area, and to the detriment of the local environment on the edge of

the green belt. LDCC believes that a further reduced scale of building would be more in keeping with the character of the area.

4 BUILDING DESIGN AND AMENITIES

4.1 LDCC is pleased to note the improved mix of accommodation provided in the revised developments, particularly the provision of accessible studios.

4.2 However, whilst the Design and Access Statement provides corridor widths and door opening widths, LDCC can find no dimensions given for the studios, accessible studios and three bedroom apartments. The studios appear small and the three bedroom studios are even smaller, albeit with a shared communal space. The previous development (18/03617/FUL) proposed 138 self-contained studios; the revision increases the density to 148 beds. The Design and Access Statement (7.01) appears to give greater priority to rental values than to student needs.

4.3 Future occupiers of the proposed complex will not have acceptable levels of amenity in relation to daylight, sunlight, privacy or immediate outlook. The development is overcrowded, with many of the lower rooms appearing to offer inadequate sunlight due to the large stone and turf dam to the west of the development. These shortcomings are contrary to LDP policy Des 5 (p.95).

4.4 LDCC is pleased to note that provision of accessible rooms in the revised application.

4.5 LDCC commented in previous applications that communal social spaces within the development(s) appeared insufficient for the number of residents. The current application provides a single indoor communal area on the ground floor, and small outdoor "amenities" areas with seven concrete seats to the rear and 4 timber benches to the front. The Planning Statement claims "an extra 35sqm outdoor amenity space," presumably within the "negligible 60sqm increase in the extant footprint" of the development. There are no communal areas provided on the floors 1-4.

4.6 There are no cooking facilities indicated within the development. This effectively means that future occupants will be expected to eat out, bring meals back to their accommodation, or purchase cooking equipment for use in their room or shared apartment space. LDCC feels that this is unacceptable.

4.7 There are no laundry facilities provided in the development.

4.8 LDCC notes that waste collection bins will be retrieved from the store and parked at the front of the development, to be emptied by vehicles parked close to a busy junction. LDCC has already raised a number of issues relating to this junction and the design of the development will exacerbate difficulties for vehicles, cyclists and pedestrians. (See also 7.3 below)

4.9 The Cameron Toll shopping centre, the GP surgery on Liberton Road and the private dental practice at the foot of Liberton Brae are referred to as local services. There is no statement of the two health services' capacity to register up to 148 additional patients.

4.10 With reference to the CEC's Student housing guidance LDCC suggests that the development would not contribute "to healthy and sustainable lifestyles" (p.8) and observes that according to research on the impact of accommodation on student health, lack of social space and opportunities for interaction with other students would be detrimental to student well-being.

5 ADAPTABILITY

5.1 The Edinburgh Design Guidance (October 2018) stipulates that buildings should be adaptable to the future needs of different occupiers. This is of special importance where purpose-built accommodation is proposed such as student accommodation where markets and demand can change quite quickly and this market is an unregulated one, which does not have to meet the standards of residential housing. These applications should demonstrate how what is proposed could be adapted to meet future needs such as housing and be compliant with the requirements for housing, such as open space. The Planning Statement (4.13) states that "The Design and Access Statement considers these issues in detail," but LDCC can find no such considerations.

5.2 The CEC's Student housing guidance (p.4) states "It is acknowledged that developer-led student accommodation will only be developed in places which are financially viable, giving due consideration to the projected occupancy rates during and outwith the term times." The application documents make little reference to out-of-term use, and consequently provide no consideration of the impact of such use.

6 ARCHAEOLOGY

6.1 The Archaeological Report dated 17/02/20 states that "No demolition/development shall take place until the applicant has secured and implemented a programme of archaeological work [...] in accordance with a written scheme of investigation [...] approved by the Planning Authority." LDCC notes that there is no evidence of the scheme of investigation being undertaken, or the programme of work undertaken.

6.2 LDCC also notes that, contrary to the Planning Statement (2.1) the dwelling houses have not (yet) been demolished.

7 TRANSPORT

7.1 The application claims to be a car free development, and therefore assumes no requirement for off-street parking. This assumes therefore that students' cars, or vehicles visiting the development will be parked outside the development or in the nearby streets. Parking in the vicinity is already overcrowded due to residential and commuter parking.

7.2 The LDP Proposals Map shows a protected cycleway and footpath safeguarded route adjacent to or along the western boundary of these sites. It needs to be made clear what impact this safeguard might have on these sites. In any case it would be beneficial in creating a safe and dedicated access to King's Buildings Campus if part of this route could be established in conjunction with these applications if planning approval is considered. LDCC notes that "contributions will be sought from developers towards the cost of new pedestrian/cycle links" (Planning Statement 2.3.3)

7.3 LDCC has already made representations to the CEC regarding the safety of cyclists and pedestrians at the busy junction at the southern end of Mayfield Road. The anticipated increase in cyclists close to this junction will exacerbate these concerns. (See also 4.8 above)

8 STUDENT HOUSING NEEDS

8.1 LDCC notes that, apart from a reference to a travel study undertaken by the University of Edinburgh, there appears to be little evidence of consultation with any of the city's academic institutions about this development. Since the potential occupants will likely be dependent on facilities within the University of Edinburgh's King's Buildings to provide some of the services and amenities that the development lacks, LDCC feels this is a significant omission.

8.2 Whilst not a current requirement for student housing, LDCC notes the aspiration in City Plan 2030 that student accommodation should look after students' wellbeing, and "be built for, and managed by, one of Edinburgh's universities or colleges". This development meets neither of these criteria.

9 CONCLUSIONS

9.1 LDCC does not object to the provision of student accommodation where needs are established.

9.2 LDCC is concerned that the developer will seek to extend the development into the vacant northern site.

9.3 LDCC objects to the size and appearance of the development on the grounds that it does not fit the character of the area.

9.4 LDCC objects to the design of the development on that grounds that:

9.4.1 It provides insufficient amenities for residents;

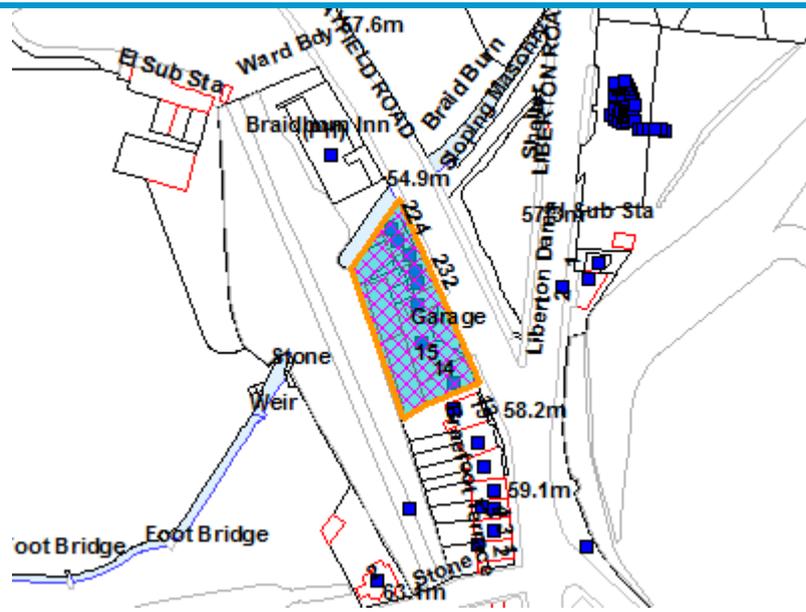
9.4.2 The accommodation will be detrimental to student well-being;

9.4.3 It will create further difficulties at an already problematic junction;

9.4.4 There is no consideration given to the impact of out-of-term use.

9.5 LDCC believes this to be a speculative development driven more by returns to investors than creating a sustainable community that fosters students' well-being.

Location Plan



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END