

Development Management Sub Committee

Wednesday 9 February 2022

Application for Planning Permission 21/01983/FUL at land south of 543A, Lanark Road, Edinburgh. Residential development of 4 dwellings, associated roads and infrastructure.

Item number

Report number

Wards

B02 - Pentland Hills

Summary

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and appearance of the conservation area.

The proposal does not comply with Local Development Plan policy Env 10. Notwithstanding this, there are material planning considerations why the application should be granted. The proposal will provide a sustainable new use for this established storage site which is in current and long-standing poor condition. The proposal re-uses brownfield land near the settlement edge on a site which currently detracts from the Green Belt character. It will enhance the landscape quality and rural character of the site and will provide positive improvements to landscaping, biodiversity and connectivity. On this basis a breach of policy is acceptable.

Access to the site and crossing over the core path currently occur and the proposal will not change this situation. It proposes an improvement at the cross over point. The proposal will enhance access to the natural environment and the water's edge and the character of the woodland setting will remain. Neighbouring amenity will not be unreasonably impacted and a good living environment will be provided for future occupiers. The proposed development will be of an appropriate scale, form and design and will create a sense of place.

The proposed development complies with the sustainability principles of Scottish Planning Policy which has a presumption in favour of sustainable development. There are no other material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

HES, HESSET, LDPP, LEN03, LHOU01, LEN10, LEN11, LEN18, LEMP09, LEN12, LDES03, LEN15, LEN16, LDES01, LDES04, LHOU04, LDES10, LDES05, LHOU04, LHOU03, LTRA02, LTRA03, LTRA04, LTRA09, LDES07, LEN08, LEN09, LEN21, LDES06, LDEL01, NSG, NSLBCA, NSGCGB, NSGD02, OTH, CRPJGR, SPP,

Report

Application for Planning Permission 21/01983/FUL at land south of 543A, Lanark Road, Edinburgh. Residential development of 4 dwellings, associated roads and infrastructure.

Recommendations

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

Background

2.1 Site description

The application site is a former mill site and is currently a storage yard next to the Water of Leith. It is accessed from Baberton Loan. It is a long thin site between the Water of Leith to the south and the core path/Water of Leith Walkway to the north.

Some buildings and remnants of mill buildings are on the site and at the time of the site visit there were also metal style shipping containers being used for storage. The yard extends for most of the flat area of the site with retaining walls along parts of the northern boundary. To the north and towards the west, the site slopes steeply upwards to the core path. Trees and shrubs are planted along this northern slope and trees are also along the south side next to the Water of Leith.

The site is not highly visible from the core path due to metal fencing and there is therefore limited visibility over to the Water of Leith.

An existing access from Baberton Loan narrows to a single track road alongside the Water of Leith with a stone wall running parallel to the edge of the Water of Leith with shrubs and trees lining the road. Access is currently gated.

Listed buildings are located to the north and south of the application site. These include three on Lanark Road and Woodhall House, its sundial, garden wall and lodge. Category B listed Gowanlea at 547 Lanark Road (ref: LB29205; date of listed 29 November 1988) backs onto the woodland which contains the Water of Leith Walkway/core path. Across the Water of Leith from the application site is Woodhall House which is a category B listed building (ref: LB28130; date of listing 19 December 1979), its sundial, garden wall also category B listed (ref: LB28131; date of listing 19 December 1979), and category C lodge (ref: LB28132; date of listing 19 December 1979).

This application site is located within the Juniper Green Conservation Area.

2.2 Site History

A number of applications to redevelop the site for housing, a care home and offices were refused in the 1980s.

12 October 2017 - Planning permission granted for proposed secure store, yard and container storage facility and erection of security fence (in retrospect) (17/01633/FUL). It is noted that this consent was for temporary shipping containers, fencing and a store. Permission was granted for 6 months only and this has lapsed. The containers, fencing etc are therefore unauthorised and are the subject of a breach of condition enforcement investigation.

30 October 2019 - application granted for area of mixed woodland (predominantly sycamore, wych elm and ash) to be removed. This related to works by Scottish Water which required some trees to be removed with replanting to take place (application number 19/04135/TPO).

17 April 2020 - application withdrawn for proposed residential development of 9 dwelling houses with associated roads and infrastructure (application number 20/00308/FUL); and

4 March 2021 - Certificate of Lawfulness (Existing) issued for builder's storage yard (application number 21/00312/CLE).

Enforcement history

19 October 2017 - no further action for alleged unauthorised creation of site compound/storage yard (under address of Street Record Baberton Loan Juniper Green) (enforcement investigation reference 17/00026/EOPDEV). No action taken on the basis that the use of the land as a storage and distribution centre had been ongoing for more than 10 years and as such the planning authority was time barred from enforcement action under section 124 of the Town and Country Planning (Scotland) Act 1997 (as amended).

15 March 2018 - no breach for alleged additional storage facilities on site (under address of Land 50M South Of 589 Lanark Road Edinburgh) (enforcement investigation reference 17/00699/EOPDEV). The units related to consent for the storage compound (17/01633/FUL) and would have to be removed from the site as stipulated by the conditions attached to the consent. At the time of the enforcement investigation, the temporary consent had not lapsed and a breach of planning control has not occurred.

7 October 2021 - no breach for resurfacing of an access road (enforcement investigation reference 21/00494/EOPDEV). The maintenance of the existing private access constitutes permitted development under Part 9, Class 27 of the Town and Country Planning (General Permitted Development) Order 1992 (as amended) which covers repairs to private roads and private ways.

Main report

3.1 Description of the Proposal

The proposal is for four two storey detached houses with associated roads and infrastructure.

Each house will have a two storey and single storey element and be set in its own private garden with a driveway and integral garage. Three of the houses will be almost identical in design. Parts of the roofs will be green roofs and contain solar panels.

Materials will be zinc cladding, on the roof and parts of the elevations, dark grey multi brick, dark grey aluminium clad framed windows and metal balustrade. Hardstanding will be mono block and paving.

A small plant building is proposed to the east of plot 4 to house a hydro-electric scheme. The building will be timber clad with a zinc roof. For the hydro scheme, a unit near the water outlet at river level will be a small container unit to the south east of the plant building.

Areas of communal landscaping are proposed between the houses which will also act as retention basins to store and control rain water runoff. Rain water harvesting tanks will be installed. Some trees will be removed to the north and west of the site and along the Water of Leith boundary wall. Replanting is proposed.

Viewing platforms and information boards are also proposed on the core path/walkway and a stepped ramp will link the site to the core path.

Scheme 2

Landscaping areas have been amended to include communal landscape areas. A raised surface at the junction of the core path/Water of Leith Walkway and a stepped access ramp to the core path to the east of Plot 4 were added to Scheme 2. Passing places along the access road and a turning head will be installed between the Plot 2 and Plot 3. A viewing platform and information boards are also included in Scheme 2.

Supporting Information:

- Design and Access Statement
- Design and Access Statement - Landscaping
- Design and Access Statement - Transport and Access
- Landscape and Visual Impact Assessment
- Flood Risk Assessment (and drawings)
- Surface Water Management Plan

These are available to view on the Planning portal.

3.2 Determining Issues

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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 proposal preserves the setting of the adjacent listed buildings;
- b) The proposal preserves or enhances the character and appearance of the conservation area;
- c) The principle of the development is acceptable in this location;
- d) The proposal has any impact on nature conservation and natural heritage;
- e) The proposal is of an appropriate scale, form design;
- f) There is any impact on neighbouring amenity and future occupiers will have sufficient amenity;
- g) There are any transport or parking issues;
- h) There are any equalities or human rights issues;
- i) There are any other material considerations and
- J) The public comments have been addressed.

The development plan comprises the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) and the City of Edinburgh Local Development Plan 2016 (the LDP). The proposed development does not raise any issues of strategic significance, and, therefore the application is assessed in terms of the relevant LDP policies.

a) Setting of listed buildings

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

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

Historic Environment Scotland's guidance note Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It states that factors to be considered in assessing the impact of a change on the setting of a historic asset or place include the presence, extent, character and scale of the existing built environment within the surroundings of the historic asset or place and how the proposed development compares to this and the ability of the setting to absorb new development without eroding its key characteristics and the effect of the proposed change on qualities of the existing setting.

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

The listed buildings are not readily visible from the application site due to the woodland and levels between the listed buildings and application site. They will not be immediately adjacent to the area of the application site proposed for development. Therefore, the proposal will preserve the listed buildings and their settings and thus the features of special architectural or historic interest.

The proposal will not detract from the special architectural and historic interest of the listed building nor harm its setting and conforms with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. The proposal complies with LDP policy Env 3 (Listed Buildings - Setting).

b) Conservation area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states: "In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy Env 6 (Conservation Areas- Development) states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant character appraisal.

The Juniper Green Conservation Area Character Appraisal emphasises the traditional village character, and the wide and interesting mix of architectural styles and forms. It states that the main road is located on a ridge which follows the line of the Water of Leith, in a wooded valley below. To the south, the valley of the Water of Leith and the mill area remains an important element as part of the natural heritage, amenity and wildlife which is an integral part of the rural character. It is important to retain generous riverside pathways to reinforce links with adjoining areas. An essential characteristic is the 'Green buffer' surrounding the conservation area to the north, Bloomiehall Park and Baberton Golf Course, to the south, the Water of Leith and its wooded setting.

The character appraisal identifies opportunities for enhancement for the Water of Leith and Walkway. There is possible scope for cleaning up the river itself, improvements to the path, and woodland management. There are also parts of the stone dwarf boundary walls in need of repair. The character appraisal re-enforces the importance of the Water of Leith river valley to the character of the conservation area.

The woodland and river valley are important to the character of the conservation area. The proposal will retain the majority of the woodland with the houses being built mostly on the storage yard compound. Currently there are limited views across the site to the Water of Leith valley and this proposal will open up these views. The current status of the site does not contribute positively to the appearance of the conservation area and the proposed dwelling houses together with semi-public/private landscaping area will offer an enhancement.

The character for this part of the conservation area will change from a business use, and formerly an industrial use (e.g. storage; former mill), to a residential use. Although this change of use will change the character of the site, it is compatible with the predominant residential use in the conservation area, particularly along and parallel to Lanark Road. Housing development is part of the character of the Water of Leith valley. As the Water of Leith makes its way to the Firth of Forth through the city, development has been built next to it. Along the Water of Leith at Juniper Green and Currie, houses are found beside the river and in the river valley. The redevelopment of Kinleith Mills further upstream is an example of where previous brownfield land has been successfully integrated into the river corridor. This is characteristic of the river valley and the proposal will contribute to this established form of development. Therefore, the character of the conservation area will be preserved.

It is proposed to improve the access route and repair the wall along the Water of Leith, thus addressing the opportunities for enhancement set out in the conservation area character appraisal.

The proposal will preserve the character of the conservation area and enhance its appearance.

The proposal complies with Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and policy Env 6.

c) Principle of Development

Policy Hou 1 (Housing Development) in the Edinburgh Local Development Plan (LDP) deals with the location of housing developments and consists of two parts; the first gives priority to housing development in the urban area as defined by the LDP and the second deals with the development of housing in the green belt. Policy Hou 1 part 2 states that where a deficit in the maintenance of the five-year housing land supply is identified (as evidenced through the housing land audit) greenfield/greenbelt housing proposals may be granted planning permission where: a) The development will be in keeping with the character of the settlement and the local area; b) The development will not undermine green belt objectives; c) Any additional infrastructure required* as a result of the development and to take account of its cumulative impact, including cross boundary impacts, is either available or can be provided at the appropriate time; d) The site is effective or capable of becoming effective in the relevant timeframe;

e) The proposal contributes to the principles of sustainable development. (*This should be addressed in the context of Policy Del 1, Tra 8 and the associated Supplementary Guidance).

Env 10 (Development in the Green Belt and Countryside) states that LDP Policy Env 10 Development in the green belt and countryside permits development in this area if it meets with one of the criteria (a-d) set out in the policy and would not detract from the landscape quality or rural character of the area. Criterion a) sets out types of uses where it is accepted a countryside location is essential for that use to take place. This includes agriculture and forestry for example.

Criteria b) and c) relate to changes of use and extension of an existing building and so cannot be used to support the proposal given this proposal is for new buildings.

Criterion d) is for the replacement of existing buildings with new buildings in the same use. Although this development does propose the replacement of some temporary unauthorised buildings, the new buildings would not be in the same use or location and so the proposal is not supported by this criterion.

The non-statutory Guidance for Development in the Countryside and Green Belt states that new houses not associated with Green Belt use will not be acceptable unless there are exceptional planning reasons for approving them. These reasons include the reuse of brownfield land and gap sites within existing clusters of dwellings. This is a material planning consideration for this application.

Policy Env 11 (Special Landscape Area) states that planning permission will not be granted for development which would have a significant adverse impact on the special character or qualities of the Special Landscape Areas on the Proposals Map.

Policy Env 18 (Open Space Protection) states that proposals involving the loss of open space will not be permitted unless it is demonstrated that: a) there will be no significant impact on the quality or character of the local environment and b) the open space is a small part of a larger area of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area; and c) the loss would be detrimental to the wider network including its continuity or biodiversity value and either d) there will be a local benefit in allowing the development in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space or e) the development is for a community purpose and the benefits to the local community outweigh the loss.

Policy Emp 9 (Business and Industry Areas) Proposals to redevelop employment sites or premises in the urban area for uses other than business, industry or storage will be permitted provided: a) the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use; b) the proposal will contribute to the comprehensive regeneration and improvement of the wider area; c) and, if the site is larger than one hectare, the proposal includes floorspace designed to provide for a range of business users. Planning permission will be granted for the development for employment purposes of business and industrial sites or premises in the urban area.

The proposal does not comply with Hou1 as there is no deficit in housing land supply.

The application site contains brownfield land and policy Env 10 (Development in the Green Belt and Countryside) applies.

A Green Belt or countryside location is not essential for the proposal and, therefore the proposal does not comply with criterion a) of policy Env 10. The proposal is not for the change of use of an existing building in the Green Belt nor for development relating to an existing use or building or for a replacement building. Therefore, the proposal does not comply with criteria b), c) or d) of policy Env 10. The development will create four new planning units unrelated to any existing use or building within the site.

Although, the development does propose the replacement of some temporary unauthorised buildings, the new buildings would not be in the same use or location and so the proposal is not supported by this criterion. Therefore, the proposal does not comply with criterion d) of LDP policy Env 10.

Whilst the proposed dwelling houses will be constructed on brownfield land, they will not be replacements of the previous mill buildings. However, the non-statutory Guidance for Development in the Countryside and Green Belt states that new houses not associated with Green Belt use will not be acceptable unless there are exceptional planning reasons for approving them. These reasons include the reuse of brownfield land and gap sites within existing clusters of dwellings.

Part of the site is brownfield land and this is where the proposed houses will be positioned. The LDP defines brownfield land as meaning: Land which has been previously developed. The term may encompass vacant or derelict land; infill sites; land occupied by redundant or unused buildings; and developed land within the urban area where intensification of existing use is considered acceptable.

The land is currently unused and mill buildings were also previously on the site, some remnants of which are still visible. The area to be developed is a flat area of hardstanding and storage buildings. The current use and buildings demonstrate the physical development and permanence of the site and the planning history confirms that the land has been used for storage for over ten years. In this context, the site proposed for the dwellinghouses and associated development, such as garden ground and driveways, can be classed as brownfield land.

The proposed houses will not be located within a cluster of dwellings, as they will be just south of houses and other buildings along Lanark Road in Juniper Green. However, they will be next to an established settlement and, therefore, beside a cluster of dwelling houses, albeit in a linear layout form.

The proposal does not comply with policy Hou 1 as it does not comply with Env 10.

In a recent appeal decision at 572 Lanark Road West the Reporter recognised that the development did not comply with policy Env 10. However, in considering other material planning considerations he issued a Notice of Intention to grant planning permission. This was on the basis that the site's current and long-standing poor condition and given that it is effectively a brownfield, infill, site at the settlement edge, it was acceptable. In this case, the additional benefits in terms of the greening of the site and the introduction of new landscaping and biodiversity measures provide sufficient justification for this development.

Given the exceptional planning reasons, the proposed development is acceptable in the Green Belt due to it being on brownfield land which has a negative impact on the Green Belt's character and near to dwelling houses in an existing settlement. The presence of the road right next to the Water of Leith, locked gates, a large area of hardstanding and remnants of mill buildings do not positively contribute to the natural environment which makes up the character and appearance of the Green Belt. The proposal will enhance the landscaping and biodiversity of the site and create new opportunities for linkages from the core path to the water. In these circumstances, the proposal is acceptable despite no aspect of the proposed development falling with the criteria set out in policy Env 10.

The setting of the site within the Special Landscape Area with the woodland to the north and across in the south bank of the Water of Leith will not be changed by the proposal. The single track existing road to the site opens out to the site area proposed for the development. The character of the approach to the site and the surrounding woodland and rural character of the Special Landscape Area will remain.

Key Characteristics of the Special Landscape Area (SLA08) include steep valley sides, occasionally opening out to a broader valley; woodland on the valley sides, a seminatural character, legacy of mills in the valley and weirs along the river; secluded and intimate character with limited views into and out of the area; settlement extends to the edge of the valley; recreational routes along the river side.

The proposed development will contribute to the characteristics of the Special Landscape Area as it will extend to the edge of the valley, will retain the woodland character and the intimate and semi-natural character. Views into and out of the site will be limited and not visible from the main street of Lanark Road.

The wider Special Landscape Area to the north with the woodland and shrubs and the Water of Leith to the south will remain largely unchanged. Therefore, the Special Landscape Area will not experience a detrimental impact from the proposal.

The application site is an area of protected open space in the Local Development Plan and Policy Env 18 aims to protect all open spaces, both public and privately owned. The site is currently concrete hardstanding, it has limited amenity value and no open space characteristics. The re-use of the previously developed part of the application site will continue to provide the site with a backdrop of the woodland and trees to the north and Water of Leith and trees to the south. The proposal will not have a significant impact on the quality or character of the local environment. The proposal complies with criterion a) of policy Env 18.

The site is not publicly accessible and, therefore, is currently not contributing to the open space along this part of the Water of Leith. An access from the site to the core path is proposed and this will make the open space accessible. The proposal will provide a new link from the Water of Leith level up to the core path level and enable public access further westwards parallel to the Water of Leith. The open space in the application site is a small part of the overall open space along the Water of Leith. By enabling public access, this will enable use of the open space where there is no access currently. The proposal complies with criterion b) of policy Env 18.

The application site is on existing hardstanding and developed land and its redevelopment will not detract from the continuity or biodiversity value of the area nor from the existing open space. Therefore, the loss of open space will not be detrimental to the wider network including its continuity or biodiversity value. Indeed, it will enhance the biodiversity of the site. The proposal complies with criterion c) of policy Env 18. The biodiversity value is assessed in more detail below in 3.3d).

There will not be a local benefit from allowing the development as it will not result in an alternative equivalent provision or to an improvement to a public park or other open space. The proposal does not comply with criterion d) of policy Env 18.

The proposal will use land already developed and that is closed off to the public. By creating new public access to the site, it will contribute to the recreational needs of residents and visitors. The woodland setting will continue to provide the open space for the site and, as such, will be of benefit to the local community. The proposal complies with criterion e) of Env 18.

Policy Emp 9 expects that for some sites over 1 hectare alternative business provision should be made on the site. The application site is 1.18141ha and the part of the site already developed is less than 1 hectare. Parts of the site include steep embankment and woodland which provide no scope to also provide an area or building for employment use in addition to the four proposed dwelling houses. The supporting text for policy Emp 9, states that the policy provides support for such sites to remain in employment use but recognises the potential benefits of redevelopment for other uses. The proposal will improve the appearance of the site within its surrounding setting and on balance, this outweighs the loss of an employment site without employment replacement.

The proposal is a breach of LDP policy Env 10. However, the proposed development in the Green Belt is acceptable because of the exceptional planning reasons of being on brownfield land and will enhance the landscape quality and rural character of the area. This outweighs the presumption against granting planning permission for development in the Green Belt. The proposal complies with policy Env 11 and policy Env 18. The infringement of policy Emp 9 in relation to employment premises provision is acceptable in this case. Therefore, there is reasoned justification for granting planning permission for the proposed development on the site.

d) Nature conservation, natural heritage or ecology

Policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

Policy Env 15 (Sites of Local Importance) states development likely to have an adverse impact on the flora, fauna, landscape or geological features of a Local Nature Reserve or a Local Nature Conservation Site will not be permitted unless it can be demonstrated that: a) the reasons for allowing the development are sufficient to outweigh the nature conservation interest of the site b) the adverse consequences of allowing the development for the value of the site have been minimised and mitigated in an acceptable manner.

Policy Env 16 (Species Protection) states that planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law, unless: a) there is an overriding public need for the development and it is demonstrated that there is no alternative; b) a full survey has been carried out of the current status of the species and its use of the site.

It is proposed to remove trees to accommodate the development and repair the boundary wall. Tree survey and constraint drawings have been provided. Ten trees are proposed to be removed to facilitate the development of the actual dwelling houses. Trees will be removed along the access road next to the Water of Leith to enable the boundary wall repairs to be undertaken. Most of the other trees to be removed are ash due to ash dieback and are, therefore, in poor health. Replanting is proposed to compensate and this is acceptable. To ensure that only those trees needing to be removed to facilitate the development and repair of the wall, it is recommended that an appropriate condition be used, should permission be granted. The proposal will not result in a detrimental impact on the trees, with the use of conditions.

The woodland on the site has been incorporated into the design of the proposed development and will continue to provide a setting for the application site and immediate surrounding area. New landscaping provides a softer setting within the setting of the woodland and Water of Leith. The proposal will enhance the natural environment of the site by incorporating and enhancing existing and future features.

The proposal will add landscaping areas to the application site. These landscaped areas will be semi-private and information has been provided demonstrating that such landscaping will be maintained by a factoring arrangement. This landscaping will improve the current site area by reducing the area of hardstanding and introducing more areas of natural environment and habitat. The existing trees, shrubs, flora or fauna which provides a setting for the application site and the Water of Leith valley area will remain. The nature conservation interest of the site will remain and will be enhanced on the previously developed area of the site. Therefore, the proposal complies with part a) of policy Env 15.

Woodhall House sits opposite the application site across the Water of Leith behind its woodland and is not visible from the site. Its trees will not be affected by the proposal and its landscape setting will be preserved. Views from the Water of Leith Walkway/core path across to Woodhall trees will be possible over the proposed houses, through the gaps between the houses and from the proposed viewing platform.

The proposed development will be on part of the site which does not currently contribute to the character of the natural environment. The setting with the trees surrounding the site and being next to the Water of Leith will remain due to tree replanting. The proposed areas of landscaping will contribute to and minimise the impact on the value of the site in terms of natural environment. Tree, shrub and hedge planting and meadow mix are proposed. Therefore, the proposal complies with part b) of policy Env 15.

Currently, the developed part of the application site does not contribute to biodiversity and it is the surrounding natural environment that provides for biodiversity. This will continue and new biodiversity opportunities will be provided by the proposed new landscaping and green roofs. A condition is recommended encouraging further biodiversity measures due to the importance of the site to the natural environment. Given the character of the site, it is also recommended that condition be used requiring a construction environmental management plan relating to biodiversity and species protection.

Parks and Greenspaces has raised concerns over how this development will impact the wildlife corridor of the Water of Leith and its surrounding habitats and that consideration must be given to the natural environment. The site is an existing developed site with an existing road access. It sits within the woodland and Water of Leith river valley as will the proposed development. Although the Edinburgh Design Guidance advises that development should not be within 15 metres of a watercourse, the proposal is using an existing developed site and, in this context, the infringement of the guidance is justified in this instance. Much of the surrounding natural habitat and environment will remain which will continue to contribute to the function of the wildlife corridor and surrounding habitats.

Lighting along the existing access road and in the development should comply with the City of Edinburgh Council Sustainable Lighting Strategy. The section of path is classed as a rural river corridor and Parks and Greenspaces has advised that as such should not be lit. The management plan for the Water of Leith states "Restrict approval for increased lighting on the Walkway to avoid adverse impacts on wildlife and to maintain rural character of parts of path" and "Ensure CEC lighting strategy is adhered to for any development or path improvement projects." Therefore, it is recommended that a condition be attached, should permission be granted, requiring a detailed lighting strategy and plan. It is acknowledged that the dwellinghouses will introduce lighting to the site. However, on balance the reuse, increased biodiversity and improved appearance of the site outweigh this concern.

Overall, the proposal will reuse a developed site which is set back from the edge of the Water of Leith. The dwelling houses will not be hard up against the Water of Leith and much of the existing frontage to the river will be maintained. Opening up the site will enable public access along a part of the Water of Leith which is currently not available. The nature conservation and landscaping character will remain with new additional landscape areas.

The proposal, with the use of conditions, complies with policies Env 12, Des 3, Env 15 and Env 16.

e) Scale, form and design

Policy Des 1 Design Quality and Context Planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.

Policy Des 4 (Development Design - Impact on Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to: a) height and form b) scale and proportions, including the spaces between buildings c) position of buildings and other features on the site d) materials and detailing.

LDP Policy Hou 4 (Housing Density) states that the density of a development on a site will be dependent on its characteristics and those of the surrounding area; the need to create an attractive residential environment within the development; the accessibility of the site to public transport; and the need to encourage and support the provision of local facilities necessary to high quality urban living. It goes on to explain that in established residential areas, proposals will not be permitted which would result in unacceptable damage to local character, environmental quality or residential amenity.

LDP Policy Des 10 (Waterside Development) states that planning permission will only be granted for development on sites on the coastal edge or adjoining a watercourse, including the Union Canal, where the proposals: a) provides an attractive frontage to the water in question b) where appropriate, maintains, provides or improves public access to and along the water's edge c) maintains and enhances the water environment, its nature conservation or landscape interest including its margins and river valley d) if appropriate, promotes recreational use of the water.

The four dwelling houses will create and contribute to a sense of place associated with the woodland and river valley. The design concept has drawn from the positive characteristics and features of the area, such as the woodland, river valley and the walkway. The one and two storeys of each of the dwelling houses will nestle in front of the embankment and the proposed landscaping and spacing are appropriate for the site. Views from the Water of Leith Walkway will be retained and the viewing platform will enhance public views. The proposal will retain the character and appearance of its surroundings. The height and scale of the buildings will not overwhelm the site which will sit comfortably on the site within its surroundings. The contemporary design is acceptable. The simple palette of materials, particularly the use of some dark colours will allow the dwelling houses to blend more into the dark backdrop of the woodland, although timber clad design may be more appropriate. To ensure that the materials will be suitable for the nature conservation setting, a condition is recommended seeking further details of materials.

The application site is not within an established public street and, as such, there is not a set spatial pattern. In the surrounding area, the nearest development follows the linear pattern of Lanark Road with a development to the east next to the Water of Leith.

Such linear, or ribbon, development reflects the historical pattern of development along Lanark Road and parallel to the Water of Leith. Four dwelling houses will not overwhelm the site and is not over development. The proposal will improve the appearance of the site and, thus, contribute to the local character and environment. The dwelling houses will be within walking distance of the local facilities, such as shops, and be able to support such facilities.

The dwelling houses will be set back from the edge of the Water of Leith. Therefore, much of the existing frontage to the river will be maintained and the nature conservation and landscaping character will remain with new additional landscape areas.

Further boundary details are required and it is recommended that a condition be used to ensure a compatible boundary treatment to the core path/walkway are appropriate.

The plant building to house the proposed micro hydro scheme will be timber clad and of a suitable scale and positioning. There are no details on the micro hydro scheme and, therefore, an appropriate condition is recommended.

The proposal is of an appropriate scale, form and design and appropriate for its setting and surroundings.

The proposal complies with policies Des 1, Des 4, Hou 4 and Des 10.

f) Neighbouring amenity and amenity of future occupiers

Local Development Plan (LDP) Policy Des 5 (Development Design - Amenity) states that development will be permitted where the amenity of neighbouring development is not adversely affected and that permission will be granted for development where it is demonstrated that future occupiers have acceptable levels of amenity. Edinburgh Design Guidance advises that achieving reasonable amenity needs to be balanced against achieving good townscape.

Policy Hou 4 (Housing Density) takes account of the need to create an attractive residential environment within the development.

LDP Policy Hou 3 (Private Green Space in Housing Development) requires developments to provide adequate provision for green space to meet the needs of future residents.

The Edinburgh Design Guidance states that private open space/gardens should be designed for a range of functions and sets out the sizes of residential units.

Neighbouring Amenity

There are no immediate neighbours and, therefore, there will be no impact on daylighting, overshadowing, privacy or overlooking of neighbouring properties.

Environmental Protection has advised that it is not in a position to support the application due to the inclusion of chimneys in the houses. It has advised that Edinburgh is a Smoke Control Zone and smokeless fuels and DEFRA approved wood burning stoves are still permitted in such zones. It also advises that such fuels and appliances still give off some smoke and fumes at a level that can impact on residential amenity and cause complaints to be received by the Council. Therefore, should these chimneys be used for wood burning stoves and smokeless fuel fires, smoke and fumes is likely to impact upon the residential amenity of the higher Lanark Road properties. Environmental Protection has recommended that the chimneys be removed from the proposal design.

The planning authority is not the responsible authority nor has the appropriate legislation to control fumes from wood burning stoves or smokeless fuels. In terms of the proposal, the proposed chimneys are acceptable in planning terms in relation to the scale, form and design of the dwelling houses. Planning cannot control what fuel is burned and there is other legislation which controls this and the types of appliances that can be used. In this context, the chimneys are an acceptable feature in the design of the buildings and comply with the relevant Local Development Plan policies. An informative is recommended drawing the applicant's attention to the Smoke Control Zone.

Amenity of future occupiers

Future occupiers will have a good living environment in terms of privacy, outlook and surroundings, e.g., woodland. Adequate daylighting will be able to be received into the dwelling houses and, although there will be some shading from the tree canopies, sunlight will be able to reach the dwelling houses. The proposed unit sizes exceed the minimum floor areas set out in the Edinburgh Design Guidance. An attractive residential environment will be provided as the dwelling houses given the riverside and woodland setting and spacing between the houses. Each house will have its own private garden and landscape fingers, or buffers, will be positioned between each house to provide separation as well as some semi-private-public open space, albeit in the form of landscaping.

Communal areas of landscaping will provide a distinction from private gardens of the houses. The front elevations will face onto the access road and beyond that onto and over the Water of Leith. This will assist community security and provide an active frontage.

A good living environment will be provided for future occupiers.

Environmental Protection has also advised that if the application is granted, the land will require to be suitably remediated to ensure it is made safe for the proposed end use. A condition is, therefore, recommended should permission be granted requiring site investigation and where necessary remediation of the site.

The proposal complies with policies Des 5, Hou 4 and Hou 3.

g) Transport and parking

LDP Policies Tra 2 - Tra 4 set out the requirements for private car and cycle parking. The Council's Parking standards are set out in the Edinburgh Design Guidance.

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

Policy Tra 3 (Private Cycle Parking) states that planning permission will be granted for development where proposed cycle parking and storage provision complies with the standards set out in Council guidance.

Policy Tra 4 (Design of Off Street Car and Cycle Parking) sets out that design considerations which will be taken into account. This includes location of parking, structured planting, safety and community recycling space.

Policy Tra 9 Cycle and Footpath Network Planning permission will not be granted for development which would: a) prevent the implementation of proposed cycle paths/footpaths shown on the Proposals Map b) be detrimental to a path which forms part of the core paths network or prejudice the continuity of the off-road network generally c) obstruct or adversely affect a public right of way or other route with access rights unless satisfactory provision is made for its replacement d) prejudice the possible incorporation of an abandoned railway alignment into the off-road path network.

Policy Des 7 (Layout design) sets out criteria a) to f) for creating new streets and layouts that encourage walking and cycling, minimise conflict between modes of transport, and provide safe and convenient access and movement in and around the development. It also encourages connections including off-road pedestrian and cycle routes where the opportunity exists.

The drawings show that there will be one vehicle parking space for each dwelling house. Given the nature of the access road, the hardstanding will be wider to enable visitors including deliveries to park without causing an obstruction of the access road. Recycling and waste collection point will be located in the turning head.

Cycle parking will be provided in the curtilage of the dwelling houses. There is ample storage within the garages associated with the houses and inside the houses. There is also space in the garden ground for cycle storage sheds to be erected. The surface will be made of permeable material.

The Roads Authority has advised that the application be refused on the grounds that the proposal is contrary to LDP policy Tra 9 as it would be detrimental to a path which forms part of the core paths network or prejudice the continuity of the off-road network generally and contrary to Des 7 due to potential conflict between pedestrians, cyclists and motorised traffic. The Roads Authority also advised that the proposed vehicular access will be detrimental to the Water of Leith Walkway as it is considered that safe access (visibility splays) could not be achieved at Baberton Loan due to lack of speed restriction on Baberton Loan, location of the proposed/enhanced access, lack of footway on the south side of Baberton Loan and obstruction of sight lines by trees.

It also advised that the proposal of pedestrian priority crossing will be detrimental to the Water of Leith Walkway.

The access road to the site already exists and has had traffic along it, most recently in the summer (2021), when the site was being used by Scottish Water. As the site was used for storage for over 10 years, traffic into the site crossed the core path/Water of Leith Walkway and used Baberton Loan. Access to the site is already established and has demonstrated that the vehicular traffic can access the site safely. Although there could be traffic using the road more frequently than is currently the case, the current use could also potentially result in more traffic. The proposal does not introduce traffic where vehicular traffic did not previously exist at the crossing of the core path. It will not affect the rights of way of pedestrians and cyclists using the core path.

It is proposed to introduce a raised table and give way markings where Baberton Loan meets the Water of Leith Walkway. Additional bollards further eastwards are also proposed, although these are outwith the application site.

The proposal will still enable access by pedestrian and cyclists to the core path and four houses is unlikely to generate more vehicle movements than the previous use of the site by Scottish Water's works. The site could be used for storage in future with traffic movements.

A comprehensive design approach has been taken in relation to the positioning of the dwelling houses and the access road/shared path. The road already connects to Baberton Loan and on to Lanark Road where there is access to a public transport route and local facilities. Being adjacent to the core path and the other networks from the core path will encourage walking and cycling. There will be some overlooking of cycle and vehicle parking for security reasons. The shared surface nature of the access road will enable those with limited mobility or special needs to access the site.

In the context of the proposed situation regarding the access and crossing of the core path, the proposal will use an existing road access including the crossing of the walkway. It will not result in creating a worse situation and there is limited scope to make the proposed development acceptable to the Roads Authority. The consultation comments from the Roads Authority are applicable to the current situation and, on balance, are insufficient to recommend refusal.

Parks and Greenspaces has requested a contribution to enhance the Walkway and surrounding habitat. It has advised that the proposed development is immediately adjacent to the Water of Leith Walkway/National Cycle Network Route 75 which is a great benefit to the local community, new residents and visitors. Given the proximity of the proposed development it requests that as part of this development a contribution of £10,000 is made to the improvement of this path to upgrade it to an Ultitrec Surface. The cost of this work will be in the region of £30,000 for the section of path immediately adjacent to the proposed development running between Baberton Loan and Veitch's Bridge. However, this is a partnership project and Sustrans is likely to fund the majority of this project and Edinburgh and the Lothians Greenspace Trust will be working in partnership with the Council to deliver the works.

The developer contribution requested does not meet the test of Planning Circular 3/2012 on planning obligations as it is a partnership project including between Sustrans and the Council.

Comments have raised the issue of the right of way being blocked. The proposal will remove the gates and enable access into the site. Any blocking of a right of way can be reported to Planning Enforcement or the Roads Authority for investigation and action as appropriate.

The proposal complies with policies Tra 2 and Tra 3 in terms of the number of vehicle and cycle parking spaces. It also complies with LDP policies Tra 4, Tra 9 and Des 7.

h) Equalities and human rights

Scottish public authorities are required to have 'due regard' to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. The Council as planning authority must also have "due regard" to equalities and human rights matters.

The dwellinghouses will have level access and the access road and driveways will be level access.

Level changes and limited space prevents the ramp from the site to the core path from being compliant with Equality Act 2010 in terms of disability/mobility. The ramp will be an additional connection to the core path and will be stepped which ties in with the existing path up to Juniper Green village from the Water of Leith Walkway which is formed by a mix of stone steps, stepped ramp and graded path. In this context, the ramp is acceptable in terms of equalities.

There are no anticipated equalities or human rights issues.

i) Other material considerations

Archaeology

LDP Policy Env 8 (Protection of Important Remains) states that development will not be permitted which would damage or destroy non-designated archaeological remains which the council considers should be preserved in situ.

Policy Env 9 (Development of Sites of Archaeological Significance) states that planning permission of known or suspected archaeological significance if it can be concluded from information derived from a desk-based assessment and if required a field evaluation.

The City Archaeologist has advised that the site has been identified as an area of archaeological significance both in terms of its buried industrial heritage dating back to the early 18th century. The construction of this scheme will require significant ground-breaking works which will have a significant impact upon any surviving archaeological remains.

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. Therefore, it is recommended that conditions are attached to any permission requiring a programme of archaeological work and an archaeological interpretation scheme.

The proposal will comply with LDP policies Env 8 and Env 9, with the use of conditions.

Flood Planning

Policy Env 21 (Flood protection) states that planning permission will not be granted for development that would: a) increase a flood risk or be at flooding itself; b) impeded the flow of flood water or deprive a river system of flood water storage within the areas shown on the Proposals Map as areas of importance for flood management; c) be prejudicial to existing or planned flood defence systems.

Flood Planning has advised, in terms flooding and drainage impact, that the application can proceed to determination. Therefore, there are no flood protection issues. The proposal complies with LDP policy Env 21.

Waste

Each house will have domestic bins and a bin laydown area is proposed at the turning head. Any domestic collection of waste would need to be agreed in advance with Waste and Cleaning Services before developing the site. This is the responsibility of the developer.

Sustainable Buildings

Policy Des 6 (Sustainable Buildings) states that planning permission will only be granted for new development where it has been demonstrated that criteria a) and b) can be met with regards to; a) carbon dioxide emissions reduction through the use of low and zero carbon generating technologies and b) other features are incorporated that will reduce or minimise environmental resource use and impact. The supporting text clarifies that Scottish Building Standards set carbon dioxide emissions reduction targets. To meet this criterion proposals for new development must accord with the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards) and also demonstrate that at least half of this reduction will be met through low and zero carbon technologies. This aspect will therefore be assessed during the building warrant process.

The dwelling houses will be required to be constructed to meet the building regulations and, therefore, will be sustainable buildings. Green roofs and retention basins, in the form of landscaped areas, will contribute to climate change mitigation and sustainability. Whilst this policy does not include future ability for buildings to be adapted and repurposed, there are examples in the city where existing buildings have been reused. Such changes of use would require planning permission.

The proposal complies with LDP policy Des 6.

Developer Contributions

LDP Policy Del 1 (Developer Contributions) requires contributions to the provision of infrastructure to mitigate the impact of development. The Action Programme and Developer Contributions and Infrastructure Delivery Supplementary Guidance sets out contributions required towards the provision of infrastructure.

A sum of £ 26,144 is required for schools' contribution, based on 4 residential units in Sub-Area SW-1 of the 'South West Education Contribution Zone'. School roll projections for Currie High School indicate that there will be no spare capacity for additional pupils from new development. However, a replacement school is being provided. The pro-rata contribution rate for additional secondary school capacity, which is set out in the Supplementary Guidance, should therefore be applied (£6,536 per house - as at Q4 2017).

The site is within the catchment area of Juniper Green Primary School. Projections indicate that the school could face accommodation pressures from its existing population. However, there are no plans to deliver an extension at the school and an action would not be added to the Council's Action Programme because of the two additional pupils expected to be generated by this development. A contribution towards new primary school infrastructure is therefore not required in this case.

The application site is situated in the Pentlands Healthcare Contribution Zone and a developer contribution of £702 per house is required. A legal agreement is necessary to secure the developer contribution of £2808.

The developer will be required to pay these monies in advance of the commencement of development.

A suitable legal agreement is required to secure the developer contribution.

Scottish Planning Policy - SPP

Scottish Planning Policy presumption in favour of sustainable development is a significant material consideration due to the development plan being over 5 years old.

The SPP sets out 13 principles to guide policy and decisions:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;

- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

The development will be on land which has previously been developed and the residential units will be of good design. It will make efficient use of infrastructure such as the nearby town centre, public transport routes and use the core path for walking and cycling. The proposal is a sustainable land use and will not result in overdevelopment. The proposal will make good use of the land and will create a sense of place including amenity space. The application site will contribute to improving health and well-being by being adjacent to a walking and cycling core path and within walking distance of public transport services which can provide access to other parks with sport facilities. It will improve access to natural heritage. The proposal will support climate change mitigation through the use of grass roofs, permeable paving, detention basins and soft landscaping.

The proposed development therefore complies with the SPP sustainability principles.

j) Public comments

Material objections

- Site not designated for development/ housing; inappropriate development. Addressed in 3.3c).
- Location/format of development (ribbon development). Addressed in 3.3c) and 3.3e).
- Green Belt site; does not comply with Green Belt policy Env 10 Addressed in 3.3c).
- Impact on Special Landscape Area. Addressed in 3.3c) and 3.3d).
- Adverse impact on natural habitats. Addressed in 3.3c) and 3.3d).
- Impact on character of Water of Leith valley. Addressed in 3.3c) and 3.3d).
- Impact on/access to walkway. Addressed in 3.3c), 3.3.d) and 3.3g).
- Blocked right of way. Addressed in 3.3g).
- Design - unattractive and unsympathetic to the surroundings. Addressed in 3.3e).
- Boundary. Addressed in 3.3e).
- Amenity - living environment. Addressed in 3.3f).
- Traffic - Introduction/generation/ increase in traffic; pollution; traffic signals; traffic infrastructure. Addressed in 3.3g).
- Road safety and access - crossing water of Leith Walkway. Addressed in 3.3g).

- Impact on Conservation area; contrary to conservation area character appraisal. Addressed in 3.3b).
- Light pollution. Addressed in 3.3d).
- Noise pollution. Addressed in 3.3d).
- Flood Risk. Addressed in 3.3i).
- Accuracy of plans. The drawings submitted are accepted in good faith and are sufficient to consider the proposed development.

Material support comments

- Sustainable development; eco based.
- Create family homes.
- Landscaping.
- Minimal impact on neighbouring amenity.
- Design - Low level; well thought out.
- Enhance area.
- Access - proven to be workable
- Brownfield land used.
- Micro hydro - welcomed.
- needs improvement

Non material comments

- Walkway - contribution to mental health; wellbeing and fitness resource. This is a non material planning consideration for this planning application.
- Future development - potential for more development/houses. The planning authority can only assess the application submitted and is unable to take account of possible future development proposals. Any proposals to develop other parts of the site would require planning permission.
- Type of development needed - e.g. smaller affordable houses. The planning authority can only consider the application submitted.
- Traffic speeds. The planning authority does not control traffic speeds.
- Construction traffic. The planning authority does not control construction traffic.
- Address is unclear/needs confirmed. The site is off Baberton Loan. The application form states 6 Baberton Loan as the address; however, the council as planning authority must address the application site using the Corporate Address Gazetteer which give the statutory address.

CONCLUSION

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and appearance of the conservation area.

The proposal does not comply with Local Development Plan policy Env 10. Notwithstanding this, there are material planning considerations why the application should be granted. The proposal will provide a sustainable new use for this established storage site which is in current and long-standing poor condition. The proposal re-uses brownfield land near the settlement edge on a site which currently detracts from the Green Belt character.

It will enhance the landscape quality and rural character of the site and will provide positive improvements to landscaping, biodiversity and connectivity. On this basis a breach of policy is acceptable.

Access to the site and crossing over the core path currently occur and the proposal will not change this situation. It proposes an improvement at the cross over point. The proposal will enhance access to the natural environment and the water's edge and the character of the woodland setting will remain. Neighbouring amenity will not be unreasonably impacted and a good living environment will be provided for future occupiers. The proposed development will be of an appropriate scale, form and design and will create a sense of place. The proposed development complies with the sustainability principles of Scottish Planning Policy which has a presumption in favour of sustainable development. There are no other material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
2. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis, reporting, publication, preservation/conservation, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

3. Prior to the commencement of development and following consultation with the City's Archaeologist the applicant shall submit and gain approval from the Planning Authority an archaeological interpretation scheme for the site.
4. Only the tree/s shown for removal on the approved drawing/s shall be removed, and no work shall be carried out on the remaining trees at any time without the approval of the Planning Authority.
5. Prior to the commencement of development details of the street lighting shall be submitted to and approved in writing by the planning authority.
6. 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.
7. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
8. Prior to the commencement of development details of biodiversity measures shall be submitted to and approved in writing by the planning authority.
9. Prior to the commencement of development, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the planning authority.

The CEMP (biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologist need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of ecological clerk of works (ECoW) or similar competent person.
 - h) The use of protective fences, exclusion barriers and warning signs.
10. Prior to commencement of development a drawing detailing the boundary treatments shall be submitted to and approved by the planning authority and the boundary treatment shall be as the approved drawing.
 11. Details of the mini hydro scheme shall be submitted to and approved in writing by the planning authority.
 12. Prior to commencement of development, a tree planting plan shall be submitted to and improved in writing by the planning authority. The plan shall detail the numbers, species and size of trees.

13. Boundary features shall be no higher than 1.2 metres along the Water of Leith Walkway.

Reasons:-

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In order to safeguard the interests of archaeological heritage.
3. In order to safeguard the interests of archaeological heritage.
4. In order to safeguard protected trees.
5. In order to enable the planning authority to consider this/these matter/s in detail.
6. In order to enable the planning authority to consider this/these matter/s in detail.
7. In order to ensure that the approved landscaping works are properly established on site.
8. In the interests of biodiversity and nature conservation.
9. In order to safeguard the interests of nature conservation.
10. In order to enable the planning authority to consider this/these matter/s in detail.
11. To enable the planning authority to consider this matter further.
12. To ensure the replacement tree planting is appropriate for the site.
13. In order to preserve the views from the Walkway to the Water of Leith river corridor.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to school infrastructure and healthcare.

£26,144 contribution towards school infrastructure; and
£2,808 contribution towards Pentlands Healthcare Contribution Zone.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. Edinburgh is a Smoke Control Zone - smokeless fuels only can be burned on stoves/in fireplaces and wood burning stoves must be DEFRA approved.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 23 April 2021 and twenty-one comments were received. Of these, fourteen were objections and five were support comments.

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

Conservation Area; Green Belt. Open space; Part of site is in the Urban Area of LDP; Water of Leith Special Landscape Area(SLA 08); Local nature conservation site Water of Leith Special Landscape Area(SLA 08); The Pentlands Special Landscape Area (SLA 09) to the south of the site; The site is part of a green corridor with the Water of Leith Walkway/National Cycle Network Route 75/ Scottish National Trail

Date registered

13 April 2021

Drawing numbers/Scheme

01A,02,03B,04A,07A,08A,09-22,23A,24A,25A,26,27,

Scheme 2

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

Relevant policies of the Local Development Plan.

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

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

LDP Policy Env 10 (Development in the Green Belt and Countryside) identifies the types of development that will be permitted in the Green Belt and Countryside.

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

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

LDP Policy Emp 9 (Employment Sites and Premises) sets out criteria for development proposals affecting business and industrial sites and premises.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines DEVELOPMENT IN THE COUNTRYSIDE AND GREEN BELT, provide guidance on development in the Green Belt and Countryside in support of relevant local plan policies.

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.

Other Relevant policy guidance

The Juniper Green Conservation Area Character Appraisal emphasises the traditional village character, and the wide and interesting mix of architectural styles and forms.

Scottish Planning Policy (SPP) - The SPP sets out Scottish Government policy on nationally important land use matters and includes subject specific policies on: economic development, town centres and retailing, housing, rural development, coastal planning, fish farming, historic environment, landscape and natural heritage, open space and physical activity, green belts, transport, renewable energy, flooding and drainage, waste management, minerals, on-shore oil and gas, surface coal mining and communications infrastructure.

Appendix 1

Application for Planning Permission 21/01983/FUL At Land South Of 543A, Lanark Road, Edinburgh Residential development of 4 dwellings, associated roads and infrastructure.

Consultations

Archaeology

Further to your consultation request, I would like to make the following comments and recommendations in regards to this application for residential development of 4x dwellings, associated roads and infrastructure.

The site occupies that of the historic Woodhall Mills constructed by 1747. Originally a lint (flax) mill this mill grew throughout the 19th century to become one of the largest milling complexes on the Water of Leith, larger after its conversion to a paper mill in the 19th century. The mills were demolished to ground level in the 1980's with the sites northern wall being the mills retaining wall for the Victorian (1874) former Caledonian Railway line, now the Water of Leith Walkway.

As such the site has been identified as an area of archaeological significance both in terms of its buried industrial heritage dating back to the early 18th century. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and CEC's Edinburgh Local Development Plan (2016) Policies DES 3, 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.

Buried Archaeology

The construction of this scheme will require significant ground-breaking works which will have a significant impact upon any surviving archaeological remains. It is essential that a programme of archaeological works is carried out in advance of development in order to fully excavate, record any significant archaeological remains and analyse and publish the results of this work.

This strategy will require the undertaking of phased programme of archaeological investigation, the first phase of which will be the undertaking of archaeological evaluation (min 10%). The results from this initial phase of work will determine the scope of detailed further mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains is undertaken prior to development.

Public Engagement

As stated, the site is likely to contain the remains of the historic Woodhall Mill. It is therefore considered essential that a programme of public/community engagement is undertaken as part of the overall programme of archaeological work. The full the scope of which will be agreed with CECAS but may include site open days, viewing points, temporary interpretation boards, social media/press calls.

It is recommended therefore that a condition be applied to any permission granted to secure this programme of archaeological works based upon the following CEC condition;

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

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

Interpretation/Public Realm

As stated, the site is that of Woodhall Mill which has played an important part in the industrial development of Edinburgh since the mid-18th century. It is therefore considered important that this heritage is celebrated/promoted and interpreted within the final scheme and within the public realm in line with CEC Policy DES 3 & ENV 9(b). The full the scope of which will be agreed with CECAS but could include interpretation boards fronting onto the adjacent Water of Leith Walkway and retention of the historic mill name.

It is recommended that a separate archaeological condition be applied to any granted permission based upon the following wording;

'Prior to the commencement of development and following consultation with the City's Archaeologist the applicant shall submit and gain approval from the Planning Authority an archaeological interpretation scheme for the site.'

Please contact me if you require any further information.

Scotways (Rights of Way)

Thank you for your email of 19 April 2021 seeking observations on the above planning application.

We gratefully acknowledge the additional time allowed for our response. As our planning caseload remains overfull we have not been able to fully consider the implications of this application so submit an outline response. We would welcome the opportunity to comment more fully at a later date.

The National Catalogue of Rights of Way (CROW) shows that right of way LC47 the Water of Leith Walkway is affected by the application site as shown on the Existing Site Plan. This right of way clearly runs along the application boundary and will be crossed by the proposed access route to the development.

We note that the application site is off Baberton Loan which will be used as the access to the proposed development. It should be noted that right of way LC160 is accessed from Baberton Loan and will therefore also be affected by this proposal.

You will no doubt be aware, there may now be general access rights over any property under the terms of the Land Reform (Scotland) Act 2003. We strongly recommend consulting the Council's access team directly regarding public access in this area.

The Society requests that public access in this area is protected, and we seek assurances that the rights of way LC47 and LC160 are kept open and free from any obstruction or encroachment before, during and after the lifetime of the proposed development, if consented. I hope the information provided is useful to you. Please do not hesitate to contact us if you have any further queries.

Flood Planning - first response 23 April 2021

Thank you for the consultation request. I have reviewed the documents on the portal and have the following comments to be addressed by the applicant:

1. Please provide a signed copy of the declaration certificate A1 to cover the Flood Risk Assessment (FRA). This is provided on page 13 of the link below.
 - <https://www.edinburgh.gov.uk/downloads/file/22711/flood-risk-and-surface-water-management-plan-requirements> (Page 13)
2. Please provide a Surface Water Management Plan (SWMP) to support this application and confirm how surface water runoff from the site is being treated and attenuated. This should be prepared in line with the self-certification scheme - details of which can be found at the link in my signature below.

Flood Planning - second response 3 September 2021

Thank you for sending through the additional information. We the following comments to be addressed by the applicant:

1. Please provide a signed copy of the declaration certificate A1 to cover the Flood Risk Assessment (FRA). This is provided on page 13 of the link below.
 - o <https://www.edinburgh.gov.uk/downloads/file/22711/flood-risk-and-surface-water-management-plan-requirements> (Page 13)
2. Please provide a Surface Water Management Plan (SWMP) checklist. A copy of the checklist can be found at the link below. The checklist provides a summary of the information provided to support this application.
 - o <https://www.edinburgh.gov.uk/downloads/file/22712/surface-water-management-checklist>

Flood Planning - third response 17 September 2021

Thank you for sending through the checklist and certificate A1 covering the Surface Water Management Plan (SWMP). These are accepted.

However, we still need the certificate A1 covering the Flood Risk Assessment prepared by Terrenus. Could you please ask the applicant to provide a copy of the completed certificate.

Flood Planning - final response 28 September 2021

Thank you for providing the completed certificate A1, which satisfies our previous consultation comments. This application can proceed to determination, with no further comments from CEC Flood Prevention.

Roads Authority

The application should be refused.

Reasons:

- 1. The proposed is contrary to LDP policy Tra 9 Cycle and Footpath Network- Planning permission will not be granted for development which would;
 - a. Be detrimental to a path which forms part of the core paths network or prejudice the continuity of the off-road network generally;
 The proposed vehicular access will be detrimental to the Water of Leith Walkway;
- 2. It considered that safe access (visibility splay) could not be achieved from Baberton Loan due to lack of speed restriction on Baberton Loan, location of the proposed/enhanced access, lack of footway on the south side of Baberton Loan and obstruction of sight lines by trees.
- 3. Contrary Policy Des 7 Layout Design (the layout will encourage walking and cycling, cater for the requirements of public transport if required and incorporate design features which will restrict traffic speeds to an appropriate level and minimise potential conflict between pedestrians, cyclists and motorised traffic. The proposed junction does not cater for pedestrian needs to and from the site.

Note

a) Applicant has submitted plan which demonstrates visibility splay of 2.4m X 25m based on assumption of speed of 20mph or less on Baberton Loan. It should be noted that there is no speed limit on Baberton Loan. Below is a table of relationship between visibility and speed from the Designing Street Guidance.

Speed Kilometre	16	20	24	25	30	32	40	45	48	50	60
per hour											
Miles	10	12	15	16	19	20	25	28	30	31	37
per hour											
SSD	9	12	15	16	20	22	31	36	40	43	56
(metres)											
SSD	11	14	17	18	23	25	33	39	43	45	59
adjusted											

for bonnet
length

b) Applicant's proposal of pedestrian priority crossing will still be detrimental to the Water of Leith Walkway.

c) Cycle parking spaces will be provided within the curtilage of the houses

d) The design shows 1 car parking space for each of the houses, however the pavement is wide to provide 2 car parking spaces per house

Parks and Greenspaces - first response 4 June 2021

As far as I am aware the current access track to this site is not compliant and was built without Road Construction Consent, and the landowner does not have formal permission to cross CEC land at this point. If this road is to be used for construction traffic during development and/or by the public for access post development I expect work to be undertaken to make it compliant for this purpose. Colleagues in Roads may be able to comment further. Permission from CEC for vehicular access will need to be obtained and any costs met by the developer. I agree with and would like to reiterate the comments which have already been provided by Martin Duncan, CEC Access Officer, as below:

"My comments would echo those of Scotways; PROW exist on both the Water of Leith path and also Baberton Loan and any development in this area due to the site access may affect their usage by the public. The Baberton Loan route is a well-used public access route linking to Woodhall Mains and this isn't reflected in the Design & Access Statement plans as shown in the following screenshot.

I would suggest that the design of the point where the site access crosses the Wol Path referred to in Section 5.3 of the Design and Access Statement "A pedestrian/cycle priority junction is proposed" should require approval from colleagues in either Roads or Active Travel as they would be best placed to comment on the suitability of the design once detailed plans are submitted."

In addition, we have concerns over how this development will impact the wildlife corridor of the Water of Leith and its surrounding habitats, consideration must be given to the natural environment. The area in question contains the following designations and these should be taken account off:

Special Landscape Area
Local Biodiversity Site

Edinburgh Design guidance indicates that new properties should be 15 meters from a water course, these proposed properties are not 15m from the river. The Site Plan page drawing 21_01983_FUL-03__SITE_PLAN-4953059.pdf is incorrect/misleading as it extends beyond the site and above the weir, showing the properties to be further back from the river and extend upstream beyond the boundary of the site. Also, the Walkway/Cycleway is not featured on this site plan and its location cannot be seen, this is an important omission as we need to ensure the Walkway/Cycleway and surrounding habitats are protected and the Walkway/Cycleway is kept open for safe access to all users at all times.

Please note there is no lighting on this section of the Walkway/Cycleway, and we would not support any application to install lighting along this route, in line with the City of Edinburgh Council Sustainable Lighting Strategy. Please note this section of path is classed as a rural river corridor and as such should not be lit. The most relevant information can be found in Appendix A: Lighting Principles, located on pages 31 and 32 of the Sustainable Lighting Strategy. In addition, the management plan for the Water of Leith states "Restrict approval for increased lighting on the Walkway to avoid adverse impacts on wildlife and to maintain rural character of parts of path" and "Ensure CEC lighting strategy is adhered to for any development or path improvement projects." Both these points can be found on page 25 of the Water of Leith Management Plan. The development should therefore take this into account and lighting should be kept to a minimum and be specific for the residential properties only.

Any permanent boundary fence should be in keeping with the aesthetics of the area and should not impinge on sightlines for those using the path or take away the views/natural character of the Walkway/Cycleway. The design for this boundary fence should be submitted for approval prior to being installed.

We would potentially welcome the inclusion of a micro hydro scheme however, a full environmental assessment must be carried out, SEPA licensing sought and fish passage considered.

We would also expect the developer to provide a substantial contribution to enhance the Walkway and surrounding habitat.

Parks and Greenspaces - second response 28 October 2021

Sincere apologies for the delay in getting back to you.

Are you able to give us an indication as to the amount of funding which would be reasonable to ask for? Any funds would be used to improve the Walkway and/or its surroundings in the vicinity of Baberton Loan. In addition to this there are a few points to note:

The access road to the proposed development crosses the Water of Leith Walkway, this is Council land therefore a sale, lease, or some sort of formal agreement would be required for those taking vehicular access across CEC land to gain access to the private properties.

The access road between Baberton Loan and the residential area should be improved to allow safe travel, including that of cyclists and pedestrians. The applicant should be responsible for obtaining a safe design for this which must be agreed with CEC Roads, CEC Active Travel and CEC Natural Heritage.

The junction between the proposed residential area, the access road to Baberton Loan, and the Water of Leith Walkway/National Cycle Network Route 75 should give the right of way to those on the Water of Leith Walkway/National Cycle Network Route 75. The applicant should be responsible for obtaining a safe design for this which must be agreed with CEC Roads, CEC Active Travel and CEC Natural Heritage.

Any new lighting must be kept to a minimum as to what is required for the residential area, lighting should not be permitted to flow onto the Water of Leith Walkway/National Cycle Network Route 75 or onto the River.

Parks and Greenspaces - third response 10 January 2022

The proposed development is immediately adjacent to the Water of Leith Walkway/National Cycle Network Route 75 which is a great benefit to the local community, new residents and visitors. Given the proximity of the proposed development we would request that as part of this development a contribution of £10,000 is made to the improvement of this path which we are hoping to undertake in the coming year, this will see the path upgraded to an Ultitrec Surface. The cost of this work will be in the region of £30,000 for the section of path immediately adjacent to the proposed development running between Baberton Loan and Veitch's Bridge.

City of Edinburgh Council - Access Officer

Many thanks for your email. My comments would echo those of Scotways; PROW exist on both the Water of Leith path and also Baberton Loan and any development in this area due to the site access may affect their usage by the public. The Baberton Loan route is a well-used public access route linking to Woodhall Mains and this isn't reflected in the Design & Access Statement plans as shown in the following screenshot.

I would suggest that the design of the point where the site access crosses the Wol Path referred to in Section 5.3 of the Design and Access Statement "A pedestrian/cycle priority junction is proposed" should require approval from colleagues in either Roads or Active Travel as they would be best placed to comment on the suitability of the design once detailed plans are submitted.

Environmental Assessment

The application proposes 4 new residential properties to the south of Lanark Road. The site is lower than Lanark Road, on the site of an old mill, and adjacent to the Water of Leith.

The agent has advised that there are chimneys included within the design of both house types. Edinburgh is a Smoke Control Zone however smokeless fuels and DEFRA approved wood burning stoves are still permitted in such zones. Such fuels and appliances still give off some smoke and fumes at a level that can impact on residential amenity and cause complaints to be received by the Council. Therefore, should these chimneys be used for wood burning stoves and smokeless fuel fires, smoke and fumes is likely to impact upon the residential amenity of the higher Lanark Road properties. Environmental Protection is therefore not in a position to support the application whilst such amenity impacts associated with the chimneys are possible. It is recommended that the chimneys be removed from the proposal design.

If the application is granted, please note that the land will require to be suitably remediated to ensure it is made safe for the proposed end use. An example condition has been shown below in this regard.

Therefore, Environmental Protection does not support the application in its present form. However if it is granted then the condition below should be attached to any consent:

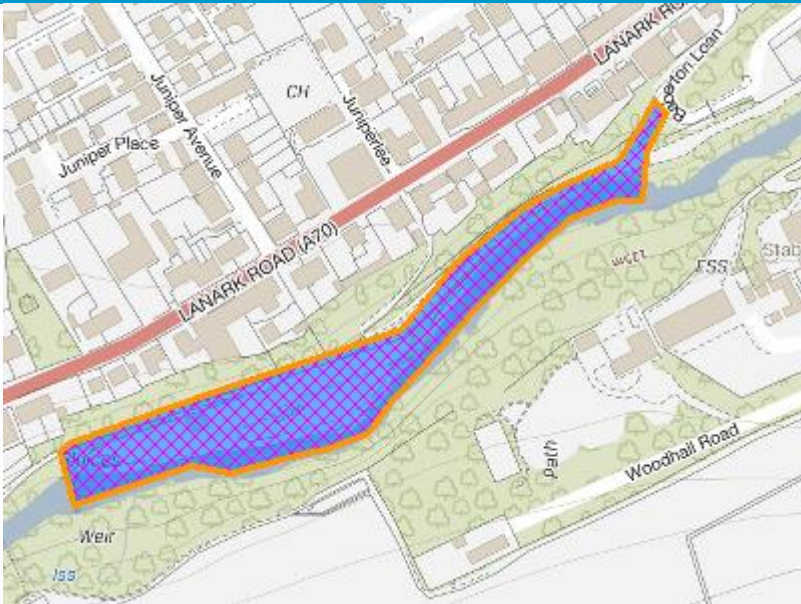
Condition

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.

Location Plan



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