

Development Management Sub-Committee Report

Wednesday 21 June 2023

**Application for Approval of Matters Specified in Conds.
Land 445 metres north of 103 Newcraighall Road, Edinburgh.**

Proposal: Approval of matters specified in conditions 1 in part, 2, 5, 6, 7, 8 and 9 in part, 10, 11, 13, 14 and 15 of planning permission 16/04122/PPP for the erection of 676 dwellings including affordable housing, local centre comprising class 1, 2, 3, 4, 10 and 11 and associated access, landscaping, open space, and infrastructure.

**Item –
Application Number – 22/03946/AMC
Ward – B17 - Portobello/Craigmillar**

Reasons for Referral to Committee

In accordance with the Council Scheme of Delegation, the application has been referred for determination by the Development Management Sub-committee as the Council has an interest in the development. There are also 92 representations received.

Recommendation

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

Summary

The proposals shall not harm listed buildings or their settings. The proposals are in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There is no detrimental impact on the identified Scheduled Monuments too.

The proposals are in accordance with the relevant policies of National Planning Framework 4 and the Edinburgh Local Development Plan and adequately address the relevant matters specified in conditions 1, 2 (a),(b),(c),(d),(f),(g),(k),(l), 5, and 7, of planning permission in principle 16/04122/PPP. The proposals are deemed to have satisfied the initial parts of condition 6 and 9.

However, these conditions and conditions 2(e), (h), (i), (j) (m), condition 3, condition 4 (outwith this AMC application site), and condition 6 in full, condition 7, condition 8 (1) and (2), condition 9 in full and condition 10, condition 11 and condition 12, condition 13, condition 14, and condition 15 of 16/04122/PPP remain relevant to the future development of the land and are not discharged at this time.

The proposals will contribute toward the creation of a sustainable place, with a local centre and school as its focus, on an LDP allocated site by the incorporation of a range of detailed design and layout measures to preserve the historic assets, and promote active travel and provide open spaces for healthy living. The proposals contribute towards the creation of liveable places through the development of housing of varying tenure and by integrating appropriately scaled ancillary uses, inclusive open spaces and blue /green infrastructure. Productive places are created through increasing opportunities for local spending and employment within the local centre.

There are no material considerations which outweigh the proposals accordance with the Development Plan.

SECTION A – Application Background

Site Description

The site covers approximately 30 hectares of greenfield land in the Brunstane area of east Edinburgh. It comprises agricultural land with some grassland, scrubland and mature trees at the site boundaries. The site is accessed via an existing field track access from Gilberstoun near Brunstane House. Informal paths enter the site from the south, west and north, and the East Coast Mainline Railway provides the eastern boundary of the site. An existing bridge for agricultural use forms a vehicle crossing into adjacent eastern field of the wider PPP site. Areas of dense woodland exist to the north of the site, along the John Muir Way, and beyond the eastern site boundary, across the east field, Newhailes House, gardens and Designed Landscape. The site undulates sloping from west to east with a 10-metre slope down from the railway line to the north-east corner of the site. To the north is the John Muir Way, a recreational footpath adjacent to the Brunstane Burn, and a Local Nature Conservation Site. Beyond this, there is a mix of uses including residential and Edinburgh College, and beyond the railway line, cemetery grounds.

The southern boundary is formed by a disused railway embankment that now carries a footpath/cycle path, part of National Cycle Route 1 (NCR1), and a high voltage transmission line follows the same route. There are also residential properties of the Newcraighall north site immediately to the south of NCR1 and other residential properties accessed from Newcraighall Road. A bowling club is located on Newcraighall Road to the south of the site. Residential properties forming the Gilberstoun area are along the western boundary of the site with some mature woodland. There is a strip of scrubland with some mature trees which is a Nature Conservation Site separating the proposed development from existing residential properties. There are two Scheduled Monuments (SMs) within the site - Brunstane Enclosure within the western field (reference No.10580, designated on 14 January 2003) and Brunstane Moated site within the western field (reference No. 4112, designated on 25 January 1978). The application site boundary is along the listed boundary walls of several of the adjoining properties - Brunstane House and Wanton Walls Steading. There are a number of listed buildings in close proximity to the site:

Brunstane House, a category A listed building (LB reference: LB28034, listed on 14 December 1970) and Brunstane House Steading and Brunstane Farm Cottages (LB reference: LB28035, listed on 24 September 1991) are located on the western boundary. Wanton Walls Farmhouse and Steading is a category C listed building, (LB reference 46550, LB listed on 12 January 2000) and is located adjoining the site, on the southern boundary near the proposed access.

Description of the Proposal

The application seeks approval for matters relating to conditions 1 in part, 2, 5, 6, 7, 8 and 9 in part, 10, 11, 13, 14 and 15 of planning permission 16/04122/PPP and is for the erection of 676 dwellings including affordable housing, local centre comprising class 1, 2, 3, 4, 10 and 11 and associated access, landscaping, open space and infrastructure for the west field, excluding the school site as shown in the Location Plan. The 16/04122/PPP was granted planning permission on 20th November 2020 with an informative that AMCs must be made within 7 years of this date. Therefore AMC is acceptable in terms of timing.

To summarise these conditions:

- Condition 1 requires a phasing framework to be submitted identifying the individual sub sites and phasing including the location of the various uses and thereafter delivery is to be in accordance with the phasing framework;
- Condition 2 requires all information related to the detailed design and layout of the proposed development including built development, open space, bridge, location of residential and commercial units, access connectivity and linkages for pedestrians, cyclists and cars as well as infrastructure - site remediation, waste, surface water management. Sustainability and landscape proposals are also to be detailed;
- Condition 5 requires the development to be carried out in accordance with the mitigation measures set out in the Environmental Statement and a revised schedule of mitigation for each phase; and
- Condition 7 requires an invasive non-native species protocol to be approved and implemented.

These conditions are being discharged (although condition 2 is discharged in part as detailed below) at this time for the west field excluding the school site.

The following conditions have also been applied for:

- Condition 6 requires a written scheme of investigation for archaeology to be agreed and implemented;
- Condition 8 requires a site survey for contaminants to be carried out detailing any remedial or protective measures which should then be implemented;
- Condition 9 requires a scheme of intrusive site investigations for mining to be undertaken and findings report submitted;
- Condition 10 requires details of work to manage or remove trees, mitigation of losses and tree protection measures;
- Condition 11 requires details of cooking ventilation systems when details of specific use classes 3, 8, 10 and 11 are available;
- Condition 13 requires details of a site-wide landscape masterplan to coordinate layout, specification and materials and its implementation;

- Condition 14 requires details of the treatment of the Scheduled Monuments and their implementation, for phases that include them; and
- Condition 15 requires details and implementation of an Archaeological Conservation and Management Plan for both Scheduled Monuments.

Whilst some information has been submitted for these conditions, it is set out below in details why these conditions are not being discharged at this time for the west field excluding the school site.

The following conditions are also part of 16/04122/PPP:

- condition 3 relates to approved landscaping plans being implemented according to the phasing framework;
- condition 4 relates to the Eastfield Newhailes Edge only and
- condition 12 which states that the details of the reserved matters submitted pursuant to this permission shall be substantially in accordance with the Amended Strategic Masterplan, Strategic Landscape Framework, Strategic Movement Framework and Strategic Masterplan Report and Design Code (as revised) as submitted with and accompanying the application reference 16/04122/PPP, as approved by the planning authority and according with the design parameters and architectural approach identified in the Masterplan Design Code.

Therefore whilst, condition 12 is not being discharged at this time, it is relevant to the assessment of this AMC application as all proposals need to be substantially in accordance with the PPP strategic masterplan framework and other documents.

It is to be noted that several further applications for matters specified in other conditions of the PPP will be submitted in future in order to discharge the remaining conditions for the west side of the site and facilitate delivery of the east side of the railway line under the same planning permission in principle. A legal agreement has also been concluded for the planning permission in principle 16/04122/PPP in November 2020.

Taking reference from the Edinburgh Local Development Plan (LDP) Site Brief for HSG 29, the PPP including the amended strategic masterplan framework, strategic landscape framework and strategic movement framework and accompanying Strategic Master Plan Report and Design Code that support application 16/04122/PPP, the applicant has submitted information in the form of detailed drawings and technical studies to address matters in specified conditions.

The proposals include 676 dwellings comprising 507 private and 169 affordable properties. The property types proposed are a mix of 2, 2.5, 3 and 4 storeys in height and comprise terraced, semi-detached and detached dwellings as well as a range of flatted blocks some with commercial uses on the ground floor.

The private housing is a mix of two, three, four and five bedroom houses and one, two and three bedroom flats. There would be 51 two-bedroom houses, 89 three-bedroom houses, 242 four-bedroom houses and 55 five-bedroom houses. There would also be 3 one-bedroom flats, 55 two-bedroom flats and 12 three-bedroom flats.

There are 22 different house and apartment types including 206 detached dwellings, 282 semi-detached or terraced dwellings and 188 flats across the site.

The affordable housing is a mix of two and three-bedroom houses and two and three-bedroom flats. There would be 28 two-bedroom houses, 23 three-bedroom houses, 90 two-bedroom flats and 28 three-bedroom flats. The Registered Social Landlord has been identified as Hillcrest Housing Association.

The 25% of affordable housing units are on site and comprise a range of suitable tenures including 115 units for social rent (68%) and 54 units for mid-market units (32%). The 115 social rent units comprise 23 two-bedroom houses, 16 three-bedroom houses, 60 two-bedroom apartments and 16 three-bedroom enhanced apartments. The midmarket rent units comprise 42 flats, and six two-bedroom houses and six three-bedroom houses.

Local Centre

There are 16 commercial units proposed in the local centre. The commercial floorspace is 1,298 square metre which could comprise a 739 square metre medical centre on the southern side of the local centre. It is intended that class 1, 3, 10 and 11 uses would be allowed across the local centre and that this accommodation would come forward in phases 2 and 3 of the proposed development.

Transport Infrastructure

Developer contributions secured under the PPP are set out in the legal agreement and included within this AMC as briefly summarised below:

- Secondary Pedestrian and Cycle Bridge over the Main East Coast Railway Bridge. Details of the proposed bridge design have been submitted with this application;
- Construction of a signalised junction, including cycle and pedestrian facilities at the south-eastern access on Newcraighall Road; Details have been submitted with the application and
- Engineering works are required to provide the new infrastructure and access points to the site.

The remaining items are secured under the PPP and within the legal agreement:

- Mitigation to the old Craighall junction and upgrade of bus stops on Newcraighall Road;
- Cycle parking at Brunstane Station and Newcraighall Station and
- Main East Coast Railway Line Bridge to be designed and built as part of the East Field - outwith this AMC application;

Access

The proposals include providing a new traffic-light controlled junction arrangement at Newcraighall Road and Benhar Road. This will provide the primary access into Brunstane for pedestrians, cyclists, public transport and cars. The carriageway would be 6m wide. All construction traffic would be taken through this access.

A secondary access, 4.8m wide, is also to be created from Bauld Drive, for pedestrian, cycle and private car traffic. As this is a secondary route, the carriageway width is narrowed with traffic calming features.

As required by the legal agreement, a new pedestrian and cycle footbridge over the railway is proposed in the south-east corner of the site with accessible ramp and stairwell.

A new railway bridge for vehicular access is to be designed and built as part of the east field of the development which will provide a link from the local centre to Portobello, however this is outwith the current AMC application. An area of white land is included within the site plan at the proposed bridge location to indicate that this area will be designed as part of the bridge design proposals and may require a small ramp.

In addition to the roads providing multi-modal access to Newcraighall Road in the south, pedestrian and cycle access is available in the north-east of site via a railway underpass beside Brunstane Bridge which connects to the John Muir Way. Active travel links will also provide access to Brunstane Road, west of the site.

Connectivity

As above, the proposals include connections into the existing network of paths surrounding the site, many of which are segregated from the vehicular road network. An alternative route to National Cycle Route 1 which traces the southern boundary of the development will be provided within the site, as part of the development. A new access into the John Muir Way to the north of the site will be provided. Both these routes will remain open during the construction of the development proposals, although there may be some diversions in place with the routes separated by 1.8 high Heras fencing from construction activity.

The existing right of way to the south of the site, alongside Brunstane Steading and the recently approved adjacent housing development (application number 19/01796/FUL) is integrated into the proposals alongside the proposed allotments. This route is future proofed to allow right of way as the route currently is but also, if diverted in the future, as is proposed under the adjacent planning application to take it through the neighbouring houses, it could still integrate with this route.

The proposed development includes a number of new cycle path and pedestrian connections across the site. A clear street hierarchy is used. The main primary route allows for a key bus route with four bus stops, as well as an active travel route from Benhar Road/Newcraighall Road around Brunstane Green open space to the local centre. The active travel route continues north and integrates into John Muir Way. Most of the secondary streets are shared spaces, being pedestrian and cycle focused as well as the active travel routes. The path network across the site will be accompanied by a package of signage and wayfinding that will link the site with the wider active travel network and local strategic destinations.

Cycle parking

There are 376 cycle parking spaces serving 188 flatted units in 11 residential blocks. All blocks contain 2 cycle spaces per flat. Internal secure cycle stores will contain single tier Sheffield stands, 20% of which will be accessible for non-standard cycles. A maximum of 56% of cycle parking will be two tier racks. A maximum of 20% of cycle parking will be served by accessible Sheffield stands located beside each block for residents and visitors.

All internal and external single tier racks will be Sheffield stands which can accommodate two bikes.

Total Number of Apartments = 188
Total Number of Cycle Parking = 376 (200%)
Total Number of Covered Cycle Parking = 296 (79%)
Total Number of External Cycle Parking = 80 (21%)
Total Number of Two Tier Parking = 212 (56%)
Total Number of Standard 750mm Sheffield Parking = 44 (12%)
Total Number of Larger 900mm Sheffield Parking for Non-Standard Cycles = 116 (31%)

The commercial floorspace comprises 1,298sqm but a range of use classes are allowed (Class 1, 3, 10 and 11).

- Class 1 - 9 cycle spaces.
- Class 3 - 18 cycle spaces.
- Class 10 (assumed Community Hall requirement at 1 per 67sqm as most onerous) - 20 spaces.
- Class 11 (assumed 1 per 10sqm for Gym use) - 65 spaces.

An additional 31 communal Sheffield Stands are provided in the public realm, 27 of which are available in and around the local centre (62 spaces in total). 20% of communal spaces will be accessible for non-standard cycles.

Car parking

Parking provision is a mix of in-curtilage and unallocated spaces with shared parking courts or on-street car parking. 598 spaces are provided of which 297 are unallocated spaces within the development. A further 183 properties have either an integral or detached garage. The proposed car parking equates to 84% provision across the site.

50 car parking spaces are communal EV charging spaces and all the properties with in-curtilage parking have provision for EV Charging capability for a 7.2KVA EV charger.

Heritage

The site contains two Scheduled Monuments which are to be incorporated into two parks: the 1-hectare Brunstane Green and Brunstane Park - which is directly adjacent to Brunstane House. The 1.6-hectare Brunstane Park is a significant area of open space to safeguard the setting of the nearby Brunstane House and other listed buildings. The setting of the listed building is also retained through the creation of view corridors across the site preserving the key views from Brunstane House towards the sea by the creation of the open space view corridor Lauderdale View, and towards Fife through the creation of the Fife View Corridor. Brunstane Walk is an identified area of open space to retain the link between Brunstane House and Brunstane Green. Locations have been identified for heritage interpretation boards in relation to the Scheduled Monuments within the site and the key views across the site.

Key Views, from Newhailes towards Arthurs Seat and the Pentlands, are included in detailed design as street view corridors. Several key views within the site, for example to Berwick Law have also been retained as a street view corridor.

Landscaping and Open Space

The masterplan focused on the landscaping and location of open space across the site to accommodate the Scheduled Monuments and key view corridors and integrate the site within the surrounding area.

This proposal includes three main areas of open space: Brunstane Park next to Brunstane House and accommodating a Scheduled Monument as well as a play area; Brunstane Green which accommodates a Scheduled Monument; and Lauderdale View which provides a key view from Brunstane House to the sea. There are also substantial areas of open space at the northern and southern site boundaries adjacent to the SUDS.

Landscaping Planting includes a mix of shrubs, ground cover, hedging, rain garden plants, fragrant shrubs, willow scrub mix and ecological wood mix as well as the new trees. A number of trees at the location of the railway crossing will need to be removed to allow the crossing to be built. Another small woodland group next to the NCR1 will need to be removed to facilitate the site access. These trees would be offset with others across the site.

Green/Blue Infrastructure

Two SUDS ponds are proposed to the north and south of the proposed site. There are also a number of swales within the open spaces and rain gardens within the streets.

Sustainability

Photo-voltaic panels will be provided on the roofs of buildings. In addition, the proposals include the installation of air source heat pumps, promoting passive sustainability through orientation of properties to maximise solar gain, provision for electric vehicle charging to homes and shared on street parking areas. The new properties are timber kit construction with materials from sustainable sources.

School

The proposed school is not part of this AMC application. However a 2.23 hectare serviced school site has been shown within the layout plans to illustrate the relationship with the school site. The delivery of a new primary school which will be the subject of a new separate application by City of Edinburgh Council.

Changes from Scheme 1

The layout is more pedestrian friendly, with more active travel routes across the site. The pedestrian bridge details have been improved. A further 0.76 hectares of open space was gifted to the school site to aid their design of the proposed school.

A larger local centre has been included with 16 units.

The total number of dwellings is the same however the affordable housing mix is more representative of the mix of dwellings across the site. Some of the dwelling types have been altered and the heights of some of the flats have been reduced from 4 to 3 storey in part. The flats design has been altered to include set back balconies, contemporary flats roofs and larger windows.

All the ground floor flats now have private patios or gardens. Bespoke flat types have been created to provide variety including 3-bedroom enhanced flats, set back balconies, contemporary design with a flat roof, larger windows and enhanced materials. The amenity space around the flats has been increased.

The affordable housing mix has changed with an increase in the provision of 3-bedroom flats to increase the level of affordable family housing. Affordable housing tenures are now only social rented and mid-market rented properties over phases 1 and 2 of the proposals. Golden share has been removed as an affordable housing tenure with the previous units becoming two and three bedroom houses. The affordable housing has more communal amenity space.

Car Parking provision has been substantially reduced across the site and cycle parking has increased.

Supporting Information

The following documents were submitted with the application:

- Air Quality Assessment;
- Archaeology written scheme of investigation, survey and evaluation;
- Affordable housing statement and letter;
- Bat Roost Survey and update;
- Breeding Bird Survey and update;
- Capacity Review and Development Impact Assessment Scottish Water;
- Community Benefit and Wealth Building Statement;
- Construction environmental Management Plan;
- Design and Access Statement and Addendum;
- Drainage Strategy Report;
- Electric Vehicle Charging Strategy;
- Environment Statement Updated Schedule of Mitigation Measures and update;
- Flood Risk Assessment and addendum;
- Invasive Weeds Survey and Horsetail management information sheet;
- Heritage Statement;
- Housing and School Report Site Investigation and Remediation Method Statement and update;
- Housing Site Investigation Report and update;
- School Site Investigation and Remediation Method Statement;
- Landscape Proposals Planting Statement and Specification;
- Local Centre Report;
- LVIA compliance Note and Visuals and Viewpoint plan;
- Noise Impact Assessment and Statement;
- Ownership Schedule;
- Planning Statement and update;
- Wildlife Surveys;
- Preliminary Ecological Assessment;
- Report of Consultation report;
- Replacement Road Bridge Information;
- Sustainability Statement Form;
- Transport Statement and update;

- Water Impact Assessment;
- Utility Location Survey and Report;

These are available to view on the CEC Planning and Building Standards Portal. The applicants undertook public engagement prior to the submission of this application and the scope and conclusions are outlined in Report of Consultation. Public engagement was not statutorily required and there is no obligation to provide a consultation report.

Relevant Site History

16/04122/PPP

Land 445 Metres North Of 103
Newcraighall Road
Edinburgh

Proposed residential development (including class 8 residential institutions, class 9 houses and sui generis flats) primary school (class 10 non-residential institutions) local centre (including class 1 retail, class 2 financial services, class 3 food and drink, class 10 non residential institutions and class 11 assembly and leisure), green network, access and transport links, infrastructure and associated ancillary works (as amended.)

Granted

20 November 2020

15/05835/PAN

Land 445 Metres North Of 103
Newcraighall Road
Edinburgh

Residential development, new primary school, new local centre including retail and other ancillary commercial uses and community facilities, parkland and other associated infrastructure.

Pre-application Consultation approved.

6 January 2016

19/01796/FUL

Land East Of 173
Gilberstoun
Edinburgh

Demolition of the existing dilapidated farm buildings and erection of 10 new houses with associated roads, garages and parking (as amended from 19 houses).

Granted

16 November 2022

Other Relevant Site History

No other relevant planning site history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Nature Scot

Environmental Protection

The Coal Authority

Network Rail

Scottish Water

Historic Environment Scotland

East Lothian Council

Archaeology

The Coal Authority

SEPA

Environmental Protection

Network Rail

ScotWays

Flood Planning

Historic Environment Scotland

Affordable Housing

The Coal Authority

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 24 April 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 5 May 2023 28 April 2023 26 August 2022

Section B - Assessment

Determining Issues

This report will determine whether the AMC application been submitted timeously in terms of the related planning permission in principle permission.

Due to the proximity of the proposed development to listed buildings, this report will consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

The report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm Listed Buildings or their settings and protect the Scheduled Monuments

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires assessment of the proposals in relation to any potential harm to Listed Buildings or their settings. The Ancient Monuments and Archaeological Areas Act 1979 sets out to ensure any changes to monuments of national importance are appropriate and sympathetic their character to protect what is a rare and unique resource.

The Historic Environment Scotland Managing Change in the Historic Environment: Setting guidance is also relevant in the determination of this application. This highlights that setting can incorporate a range of factors including the current landscape or townscape context, views to, from and across or beyond the historic asset, key vistas, and the prominence of the historic asset or place in views through the surrounding area as well as aesthetic qualities.

A heritage statement has also been submitted which states that the proposals comply with condition 12 - being substantially in accordance with the PPP masterplan. It also states that the detailed proposals comply with the requirements of condition 5 of the PPP which states that the detailed proposals need to be in substantial accordance with the principles and requirements of the mitigation measures set out in the Environmental Statement.

The proposals are adjacent to the Category A Listed Building, Brunstane House. At PPP stage there were measures proposed to mitigate the impact and preserve the setting of Brunstane House including:

- Inclusion of 2 ha of open space (Brunstane Park), including the Brunstane Enclosure (SM);
- The creation of a view corridor 30m wide, centred on the middle view of the Grand Chamber, from Brunstane House, across Brunstane Park to the Firth of Forth - shown as the Lauderdale View;
- Orchard planting around the site of the former walled garden;
- An additional view corridor 20m wide, from Brunstane House/Park to Fife; and
- A widened (22m) Brunstane Walk connecting Brunstane House/Brunstane Park with Brunstane Green and allowing wider views from/to these historic assets.

At PPP stage the masterplan sought to ensure that the proposed new housing is at least 74 metres away from Brunstane House. The Brunstane Park Avenue fronting Brunstane Park, would be at least 90m away, and would consist of 2-3 storeys housing at a density of 40 units/ha.

The PPP masterplan sought to mitigate the impact on Brunstane House, through the design and layout including the open space and key view corridors. It was highlighted that the AMC should also offset the impact on setting through design, public realm and landscape proposals.

The proposals include Brunstane Park, a 1.66 ha area of open space including the Brunstane Enclosure (SM), around Brunstane House. This is formed by the set back of the proposed housing from Brunstane House by 70 metres to the north-west and 81-140 metres to the east. The park is slightly smaller than the 2 hectares previously envisaged due to the presence of mine workings within the area. However, to maximise the extent of open space, instead of a road frontage (Brunstane Avenue referred to above) adjoining the park, a multi-user path has been created which will improve connectivity and minimise the reduction of open space.

Lauderdale View corridor is at least 30m which will allow the key view from Brunstane House to the sea. It includes open space and is slightly larger at the Brunstane Park end integrating into the park. Fife View corridor is at least 20 metres wide and extends from Brunstane Park north-east as shown in the masterplan providing the view from Brunstane House to Fife. The Brunstane Walk is a 20m view corridor connecting Brunstane House and Park to Brunstane Green. Community Greenspace and Orchard Planting has been included in the proposals around the site of the former Walled Garden of Brunstane House.

HES note that the reduction in the size of open space (Brunstane Park) from the original Masterplan and especially the bringing forward of the proposed housing to the East and North-West boundaries would have an adverse impact on the setting of the category A listed Brunstane House. However, they also note that the important view corridors from the first floor of the house (Lauderdale View and Fife View) are retained within the development proposals, which HES welcome. Overall, HES do not object to these proposals.

As set out above there is still a substantial sized park which will retain the setting of Brunstane House. Whilst the housing is slightly closer by 4 metres to the north-west, it is still over 70 metres away. Similarly, the housing to the east is closer by a maximum of 9 metres but is still over 81 metres away and the key frontages of housing onto the park has been improved with the active travel route rather than the previous road. The view corridors are retained and wider at the Brunstane Park end than was proposed in the masterplan. Overall, it is considered that there would be no harm to the setting of Brunstane House.

Brunstane House Steading and Brunstane Farm Buildings adjacent to Brunstane House are also Listed Buildings on the western boundary of the site. The PPP masterplan creates Brunstane Park to also protect the setting of these listed buildings and the existing historic tree belt would also be retained. The proposed development integrates Brunstane Park with the adjacent open space approved under planning permission 19/01796/FUL to provide an appropriate setting for these buildings.

Wanton Walls Farmhouse and Steading is immediately adjacent to the southern boundary of the application site. The proposed development would be set back from this boundary by the SUDS pond, and multi-user path to the pedestrian and cycle bridge. It is considered that there would be no harm to the setting of Wanton Walls Farmhouse and Steading Listed Buildings.

The proposals harm Scheduled Monuments

There are two Scheduled Monuments within the application site which have been integrated into the areas of open space. Brunstane Moated Site Scheduled Monument (SM) is incorporated into a 1-hectare public open space - Brunstane Green. Brunstane Enclosure SM is incorporated within the 1.6-hectare Brunstane Park public open space.

The current proposals do not require scheduled monument consent under the Ancient Monuments and Archaeological Areas Act 1979. HES have no comment on the proposals for the Scheduled Monuments. These areas of open space will protect the underground archaeology of the Scheduled Monuments.

Condition 14 of the PPP, which is not being discharged at this time, requires further details of the treatment of the Scheduled Monuments.

Condition 15 of the PPP, which is also not being discharged at this time, requires the implementation of an Archaeological Conservation & Management Plan for both Scheduled Monuments, which has been submitted by the applicant, following consultation with HES and then approved by the Planning Authority. This will secure the protection of the Scheduled Monuments' during development phases, their long-term management and interpretation,

Conclusion

Overall the mitigation measures to safeguard the setting of Brunstane House have been integrated into the detailed design proposals. Taking into account all of the above, particularly the retention of the view corridors and key frontages to address Brunstane Park, on balance, it is considered that Brunstane Park size would provide an appropriate setting for Brunstane House. Therefore, it is considered that the proposals do not harm the setting of Brunstane House. The proposals include the provision of Brunstane Park to respect the setting of Brunstane House and the other listed buildings nearby. The SUDS Pond and open space at the south would respect the setting of Wanton Walls Farmhouse. Therefore, it is concluded that there would be no harm to the listed buildings or their settings.

The proposals for the Scheduled Monuments to be included within areas of public open space is acceptable. This would be appropriate and sympathetic to their character. Therefore the proposals will not harm the Scheduled Monuments.

b) The proposals address or satisfy the conditions of 16/04122/PPP and comply with the Development Plan

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF4 Sustainable Places Policies 1, 2, 3, 4, 5, 6, 7, 12, 13;
- NPF4 Liveable Places 14, 15, 16, 18, 20, 23;
- NPF4 Productive Places 25, 26, 27, 28;
- LDP Environment Policies Env 12, 15, 20, 22, 21, 22;
- LDP Delivery Policies Del 1;
- LDP Design Policies Des 1, 2, 3, 4, 5, 7, 8, 9, 10, 11;
- LDP Housing Policies Hou 1, 2, 3, 4, 6, 7, 10;
- LDP Transport Policies Tra 1, 2, 3, 4, 7, 8, 9, 10 and
- LDP Retail Policies Ret 5, 8.

The non-statutory Edinburgh Design Guidance, Listed Buildings and Conservation Areas Guidance, Guidance for Businesses, Affordable Housing Guidance, Art in Public Places Guidance and the Cycle Parking Factsheet are material to the consideration of the LDP policies.

Condition 1 of 16/04122/PPP - Phasing

Condition 1 of 16/04122/PPP requires a phasing framework to be submitted identifying the individual sub sites and phasing including the location of the various uses and thereafter delivery is to be in accordance with the phasing framework. It also requires subsequent AMC applications to provide updated information relating to transport, design and access, landscape and visual impact and details of the management and maintenance of landscaping, allotments, SUDS and open spaces as well as surface water management strategy.

The proposals include a phasing framework setting out the different phases across the site in relation to uses, infrastructure and landscaping. Also submitted are updated Transport Statement, Design and Access Statement and Addendum, Landscaping details including management and maintenance, and Visual and Viewpoint Plan as well as a LVIA compliance note, details of the allotments, SUDS and open spaces and drainage strategy.

In line with NPF4 policy 18, it is essential that the infrastructure is phased alongside the development phases so that the adjacent landscaping, open spaces etc are provided at the same time as the construction of dwellings and not substantially after.

The phasing framework shows the preliminary works to gain access from Newcraighall Road through Benhar Road (which will be the construction vehicle traffic access) and Bauld Drive as approved under the PPP. Thereafter, Development Phase one includes 415 homes, the principal street from Benhar Road to the school site and all the landscaping and infrastructure works within that phase including Brunstane Green, most of the affordable housing, and the southern SUDS pond. Development Phase 2 is for 115 homes, the northern part of the Local Centre, and includes Brunstane Park, Lauderdale View and the northern SUDS pond as well as the western boundary to the school site. Development Phase 3 includes 122 homes to the north of the site and the cycle link to the John Muir Way and the remaining southern units within the Local centre. Development Phase 4 is the 24 homes closest to the footbridge and would be required to be constructed after the footbridge itself is constructed, or after 665 units are constructed, in line with the legal agreement.

This is acceptable in relation to condition 1.

Condition 2 of 16/04122/PPP - Detailed Design and Layout

Condition 2 requires all information related to the detailed design and layout of the proposed development.

NPF4 policy 14 requires development proposals to be designed to improve the quality of an area and be consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable and adaptable. The LDP policies Des 1 - Des 11 ensure new development is of the highest quality, integrates with and respects the special character of the city and meets the needs of residents and other users.

2(a) Layout and phased implementation for built development, and provision of road and footpaths, open space, tree shrub planting and woodland management.

A strategic masterplan framework overlay on the proposed layout has been submitted which shows that the proposed layout is substantially in accordance with the approved strategic masterplan framework. The extent and materiality of any deviations have been considered and are deemed to be acceptable. The phased implementation allows the infrastructure, landscaping and new homes to be built together and is acceptable as required under NPF4 policy 18, LDP policy Del 1 and the signed legal agreement.

NPF4 policy 15 Local Living and 20-minute neighbourhoods considers the existing settlement pattern and level and quality of interconnectivity of the proposed development with the surrounding area and local access which links to LDP policy Hou 10 which requires community facilities relative to the scale of the proposals. The proposals would provide a large neighbourhood with the local centre and school as its focus which would be easily accessible from across the site. There would be a public transport link through the site and active travel routes across the site with linkages to the surrounding area. Overall, it complies with policy NPF4 15.

NPF4 policy 14 requires development proposals to be designed to improve the quality of an area and be consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable and adaptable. The LDP policies Des 1 - Des 11 ensure new development is of the highest quality, integrates with and respects the special character of the city and meets the needs of residents and other users. A key ethos of the strategic masterplan framework was the key views both from the adjacent listed buildings are to be incorporated into the proposed layout enhancing its placemaking quality. As set out above the mitigation measures proposed to protect the setting of Brunstane House have been incorporated into the proposed layout.

Brunstane Park, Brunstane Green and Lauderdale View are public open space view corridors within the proposed layout. Other key views shown on the masterplan are incorporated as street views within the proposed layout: Fife View corridor is at least 20 metres wide and extends from Brunstane House to allow the view to Fife, Arthur's Seat view corridor is a 12m wide street in the western field allowing the key view from the Shell Grotto towards Arthurs Seat. North Berwick Law view is a 12m wide street which adds to the placemaking allowing a key view from the site. The Council's Archaeologist has no objection to the proposed layout and considers it meets with objectives for the protection of the setting of the two scheduled monuments and Brunstane House and its key views. Overall at least 20% of the total site is useable greenspace in line with LDP policy Hou 3.

LDP policy Des 7 Layout Design states that a comprehensive and integrated approach to the layout should be undertaken with new streets direct, connected to local centre, public transport and creating new public spaces as well as encouraging walking and cycling and safe convenient access and movement for all. The proposed development follows the spatial structure of the strategic masterplan framework, integrates the movement framework and provides the requisite open space, local centre and public transport bus stops along the principal route. This complies with NPF4 policy 14 and the LDP Design policies Des 1- Des 11.

The provision of road and footpaths

A transport statement and number of layout plans showing the roads and footpaths across the site have been submitted. The strategic movement framework set out the movement hierarchy for the provision of roads and footpaths at the PPP stage. The spatial structure of the AMC proposed site plan reflects the strategic movement framework. The extent and materiality of any deviations have been considered and are deemed to be acceptable. The Council Transport Officer has assessed the proposals and has no objections and a number of informatives.

Policy NPF13 requires proposals to provide active travel infrastructure and LDP policies Tra3, Tra8, and Tra9 also require consideration in relation to active travel. The principal street is identified as being from Benhar Road to the Local Centre. The shared space fronting onto Brunstane Park has been omitted due to mining issues, however a new active travel route is proposed along the north-west and north-east of Brunstane Park instead. The secondary street access and active travel route from Bauld Drive through the site to the local centre has been extended, both, northwards along the school site to the northern boundary and integrating with the John Muir Way and along Brunstane Park and the north side of Lauderdale Park improving the provision of active travel routes through the site. Fife View is a secondary road instead of a footpath with the consequent removal of the previous shared space street to the east of Fife View. Overall, the proposed street layout, active travel routes and footpaths provide the permeability and connectivity as envisaged in the masterplan. The street hierarchy is clear with the principal street providing public transport and the secondary streets being shared spaces. There are a number of active travel routes from the boundaries of the site and allowing permeability through the site. Overall the proposals comply with the requirements of NPF policy 13, and LDP policy Tra9 .

Provision of open space

The open space framework set out that the proposed open space was largely based on view corridors across the site which were detailed further in the Masterplan Report and open spaces to mitigate the impact on Brunstane House and to enclose the Scheduled Monuments. A 1-hectare open space is provided at Brunstane Green which includes the Scheduled Monument. A 1.6-hectare open space is provided at Brunstane Park which is sufficient to preserve the setting of Brunstane House Category A Listed Building.

Lauderdale View corridor is at least 30 metres providing another substantial area of open space. Brunstane Walk retains the view from Brunstane Green to Brunstane House and is at least 22m landscape corridor. This complies with the PPP strategic masterplan framework and report.

Policy Hou 3 also requires a minimum of 20% of the total site area to be useable greenspace. The proposed useable greenspace is above 20% and is acceptable. The proposed development also complies with policy Hou 3 which requires flats or mixed development to have communal provision based on a standard of 10 square metres per flat (excluding private gardens). All flats across the site meet or exceed this standard in terms of communal open space. All dwellings are provided with front and rear gardens.

The Tree Shrub planting and woodland management will be considered as part of the landscaping below.

Overall condition 2(a) can be discharged in relation to this part of the site.

2(b) Siting, design and height of the development, external features, glazing and ground floor levels to Ordnance Datum.

Siting

The masterplan overlay and proposed site plan submitted show that the siting of the development largely complies with the masterplan and the overarching layout principles have been retained. The extent and materiality of any deviations have been considered and are deemed to be acceptable.

LDP policies Des7 and Des 8 require a comprehensive- and integrated approach to the layout of the buildings, streets and other features. This was taken forward in the masterplan through a strategic framework.

There is a comprehensive and integrated approach to the siting with new streets being connected to allow ease of access to the local centre. Active travel routes permeate the development allowing safe and convenient access and movement. Paths and parking areas are generally overlooked. Open spaces are connected with the wider movement network in line with policy Des 7.

The commercial units are located on the ground floors of the flatted blocks in the local centre in line with the masterplan. The school location is in line with the masterplan and the public square in front provides access to the school and integrates with the local centre.

The public realm materials are appropriate. There is clear differentiation between public and private spaces with boundaries clearly identified. Refuse and cycling facilities are incorporated into the layout design.

The small SUDS pond at the Northern site boundary has been removed and a community greenspace and trim trail installed. The northern SUDS pond is now more than 10 metres away from the East Coast Mainline Railway which Network Rail require.

Two dwellings are now situated in the proposed extension to the existing woodland at the north-west boundary of the site, however these are still some distance away from the neighbouring dwellings. Brunstane Park is slightly smaller than previously proposed as discussed above.

The SUDS pond at the south-east boundary of the site is larger than previously envisaged and would be surrounded by a cycle path, and an area of open space as due to the Scottish Water wayleave, allotments were not proposed in this location.

SEPA has noted that buildings must not be constructed over the existing culvert which is to remain active - and no buildings are proposed to be constructed over the culverted Magdalene Burn in line with the masterplan.

Overall the siting complies with policies LDP Des 7 and Des 8.

Height

A Building Heights plan has been submitted. The proposed development includes 2-4 storey dwellings with four storeys at the local centre and around the east side of Brunstane Green, three storeys near the local centre along the principal route, around the west side of Brunstane Green, fronting onto Brunstane Park and Lauderdale View. This is broadly similar to the Masterplan Report. Policy LDP Des 4 requires assessment of the height in relation to setting. The proposed heights fall would have a positive impact on its surroundings being taller at the higher density local centre and only 2 storeys at the site boundaries. This complies with policy Des 4.

Amenity for Existing Residents

LDP Des 5 requires assessment of the impact of the proposals on neighbours in relation to noise, daylight and sunlight and privacy. Due to the proposed layout and its integration with the surrounding area, there are very few proposed properties in close proximity to existing dwellings. There are two proposed dwelling houses to the north-west corner of the development site which are offset from the existing dwellings at a minimum distance of 17 metres. In this location, the rear gardens would have a 1.8 metre high close boarded timber fence with further landscaping between this fence and the boundary of the site.

The occupants at the existing dwellings at Brunstane House, Brunstane House stables, would overlook Brunstane Park public open space. The proposed dwellings are at least 34 metres from the Newcraighall North development and with the raised walkway in between there would be little overlooking or loss of privacy, daylight and sunlight. Similarly the residents at Wanton Walls steadings, at least 37 metres away and separate by landscaping, open space and the SUDS area, would not have their amenity adversely affected by the proposed development.

Due to the proposed site layout and landscaping at its boundaries, there would be very limited overlooking and therefore no loss privacy, daylight or sunlight to the existing dwellings. This separation is considered sufficient to ensure that the amenity of residents existing properties is not adversely impacted by the proposed development and complies with LDP policy Des 5.

It is accepted that the proposed secondary access along Bauld Drive would mean increased pedestrian, cyclist and vehicle movements along this access route, with consequent increase in noise and activity in this area. However this complies with the PPP masterplan and has already been established in principle through the PPP.

Design and Amenity for New Residents

The overall design of the proposed development reflects the strategic masterplan framework and strategic masterplan report. Where the siting of development deviates from the masterplan, the overarching layout principles have been retained. Therefore the proposed design complies with LDP policies Des 1, 2, 3 and 4.

LDP Des 5 also requires assessment of the amenity for occupiers, in terms of noise, daylight and sunlight, and privacy. It also requires adaptability and community security with active frontages as well as clear distinctions between public and private space.

The mix of dwellings includes 2, 3, 4, and 5-bedroom houses all with level access and 1, 2, and 3 bedroom flats, all of which meet the minimum internal space standards as set out in the Edinburgh Design Guidance and comply with LPD policy Hou2. There are two styles of houses proposed with the brick 'urban planning style' along the principal route and secondary streets comprising the contemporary planning design to reinforce the spatial structure and movement hierarchy.

Most dwellings front open spaces or the street layout with dual frontages for the main corner plots to encourage natural surveillance and community security. There are a number of flats proposed most of which are dual aspect dwellings. The number of single aspect flats varies between blocks but not more than 50% overall with most blocks having between 25% and 33% single aspect dwellings.

A density analysis has been submitted. Overall, it follows the density principles as set out in the masterplan of higher density development around the local centre and along the principal route and medium density towards the boundaries of the site. This complies with policy Hou 4.

All dwellings comply with the minimum space requirements as set out in the Edinburgh Design Guidelines. All houses have front and rear gardens. All flatbed dwellings have a minimum of 10 square metres of communal space and gardens at ground floor level. The front gardens are small threshold spaces onto the public realm or street scene. There are sufficient distances between dwellings to maintain privacy and not result in unacceptable levels of overlooking. The rear garden depths are sufficient and overlooking would not result in a significant loss of privacy for occupants. At least 20% of the total site area is useable green space and therefore complies with LDP policy Hou 3.

A Daylight and Sunlight assessment has been submitted. The daylight assessment concentrated on the closest buildings (the worst case scenario) across the site. The assessment of the 'no sky line' measure of daylight is in line with the Edinburgh Design Guidance methodology. This showed that there would be adequate daylight into the ground floor rooms of the new development in line with LDP policy Des 5.

The sunlight assessment uses the date of 21st March to assess whether half the gardens of the new dwellings would have more than 2 hours sunlight during the Spring Equinox. A small number of dwellings with north facing gardens do not meet the sunlight guidance - a total of 22 units across the site (3% of the total units). However the other 665 units (97%) of dwellings do. Seven gardens of dwellings that don't comply are marginal.

The dwellings that don't comply are in three main areas- private houses at Pentland View (seven dwellings) Brunstane Walk (two dwellings) and around Brunstane Park (four dwellings) and a row of terraced affordable dwellings (nine dwellings). Given that these locations are close to or adjoin significant areas of open space and would have sunlight to their front gardens, this infringement of the Edinburgh Planning Guidance is marginal and acceptable.

Therefore, there would be no significant loss of amenity for existing residents. There would be adequate levels of amenity for new residents in terms of daylight, sunlight, overlooking and privacy in line with LDP policy Des 5.

External Materials

LDP policy Des 1 and Des 8 require quality design and materials that create a sense of place. The 'Urban Elevation' design includes brown/cream brick with a darker brown base course, grey timber cladding and grey concrete roof tiles. The 'Contemporary' style has render and brick base course with the same cladding but in evening blue and the same roof tiles. The houses have pitched roofs, stonework cills, grey fenestration details and black rainwater goods.

The flats have a contemporary design and similar design between the affordable and private flats. The 3 and 4 storey flats have flat roofs, windows on all elevations and a mix of brick with grey fenestration and balustrades to the balconies - some Juliette style, others set back balconies.

The external finishes plan submitted shows the palette of materials for the dwellings including grey precast stonework cills, timber effect cladding and grey UPVC double glazed windows, black UPVC rainwater goods and grey UPVC soffits and fascias. Decorative metalwork is grey and door canopies would match the main roof colour.

The palette of materials for the boundary treatments include Tobermore Kingston Burren boundary walls which is one of the urban elevation brick options. The retaining walls would be Tobermore Kingston Burren also. There would be 1.8 metre high screen timber fence and gate on boundaries between dwellings, not adjacent to the public realm. A 1.8 metre high acoustic timber fence is proposed between the dwellings and the Main East Coast Railway Line to the east. A 1.8 metre high full brick wall and piers with gate is located as boundary treatment adjacent to the public realm.

The paving materials include charcoal herringbone block paving for the shared surface areas, driveways and parking bays with silver grey 'Conservation Setts' for Brunstane Green, the square footpath area and key nodal points. The main roads and paths would be in bituminous construction; however footways and cycles paths would contain white chippings in order to differentiate them from the carriageway. The proposed materials are acceptable. This complies with LDP Policies Des 1 and Des 8.

Glazing

The applicant has provided details of the glazing units. All windows on all elevations can be openable and should be constructed from good quality frames with airtight compression seals and trickle background ventilation. This could be secured by condition integrating with the requirements of the noise impact assessment.

Noise

A noise impact assessment has been submitted to assess noise impacts arising from rail traffic noise from passing trains and powerline noise levels. Environmental Protection comment that whilst the details and design of the acoustic barrier itself is satisfactory, they would require further information on trickle vents and a referenced drawing highlighting where all the upgrading glazing is required. This drawing could also incorporate the required 1.8 metre acoustic barrier: Figure 8: Mitigation Map - Ground Floor and Figure 9: Mitigation Map - First Floor (or above). This drawing should also highlight the existing and finished site and ground levels in relation to Ordnance Datum to demonstrate the effectiveness of the proposed noise barrier. Overall this information can be secured by condition.

Condition 2 (c) details of the proposed pedestrian and cycle bridge

LDP policy Tra8 requires the provision of transport infrastructure to mitigate the traffic impact. The proposed footbridge design details have been submitted and Network Rail has no objection to the revised design. The bridge would have step and ramp access and is within the location identified at the PPP stage. The CEC transport officer also has no objection to the bridge proposals and requests an informative regarding its implementation. The design is largely influenced by the requirements of Network Rail and the clearance to the overhead lines. In line with the legal agreement, the bridge is to be completed prior to any residential unit within the nearby area being completed or the completion of 665 units across the whole site. This would comply with LDP policy Tra 8.

This is acceptable and condition 2(c) can be discharged.

Condition 2 (d) Precise location and extent of the individual uses including the number of residential units and any community or commercial or business uses.

A site layout plan, masterplan overlay drawing, phasing framework and plans and elevational drawings for all buildings on site have been submitted. NPF4 policy 16 Quality Homes requires a statement of Community Benefit, and a mix of new homes to be provided including affordable housing.

A total of 676 dwellings are included within the application as well as 16 commercial units. The new homes are a mix of 507 private dwellings including two, three, four and five bedroomed terraced, semi-detached and detached dwellings as well as one, two and three bedroomed flats. 25% affordable housing has been provided in a mix of two and three bedroom houses and two and three-bedroom flats.

Affordable Housing

The provision of affordable housing is already secured through the signed legal agreement. There is a require of a minimum of 169 homes (equivalent to 25% of the residential units) of approved affordable tenures.

The Council aims to secure 70% of new onsite housing for social rent. The applicant has identified a Registered Social Landlord, Hillcrest Housing Association to deliver the homes for social rent and mid-market rent. The amended proposal is for a majority of social rent, and the remaining homes provided as mid-market rent as follows:

- 115 Social Rent units (76 flats / 39 houses)
- 54 Mid-Market Rent units (42 flats / 12 houses)

Affordable Housing has been consulted on this application and are content with the representative mix of units proposed and the tenures. It is also noted that the affordable homes are located in close proximity to the local centre, school and key public transport route. The proposals confirm that the affordable homes are tenure blind.

Overall the affordable housing proposed is acceptable and in line with LDP policy Hou 6.

Local Centre

The commercial units are located on the ground floor of flatted blocks 5, 6, 7 and 8 either side of the principal route, near the road bridge crossing and the identified school site. Together this would provide a local centre for the application site in line with the identified masterplan local centre location.

In terms of phasing following the preliminary phasing works, development phase 1 includes 415 new homes, infrastructure, landscaping, phase 2 consists of 115 new homes and the seven units in block 7. The remaining nine units would be in Development phase three along with a further 122 new homes. Three of the units could be combined to create a medical centre, in consultation with the NHS and are due to be constructed in phase 3, to give maximum flexibility to the NHS to confirm whether they can take up this accommodation. The provision of the local centre and phasing of the different uses on site complies with LDP policy Hou 10.

The applicant has submitted a Community Benefit and Wealth Building Statement as required by NPF4 policy 16 (b). The proposed development helps deliver both the Council's Economic Strategy and extensive housing requirement over the next 10 years. 676 dwellings including 25% affordable units will be built on site. A new local centre, facilitating the delivery of the primary school as well as pedestrian and cycling connectivity across the site and areas of public open space would provide residents with facilities for a lot of their daily needs. It is anticipated that the local centre would create 68 additional full-time jobs and contribute a GVA value of £1.6m to the economy. Dandara also provide up to £3000 financial support to good causes, which cannot be controlled through the planning process.

The creation of a local centre is consistent with NPF4 policy 15 Local Living and 20-minute neighbourhoods. It is located at the centre of the masterplan site, linking by active travel routes and public transport into the surrounding area. It would provide local employment, shopping and potentially health care facilities adjacent to the primary school.

The proposals also include a range of housing options including affordable housing which is accessible and a range of size of homes in line with NPF4 policy 16 quality homes.

Overall this is acceptable and condition 2(d) can now be discharged.

2 (e) Design and Configuration of public realm and open spaces, all external materials and finishes and details of play equipment.

This is considered further in the section titled Landscaping below.

2(f) car and cycle parking, access, road layouts and alignment, including a Stage 2 Quality Audit, classification of streets, servicing areas and electric charging points

Car parking

A Car Parking Allowance Plan and proposed site plan has been provided as part of this submission which sets out provision for car and cycle parking. Parking provision is a mix of in-curtilage and unallocated spaces with shared parking courts or on-street car parking and is in line with policy Tra 4. 598 spaces are provided throughout the development. A further 183 properties have either an integral or detached garage.

LDP policy Tra 2 and the Council's parking standards permits a maximum level of 1 space per residential unit plus varying maximum standards for the other use classes. The proposed parking is therefore significantly below the maximum standards (84%) and is therefore considered to be in accordance with the EDG. This reduces down to 79% if the 44 front courtyard spaces around Brunstane Green are excluded.

This parking provision includes 297 unallocated spaces which could be used by anyone using the residential or commercial spaces. These spaces include 50 EV charging spaces which complies with the 1 in 6 requirement. All in-curtilage spaces for the residential units include 7kw EV charging capability. CEC Transport had agreed the proposals and highlight further requirements in terms of the Road Construction Consent.

Seven spaces to the east of Apartment Block 8 at the Local Centre are allocated for the NHS if they occupy this unit. This would have EV charging points and 1 DDA accessible space. 8.75% of the unallocated spaces (26 bays in total) have also been provided as DDA-compliant accessible spaces in line with guidance.

The car parking complies with LDP policies Tra 2 and Tra 4 and is acceptable.

Cycle parking

There are 376 cycle parking spaces serving 188 flatted units in 11 residential blocks. Internal secure cycle stores will contain single tier Sheffield stands, 20% of which will be accessible for non-standard cycles. A maximum of 56% of internal cycle parking will be two tier racks.

A maximum of 20%-25% of parking will be short stay spaces external to blocks for residents and visitors. Blocks 1, 4, 5, 6 and 8 are around 20% external provision with Blocks 2, 3 and 7 at 25% external provision. There are no instances of more than 3 external Sheffield stands being proposed outside an entrance to the apartment block.

Cycle parking provision for residential units mostly complies with LDP policy Tra3, Edinburgh Design Guidance and C7 cycle parking factsheet. Guidance does state however that there should be a maximum of 56% two-tier cycle parking provision for accessibility reasons. Given the space constraints within residential block storage facilities, 56% two-tier racks was accepted as a reasonable compromise in return for sufficient internal space for accessible non-standard cycles.

The revised scheme reduced the amount of two tier racks from 75% (average) to 56% (average) in order to create more space internally for single tier Sheffield stands. As a result of this reduction in two-tier racks, some additional single tier Sheffield stands must be located external to the blocks. These will primarily serve visitors as well as residents requiring short stay access to their block. Guidance states that residential developments should aim for 10% of cycle parking to be short stay provision. Given the internal space constraints outlined above, a total of 20% of cycle parking will be short stay spaces which is considered acceptable in order to minimise the amount of two tier provision.

The commercial floorspace comprises 1,298sqm but a range of use classes are allowed (Class 1, 3, 10 and 11). Cycle parking provision for commercial units is in line with guidance.

The cycle parking proposed complies with policy Tra 3 private cycle parking and is acceptable.

Access

The proposed accesses follows the PPP strategic movement framework. The proposals include the provision of a new traffic light controlled junction arrangement at Newcraighall Road and Benhar Road. This will provide the primary access into Brunstane for pedestrians, cyclists, public transport and cars. The carriageway would be 6 metres wide with two bus stances and an active travel route to the western side. All construction traffic would be taken through this access.

In line with the masterplan and LDP policy Tra8, A secondary access is also to be created from Bauld Drive, for pedestrian, cycle and private car traffic. As this is a secondary route, the carriageway width is narrowed to 4.8 metres with traffic calming features and an active travel route. No construction traffic would be permitted to use this route.

A number of objections have been raised by residents living on Bauld Drive and Benhar Road who are concerned about through-traffic. The proposals do however respond to the Site Brief Development Principles for Brunstane established in the Local Development Plan (2016) which required two access roads at the south of the development towards Newcraighall. In order to provide safe suitable access given the scale of development proposed, both vehicle accesses are required. The detailed design of these access will encourage most traffic to use Benhar Road access, which will also be used for construction traffic. Bauld Drive is much narrower with traffic calming measures to reduce vehicle speeds and ensure road safety.

Trip generation projections submitted were considered acceptable by the Road Authority at the approved PPP stage (16/04122/PPP). The use of Benhar Road and Bauld Road as access points is not anticipated to have unreasonable impacts on these streets given that the principal has already been given under the planning permission in principle.

A new pedestrian and cycle footbridge over the railway is proposed in the south-east corner of the site with accessible ramp and stairwell which will improve connectivity between the west and east phases of the development. Active travel route will link the sites to the John Muir Way to the north and to Brunstane Road, west of the site.

The existing NCR1 path access will remain but will be closed off at the eastern/Benhar Road side due to levels however an alternative route is also provided along the south boundary of the site which will integrate with Newcraighall Road and also continue eastwards to the foot and cycle bridge over the East Coast Main Line.

The development will be served by a new bus route to Newcraighall and beyond. Residents will also be within a 15 minute walk of Newcraighall village amenities as well as both Newcraighall and Brunstane train stations. Overall the proposals comply with NPF4 policy 13 and LDP policies Tra 8 and Tra 9.

Road layouts and alignment, including a Stage 2 Quality Audit and classification of streets

The strategic movement framework sets out the movement hierarchy for the provision of roads and footpaths at the PPP stage. The spatial structure of the proposed site plan reflects the strategic movement framework. The principal street connects Benhar Road to the Local Centre and forms the main bus corridor. Fully segregated 4m wide walking and cycling paths are provided along the 6m wide principal street, while narrower secondary residential streets take the form of home zones with minimal through-traffic and quiet shared space lanes to the rear of properties which can be used for street play.

Junctions will be raised to provide level crossing points and finished in block paving in order to create a safer pedestrian-priority environment.

The road layout and alignment will provide a hierarchy of modes and safe routes to the new primary school for residents by virtue of the segregated active travel paths and level access crossing points.

A Stage 2 Road Safety Audit has been submitted which identified a number of considerations relating to road layout, traffic calming measures, pedestrian access links and crossing points. These considerations have fed into the proposed site plan which is acceptable to the Roads Authority. This complies with NPF4 policy 13 and LDP policies Tra 8, Tra 9 and Tra 10.

Servicing areas

A Swept Path Analysis has been submitted. All relevant residential land parcels will be served by refuse lorries and delivery vehicles. Refuse collection can be undertaken using the various loops through the site and tracking plans have been prepared which will be available at Roads Construction Consent stage. The Local Centre has two loading bays which will serve commercial units.

Electric charging points

An Electric Vehicle Charging Strategy plan has been submitted. As above, the development will have 297 unallocated spaces. 50 of these spaces will have 44kw rapid EV charging points which complies with the 1 in 6 requirement. All in-curtilage spaces for the residential units include 7kw EV charging capability.

Condition 2(f) can now be discharged.

2(g) footpaths and cycle routes, including proposed multi-use paths and the signage of pedestrian and cycle access links

The proposals include connections into the existing network of paths surrounding the site, many of which are segregated from the vehicular road network. National Cycle Route 1 which traces the southern boundary of the development will be upgraded as part of the development. The proposed development includes a number of new cycle path and pedestrian connections across the site. The principal route through the site includes a segregated footpath and 4m cycle path.

Active travel routes are provided at all the accesses into the site allowing comprehensive connectivity with the surrounding area. The existing right of way along the John Muir Way will be maintained although a diversion may be in place to safeguard users from construction traffic. National Cycle Route 1 will be diverted into the site along the southern boundary which will maintain level access through both road junctions. The existing right of way through the site to Brunstane Steading is being maintained. Scotways (Scottish Rights of Way and Access Society) has no objection to the proposals on the understanding that this proposed design both maintains the existing right of way and integrates into the diversion proposed by the development of the adjacent housing under application number 19/01796/FUL. Scotways are assured that the necessary diversion are in place through construction. It is recommended that the applicant formally divert the right of way under Section 208 of the Town and Country Planning (Scotland) Act 1997 and would suggest that this is attached as a condition to secure that it forms part of the consent granted, in addition to the plans for temporary diversion during construction, in order to remove their previous objection to these proposals. Therefore a condition is attached requiring the applicant to apply under section 208 for formal diversion of the right of ways and footpaths.

The path network across the site will be accompanied by a package of signage and wayfinding that will link the development with the wider active travel network and local strategic destinations such as the train stations and local amenities.

Overall the proposed street layout, active travel routes and footpaths provide acceptable permeability and connectivity for new and existing residents as envisaged in the approved masterplan and complies with NPF4 policy 13 and LDP policies Tra8 and Tra 9.

2(h) waste management and recycling facilities

The swept path analysis has been undertaken and submitted. However, the Waste Management Strategy has not yet been agreed and therefore this part of condition 2 cannot be discharged at this time.

2(i) Site investigation/decontamination arrangements

This condition 2(i) is linked to condition 8 - Contaminated Land and condition 9 Mine Workings and further information is set out under these conditions below.

2(j) Surface water and drainage arrangements

Drainage Strategy Report, Drainage Layout Plans, Basin Details, Flood Risk Assessment and Addendum, have been submitted. NPF4 policy 22 Flood Risk and Water Management states that development proposals should not increase the risk of surface water flooding to others or itself be at risk and should manage all rain and surface water through SUDS which should integrate with proposed and existing blue green infrastructure. This is similar to LDP policy Env 21 Flood Protection.

CEC flooding has assessed the proposals and has no objection provided a condition is attached to provide confirmation that Scottish Water accept maintenance of the SUDS basin and that the relevant CEC department accept maintenance of the roadside swales. This condition could be attached to this permission.

NPF4 policy 22 recommends a precautionary approach to flooding with avoidance first. SEPA has no objection to these proposals. SEPA notes that all proposed buildings and roads are situated above 24m OAD near the Brunstane Burn railway culvert. There is no buildings are proposed to be constructed over the culverted Magdalene Burn. No building or land raising is proposed within the flood risk area, as defined in NPF4. Therefore SEPA has no objection. The proposals comply with NPF4 policy 22 and LDP policy Env 21.

Therefore condition 2 (j) can be discharged.

2 (k) Existing and Finished Site and Ground levels to Ordnance Survey

Levels plans have been submitted to show the existing contours, and the proposed ground floor levels to Ordnance Survey Datum. The Levels Layout Plans also show extent of retaining walls and underbuilding across the site. The retaining walls are mostly between dwellings - along the side to minimise the impact on amenity. Whilst the site is generally flat, it does slope down around the school site towards the northern boundary with the Brunstane Burn. SEPA has commented that the proposals in the vicinity of Brunstane Burn railway culvert should be 24m above AOD level and all buildings and roads are above this level.

There are no steps proposed across the site helping make it accessible for all in line with NPF4 policy 14. There is the 'Ha Ha' type retaining wall around Brunstane Green as set out in the masterplan to provide a strong edge to this important public space.

This is acceptable and condition 2(k) can now be discharged.

2 (l) Sustainability measures

Whilst this condition refers to the previous Edinburgh Standards for Sustainable Building, NPF4 places greater emphasis on sustainable issues through its overarching policy NPF1: Tackling the climate and nature crises when considering all development proposals, significant weight will be given to the global climate and nature crises. NPF4 policy 2 Climate mitigation and adaptation also requires proposals to be sited and designed to minimise lifecycle greenhouse gas emissions, adapt to current and future risks from climate change.

A sustainability statement has been submitted. This confirms that the proposals will comply with the latest Building Standards regulations including Section 6 in terms of sustainability. Photo-voltaic panels will be provided to the roof of all dwellings, boiler specification, zone controls, heating specifications and weather compensators will be included as well as air source heat pumps for specific phases.

Where possible the living spaces have been orientated south and large windows have been used to maximise solar gain. Electric Vehicle charging points will be available at specified locations.

In terms of water conservation, the water facilities would meet the technical standards. A SUDS system has been incorporated into site layout with SUDS ponds to the north and south of the site and rain gardens, and swales integrated into the streets and open spaces. Refuse and recycling facilities have been provided to the communal flats and also to the rear gardens of all plots, to encourage waste recycling segregation and storage, in line with the waste hierarchy and NPF policy 12.

All timber used in construction will be from sustainable sources (FSC Labelled) and recycled UPVC will be used for windows. At least 10% of materials will come from a recycled source.

The proposed development involves the location of energy efficient housing on an accessible urban location. The site is an allocated LDP site where residential development has already been granted planning permission in principle. The site would contribute to local living and 20-minute neighbourhoods with a range of affordable housing and private house as well as substantial areas of open space and a local centre with commercial uses. This will contribute to climate change mitigation in the short and long term. The proposal meets the current standards set out in the sustainability form and complies with NPF4 Policies 1 and 2.

This is acceptable and condition 2(l) can now be discharged.

2(m) Full Details of Landscaping Proposals.

This is considered further in the section titled Landscaping below.

Condition 5 of 16/04122/PPP - Environmental Statement

The Applicant has submitted updated reports, background papers and a Schedule of Mitigation Measures in response to the requirements set out in the Environmental Statement provided at the approved PPP stage. This covers issues relating to construction management, biodiversity, landscape/townscape visual impacts, the historic environment, flood risk, drainage, geology, soils, traffic, transport, air quality, noise and socio-economics.

NPF4 Policies 1, 2, 3, 5, 6, 7, 12, 13, 18, 20 22 and 23 LDP Policies Tra 8, Env 21 and Env 22 are also relevant.

All of the requirements in the Schedule are covered by specific reports submitted at either PPP or AMC stage. These include a preliminary ecological appraisal, contaminated land investigation reports and a transport assessment. These reports set out mitigation measures which have been assessed in relation to other conditions attached to this permission. This complies with the NPF4 policies and LDP policies listed above. It is intended to secure the implementation of the Environmental Statement and CEMP through the operation and construction of the development by condition to this AMC.

The submitted Construction Environmental Management Plan (CEMP) responds to a number of the requirements outlined in the schedule such as measures taken to minimise noise and dust during construction. Environmental Protection have reviewed the CEMP and are satisfied with the approaches taken. Therefore the implementation of the CEMP can be secured by condition. A number of relevant informatives have also been attached to the AMC.

Condition 5 can be discharged.

Condition 6 of 16/04122/PPP - Archaeology

The Council's Archaeologist has reviewed the information submitted including the programme of archaeological evaluation undertaken by CFA Archaeology. LDP Policies Env 8 and Env8 seek to protect archaeological remains and require further assessment that no significant archaeological features are likely to be affected by the development. The archaeological evaluation indicates that archaeological remains do survive across the development site though affected by modern farming practises. A detailed mitigation for each of the phases of development based upon these results is therefore required which will require the agreement of detailed WSI covering these areas. Discussions are ongoing and as such at this stage this condition is not discharged, as part of this AMC application. Indeed, given the nature of the condition this would normally undertake separately from an AMC process and would see a staged discharging once all relevant works have been completed. In this case either after each development phase or in a combination of phases depending on final scope of works.

Therefore condition 6 is not discharged at this time.

Condition 7 of 16/04122/PPP -Invasive non-native species

The Council's biodiversity officer has assessed the information provided on non-native invasive species including the Giant Hogweed Management Plan which confirms the method used as burial within the Brunstane Park area of open space in line with SEPA practice. It is noted that this location would be monitored for 5 years after treatment is complete. The proposed mitigation measures and method statement are satisfactory and the requirement for monitoring included within the CEMP. This is acceptable.

Therefore this condition can be discharged at this time.

Condition 8 of 16/04122/PPP - Contaminated Land

A Report on Site Investigations and update and Remediation Method Statement has been submitted for the housing site excluding the school site. These reports have been assessed by the Council's Contaminated Land Officer, to the purpose of the risk assessment of land contaminants and remediation measures necessary to ensure the development is suitable for use for the purpose intended by planning permission 16/04122/PPP in relation to this current planning application 22/03946/AMC. Based on the information available with this application for AMC, Environmental Protection is prepared to accept that Condition 8. 1) is generally satisfied and could be discharged in relation to matters specified in this term, while 8. 2) is satisfied in principle, providing an initial agreement of the Remediation Strategy/Method Statement, subject to further information and/or matters to be addressed relating to Localised Asbestos Contamination, Gas Protection Measures and Protective Water Supply Pipe.

Therefore once the further information requested is addressed then condition 8.1 is likely to be satisfied. However, the further scope of information necessary is also outlined to allow for the discharge of 8) 2 that should be approved prior to commencement of any works on site.

The school site is within the redline application site of this 22/03496/AMC and the proposed remediation for this particular end use has not been assessed and is not yet agreed between all parties. The legal agreement requires agreement with the CEC School Design Team and the applicant on the scope of the proposed remediation and its implementation. The red line boundary does include the school site although there is a reference that the school would be a separate application. For the avoidance of doubt, condition 8.1 for this current application is not discharged until the further information outlined above is submitted and agreed, including an agreed remediation strategy for the school site in line with the signed Legal agreement.

Therefore condition 8.1 is not discharged at this time.

Condition 9 (in part) of 16/04122/PPP - Mine workings

Condition 9 required the submission of a scheme of intrusive site investigations for both mine entries and for shallow coal workings for approval. Once approved, these were to be undertaken. Thereafter a report of findings arising from both of the intrusive site investigations was required which included a layout plan identifying approach zones of influence for mine entries on site and suitable no-build zones. A scheme for the treatment for mine entries on site and a scheme of remedial works for the shallow coal workings for approval is also required.

The applicant submitted a report on site investigations which was revised due to The Coal Authority's objection to scheme 1. The Coal Authority now withdraws its objection based on the revised report. However, the Coal Authority does direct the applicant to their previous response in terms of the content and recommendations for further works which the applicant is urged to implement prior to the full discharge of this condition. This includes investigation works to establish the extent of instability associated with shallow mine workings and the characteristics of the mine entries and additional features. Therefore, whilst there is no objection to this application, the condition 9 in full cannot be discharged at this time, until the implementation of the approved treatment and remedial works is completed.

Condition 10 of 16/04122/PPP - trees

The proposed landscaping scheme as part of this submission is not being agreed at this time. As discussed further below. Therefore, it is considered that this condition should also not be discharged at this time to ensure the forthcoming proposals address and integrate with the existing on-site landscaping and allow sufficient quality and quantity of trees within the application site.

Condition 11 of 16/04122/PPP -cooking ventilation systems

The PPP gave consent for use classes 1, 2, 3, 10 and 11 as part of the local centre. A total of 1,298 square metres floorspace is proposed within the 16 ground floor units of the flatted blocks within the local centre. Whilst the units have been designed so that their use can be adapted to any of those uses, further planning permission would still be required. Environmental Health would need to know exact use classes being proposed and more detailed supporting material such as specific ventilation and noise reports as well as further information on effluvia which can be secured through condition.

This condition is not discharged at this time.

Landscaping and Biodiversity

The PPP included a Strategic Landscape Framework as well as the masterplan report and design code which provided further guidance on the quantity and quality of landscaping to be provided on site.

This is to be implemented through the discharge of conditions 2(e) design and configuration of public realm and open spaces, 2(m) details of all landscaping proposals and Condition 13 - Landscape masterplan, Condition 14 - Scheduled Monuments - Brunstane Park and Brunstane Green and Condition 15 - Scheduled Monuments Archaeological Conservation and Management Plan.

Information has been submitted including an illustrative site wide landscape plan, landscape proposal location sheet and landscape proposals for Brunstane Green and Brunstane Park and for the wider application site, a planting schedule, and specification sheet. The quantity of open space and landscaping areas is in line with the masterplan. At least 20% of the total site area is useable greenspace and the identified view corridors and open spaces at Brunstane Green and Brunstane Park as well as the boundaries of the site are acceptable in terms of quantity.

However, the quality of the open spaces and landscaping framework proposed falls short of that envisaged by the masterplan, the strategic landscape framework and the masterplan report and design code. NPF4 policy 1 refers to the need to consider the nature crises and give it significant weight when considering all development proposals. NPF4 policy 3 requires significant biodiversity enhancements for major developments, particularly where an Environmental Impact Assessment is required. Therefore, the quality of the detailed landscape masterplan and site wide landscape proposals for the site, including those for Brunstane Green, Brunstane Park and Lauderdale view, as well as the northern and southern boundaries, need to be significantly improved.

Given the scheduled monuments locations in Brunstane Green and Brunstane Park, Historic Environment Scotland should be consulted on the detailed landscaping proposals for these areas. Historic Environment Scotland had aspirations that the Scheduled Monuments would be reflected in the planting schemes for these areas. Once the landscape proposals for Brunstane Park and Brunstane Green are agreed, then the Archaeological Conservation and Management Plan can be further progressed.

Whilst the updated bat and breed bird surveys for 2023 have been reviewed by our biodiversity officer and are satisfactory, it should be noted that the recommendations made in relation to the construction phases should be adhered to and any relevant information should be included in future updates of the CEMP.

Therefore, above conditions in relation to the quality of the landscaping are not discharged at this time.

Conclusion in Relation to the Development Plan and PPP

The proposals are substantially in accordance with the approved strategic masterplan framework, strategic movement framework, masterplan report and design code of the PPP. The extent and materiality of any deviations have been considered and are deemed to be acceptable. The master planning principles of the site layout according to key views and open spaces to safeguard the setting of the Scheduled Monuments and Listed buildings has been incorporated into these detailed design proposals.

Significant weight has been given to the global climate and nature crisis and the balance is tipped in favour of the proposals. The proposals will improve the quality of the area and are consistent with the six qualities of successful places. They shall contribute to local living and address identified gaps in housing provision. A proportionate level of inclusive amenity and public space has been provided and the proposals will not increase a flood risk. The proposals will contribute towards the creation of sustainable places and accord with the intent and outcomes of NPF4 Policies 1, 2, 4, 5, 6, 7, 12, 13, 14, 15, 16, 18, 20, 23, 25, 26, 27, 28, 31, and LDP Policies Del1, Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Des 8, Des 9, Des 10, Des 11, Hou 1, Hou 2, Hou 3, Hou 4, Hou 6, Hou7, Hou 10, Tra 1, Tra 2, Tra 3, Tra 4, Tra 7, Tra 8, Tra 9, Tra 10, and Ret 8.

Condition 1, 2 (a),(b),(c),(d),(f),(g),(k),(l), 5, and 7, of planning permission in principle 16/04122/PPP could be discharged in relation to the West field excluding the proposed school site.

c) Material Considerations which must be addressed

The following material considerations have been identified:

Emerging Policy Context

On the 30 November 2022, CEC Planning Committee approved the Schedule 4 summaries and responses to representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

The development will be fully accessible for people of all ages and abilities with level-access streets and residential units. All ground floor flats and single family homes are wheelchair accessible.

All blocks and the local centre have DDA-compliant accessibly parking bays and non-standard cycle parking spaces in line with guidance.

Natural surveillance has been designed into the proposal along with a lighting design which will improve women's safety at night.

The proposal will deliver 25% affordable housing units as either social or mid-market rent which will improve the provision of affordable homes within the area.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Representations

Scheme 1

Material Comments

- Mining-related issues - deficiencies have been identified in relation to the assessment of nearby surface coal seams and impacts resulting from historic mining activity associated with these. Remediation activities are required;
- The bat survey needs to look at the bridge and culvert immediately adjacent to the northeast of the development site;
- Transport assessment is inadequate in properly addressing potential impacts;
- Potential impact on pair of Kestrels;
- The Fort shopping centre is difficult to access from the development site by foot, therefore the proposal will encourage the use of private vehicles;
- The main access junction to the site at Benhar Road needs to be completely redesigned to remove the blind/dangerous bend where the old railway bridges used to be;
- The proposal constitutes over development;
- negative impact on skylark breeding grounds;
- proposed SUDS area on southern boundary has existing drainage issues which will be exacerbated by further development. Existing Scottish Water pump system on site may fail;
- Loss of green space as a result of development. New development should have high quality open space;

- Bauld Drive, Benhar Road and the Newcraighall Village development should not be used as a throughfare as these are quiet residential streets. More traffic calming measures are required to prevent this and respect the Home Zone. Allowing more traffic along here is a safety risk for school children;
- The scheme constitutes overdevelopment of the site;
- Newcraighall village does not have the road capacity to accommodate this proposal;
- New access roads should be from Joppa;
- The scheme should include a community centre;
- A Noise Impact Assessment is required;
- Newcraighall and Brunstane train stations do not have capacity for new residents;
- Increase hard standing will have a negative impact on surface water run off/flood risk;
- The proposed school will increase traffic;
- Views of the Forth, the Pentlands and Arthur's Seat will be lost;
- The land should be used for social infrastructure such as a running track and play facilities;
- SUDS basin may cause a bad smell such as the one beside Behar Road.
- Biodiversity loss will occur as a result of the scheme including impacts on bats;
- Milton Road should be used for the main access road;
- Newcraighall Heritage & Residents Association objects to Newcraighall Road being the only access point;
- The proposal will have a negative impact on the open space character of the area; and
- The proposal should be carbon net zero, ground source heat pumps should be used and the houses likely require additional solar panels.

Non-material comments

- noise and air pollution; traffic disruption during construction works;

Scheme 2

Material Comments

- negative impact on skylark breeding grounds;
- more housing will lead to more congestion which will lead to more air pollution in the village;
- proposed SUDS area on southern boundary has existing drainage issues which will be exacerbated by further development. Existing Scottish Water pump system on site may fail;
- Loss of green space as a result of development. New development should have high quality open space;
- Bauld Drive, Benhar Road and the Newcraighall Village development should not be used as a throughfare as these are quiet residential streets. More traffic calming measures are required to prevent this and respect the Home Zone. Allowing more traffic along here is a safety risk for school children;
- access roads should be from Joppa;
- • The The scheme constitutes overdevelopment of the site;

- Newcraighall village does not have the road capacity to accommodate this proposal;
- New scheme should include a community centre;
- A Noise Impact Assessment is required;
- Newcraighall and Brunstane train stations do not have capacity for new residents;
- Increase hard standing will have a negative impact on surface water run off/flood risk;
- The proposed school will increase traffic;
- Views of the Forth, the Pentlands and Arthur's Seat will be lost;
- The land should be used for social infrastructure such as a running track and play facilities;
- SUDS basin may cause a bad smell such as the one beside Behar Road.
- Biodiversity loss will occur as a result of the scheme including impacts on bats;
- 3-4 storey proposed blocks will have a negative impact on neighbouring listed buildings;
- 10 Gilberstoun Place will be in very close proximity to the proposed dwellings referred to as numbers 675 and 676. There is no detail on how the boundary will be set and the construction details of the boundary.
- It is unclear what is happening to the wooded area immediately to the rear and right of my property and neighbouring houses at 11 and 12 Gilberstoun Place
- The Council and Developer should make road safety improvements to Newcraighall Road including addressing blind spots, removing old railway abutments and building a new active travel bridge over Newcraighall Road near Benhar road to link the site with NCR 1.
- A bus-operated barrier should be put on the bridge which crosses the East Coast railway line in order to stop rat running from Milton Road East and Newcraighall Road through the new Brunstane development.

Non-material comments

- noise and air pollution; traffic disruption during construction works;
- Traffic lights at the intersection of Bauld Drive and Newcraighall Road (outwith the red line boundary) should be installed;
- Bauld Drive residents have an ownership stake in the communal ground and unadopted roads, therefore vehicle access should not be allowed to the new development;
- This development will have a negative impact on Bauld Drive property prices;
- There should be an increase in bus services;
- A public meeting should be called to discuss traffic implications with the community;

All representations received have been taken into account in the assessment of this planning application 22/03946/AMC for the discharge of conditions relating to the 16/04122/PPP.

Conclusion in relation to identified material considerations

None of the identified material considerations outweigh the proposals accordance with the Development Plan.

Overall Conclusion

The proposals shall not harm listed buildings or their settings. The proposals are in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals are sympathetic to the Scheduled Monuments in accordance with the Ancient Monuments and Archaeological Areas Act 1979.

The proposals are in accordance with the relevant policies of National Planning Framework 4 and the Edinburgh Local Development Plan and adequately address the relevant matters specified in conditions 1, 2 (a),(b),(c),(d),(f),(g),(k),(l), 5, and 7, of planning permission in principle 16/04122/PPP in relation to the west field excluding the school site. The proposals are deemed to have satisfied the initial parts of condition 6 and 9. However, these conditions and conditions 2(e), (h), (i), (j), (m), condition 3, condition 4 (outwith this AMC application site), and condition 6 in full, condition 7, condition 8 (1) and (2), condition 9 in full and condition 10, condition 11 and condition 12, condition 13, condition 14, and condition 15 of 16/04122/PPP remain relevant to the future development of the land and are not discharged at this time.

The proposals will contribute toward the creation of a sustainable place, with a local centre and school as its focus, on an LDP allocated site by the incorporation of a range of detailed design and layout measures to preserve the historic assets and promote active travel and provide open spaces for healthy living. The proposals contribute towards the creation of liveable places through the development of housing of varying tenure and by integrating appropriately scaled ancillary uses, inclusive open spaces and blue /green infrastructure. Productive places are created through increasing opportunities for local spending and employment within the local centre.

There are no material considerations which outweigh the proposals accordance with the Development Plan.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The Development shall be constructed and operated in accordance with:
 - (a) the Application and
 - (b) the Environmental Statement (including Addendum and Supplementary Information to the Environmental Statement, the schedule of mitigation measures April 2023 update, the schedule of mitigation measures August 2022 update);
 - (c) in accordance with the revised Construction Environmental Management Plan and
 - (d) terms of the conditions set out hereunder.
2. For the avoidance of doubt, any discrepancies between the revised site layout plan and the supporting plans and documents, the revised site layout plan should be considered.

3. Prior to the occupation of any unit, further information should be provided on trickle vents and a drawing should be submitted highlighting where all the upgrading glazing is required. This drawing should incorporate the required 1.8m acoustic barrier: Figure 8: Mitigation Map - Ground Floor and Figure 9: Mitigation Map - First Floor (or above) from the Noise Impact Assessment. This drawing should also highlight the existing and finished site and ground levels in relation to Ordnance Datum to demonstrate the effectiveness of the proposed noise barrier. This information should be submitted and approved by the Planning Authority.
4. The PPP granted planning permission in principle for use classes 1,2,3 10 and 11 as defined by Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) within the local centre. The location of these commercial/retail/community uses is shown as a total of 16 units within the ground floor of blocks 5,6,7 and 8 within the local centre. Further applications will be required for the specific use classes for each unit to include supporting information on ventilation, noise, hours of opening and effluvia.
5. For the avoidance of doubt, whilst the landscaping areas within the site layout plan are agreed under this application, the proposed landscaping details are not yet agreed and will need to be the subject of another forthcoming application.
6. Prior to occupation of any adjoining unit, the Electric Vehicle charging points shall be installed and made operational.
7. Prior to occupation of any part of this development, a formal application under section 208 of the Town and Country Planning (Scotland) Act 1997 is required to divert public footpaths to enable the development to be carried out in accordance with this planning permission.
8. Prior to construction, the applicant should provide confirmation that Scottish Water accept maintenance of the SUDS basin and that the relevant CEC department accept maintenance of the roadside swales.

Reasons

1. Statutory Provision to protect the environment
2. To clarify that the revised site layout plan represents additional changes required by the consultees.
3. In the interests of amenity of occupiers of the development.
4. To protect the amenity of occupiers of the flatted blocks.
5. To ensure a quality landscaping scheme substantially enhancing biodiversity is designed and implemented for this site.
6. In order to ensure that electric vehicle charging infrastructure is suitable and operational.

7. To ensure the formal diversion of the footpaths.
8. In order that the maintenance requires of these features is clarified.

Informatives

It should be noted that:

1. 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.
2. As soon as practicable upon the completion of each phase 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.
3. A legal agreement has been concluded in respect of the land to which this application relates which is available to view on The Councils Planning and Building Standards Portal (reference: 22/03946/PPP).
4. For the avoidance of doubt, conditions 2(e), (h), (i), (j) (m), condition 3, condition 4 (outwith this AMC application site), and condition 6 in full, condition 7 , condition 8 (1) and (2), condition 9 in full and condition 10, condition 11 and condition 12, condition 13, condition 14, and condition 15 of 16/04122/PPP remain relevant to the future development of the land and are not discharged at this time.
5. All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.
6. The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.
7. Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.
8. Use water-assisted dust sweeper(s) on the access and local roads, to remove, as necessary, any material tracked out of the site. This may require the sweeper being continuously in use.

9. Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.
10. All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust. 1
11. Construction works and tree felling must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.
Details of all tree felling and changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact the Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
email address assetprotectionscotland@networkrail.co.uk

12. The electric vehicle charge points required should be installed in accordance with Transport Scotland's 'Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles' (2013). In particular the charge points should include a 70 or 50kW (100 Amp) DC with 43kW (64 Amp) AC unit. The DC charge should be delivered via both JEVS G105 and 62196-3 sockets and the AC supply by a 62196-2 socket. The outlet must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.
13. When available the applicant shall provide details of all the boilers to Environmental Assessment to ensure compliance with the Clean Air Act 1993
14. It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.
15. Construction works and tree felling must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

Details of all tree felling and changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW

16. Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.
17. The applicant should note the requirements regarding the design, construction and phasing of the proposed cycle and pedestrian bridge.
18. The applicant should consider the provision of car club vehicles in the area. Contributions would be required to provide the vehicles, spaces and associated order.
19. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. A Quality Audit has been submitted. However, for the avoidance of doubt, the proposed layout is not approved at this stage.
20. The applicant should note that:
 - a. Remote paths will be expected to be suitably lit, in order to promote user safety on routes to key destinations;
 - b. the location of lighting and other street furniture should take account of key views;
 - c. the location of trees and hedges must take account of impact on roads and road safety;
 - d. bus stops including shelters at suitable locations will be required as part of road construction consent;
 - e. the Council will not accept maintenance responsibility for underground water storage / attenuation;

21. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
22. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.
23. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
24. Off-street parking space should be:
 - a. a minimum of 6m deep and a maximum of 3m wide;
 - b. accessed by dropped kerb (i.e. not bell mouth);
 - c. surfaced in a solid material for a minimum length of 2 metres nearest the road to prevent deleterious material (e.g. loose chippings) being carried on to the road;
 - d. any gate or doors must open inwards onto the property; and
 - e. any hard-standing outside should be porous;
25. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 17 August 2022

Drawing Numbers/Scheme

1, 2B, 3A -7, 8A-9A, 10A,11A, 12, 14,-19,20-26, 34-39, 40-41, 75A-78A, 79A,80A-81A, 82B, 83A, 84C, 85A-86A, 87B-89B, 99,100, 102, 103B, 106B, 107-109, 111-113,114A - 115A, 116, 117A-120A, 126-128,129A, 130, 131A, 133A, 134-138, 141-159,160-168, 171-179, 180-183, 184B, 185, 186B-187B, 188,188, 189B-190B, 191, 192B, 193, 194A-196A,197-199, 200, 201

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Catriona Reece-Heal, Senior Planning Officer
E-mail: catriona.reece-heal@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Nature Scot

COMMENT: No comments on this AMC application as provided comments to the PPP application in 2016 and note the detail of that application is being taken forward.

DATE: 5 October 2022

NAME: Environmental Protection

COMMENT: Condition 1

As construction would be over a number of years, and adding residential uses into this, noise, vibration and dust must be fully considered- and the Construction Environmental Management Plan (CEMP) should be a working document used during each phase to minimise impacts on amenity.

Further information is required on the exact use classes being proposed within the PPP use classes. Class 3, 8, 10 and 11 or takeaways would require more supporting material - ventilation and noise reports, and some class 10 or 11 uses should be located away from residential uses.

Condition 2

The applicant has provided details of the glazing units. All windows on all elevations can be openable and should be constructed from good quality frames with airtight compression seals and trickle background ventilation. The applicant should provide a referenced drawing that showing where and what type of vents are required. The following figures from the noise impact assessment should also be submitted as a referenced drawing. They highlight where all the upgrading glazing is required. This could also incorporate the required 1.8m acoustic barrier: Figure 8: Mitigation Map - Ground Floor and Figure 9: Mitigation Map - First Floor (or above). This drawings should also highlight the existing and finished site and ground levels in relation to Ordnance Datum to demonstrate the effectiveness of the proposed noise barrier. The details and design of the acoustic barrier itself is satisfactory.

Electrical Vehicle Charging

The chargers should be fully installed and operational prior to occupation.

DATE: 12 October 2022

NAME: The Coal Authority

COMMENT: Substantive Concern

- o Investigation works to establish the extent of instability associated with shallow mine workings and the characteristics of the mine entries and additional features is incomplete.

- o Whilst the Constraints Plan shows the positions of the mine entries and bell pits located on site, this does not identify appropriate zones of influence for these features (based on ground conditions encountered), and does not define suitable 'no-build' zones. As such, it has not been clearly demonstrated that the layout of development avoids the mine entries and their associated zones of influence;

- o No information has been provided to confirm that discussions have taken place with the Coal Authority's Mining Information Team to confirm that there is acceptance that the shaft located some 30m distant from the recorded position for shaft 332672 - 018 is the same feature;
 - o It is unclear whether a positional review of mine shafts 331672-015 and 331672-017 (housing site) was undertaken using source data to ensure that investigations were based upon the most accurate best plot positions for the shafts.
 - o No hypothesis has been advanced in the report as to why mine shafts 331672-015 and 331672-017 were not located and what, if any, further measures are proposed in respect of these recorded features.
 - o The broad approach to the remediation of coal mining legacy set out in the Site Investigation Reports is reiterated in the Remediation Method Statements, with no further detail provided.
- There is considered to be a lack of detail regarding the remedial works proposed in respect of the shallow mine workings, mine shafts and additional features encountered.

Therefore we do not consider that the requirements of the second part of Condition 19 of planning permission 16/04122/PPP have been satisfactorily addressed and, as such, we must object to this application.

DATE: 5 October 2022

NAME: Network Rail

COMMENT: Objection to current proposal due to the proposed footbridge not meeting Network Rail's required OLE clearances.

DATE: 30 September 2022

NAME: Scottish Water

COMMENT: No objection.

DATE: 5 October 2022

NAME: Historic Environment Scotland

COMMENT: October 2022

Concern that proposals for Brunstane Green would impact on the Scheduled Monument (SM) as the path from north-south through the SM would require SM consent. A path should be formed, it could not risk damage from erosion to the SM. If required, then SMC could be gained if justified. There are not likely to be setting impacts on this monument.

Brunstane Park proposals would impact on the SM. It should reflect the form of the moated site that has informed the shape of the scheduled area which should be outlined in the planting scheme showing different landscape treatments. Realign the mown grass path within the scheduled area Upgrade the curved path around the site edge which would likely require SMC. Locate the play park further away from the SM. Content with housing as proposed in terms of setting on this scheduled monument. It is likely that if interpretation panels are located at entrances to parks outwith the SM then SMC would not be required.

Brunstane House

Relocate the play area away from the listed building - to the SE corner of the new proposed Brunstane Park. Integrate with the proposed landscaping for the new housing development to the south too. Play Park should be less formal and set within grassed

areas rather than a formalised hard surface to retain the open setting of Brunstane House.

DATE: 19 October 2022

NAME: East Lothian Council

COMMENT: No Comment

DATE: 5 October 2022

NAME: Archaeology

COMMENT: The development site covered by 16/04122/PPP and this AMC is an area of archaeological significance containing two scheduled monuments situated between historic houses and designed landscapes with evidence of historic mining and potential for prehistoric activity. Accordingly, archaeological conditions were attached to his PPP regarding the protection of the two scheduled monuments within appropriate landscaping/parks within the final development layout, maintenance /protection of key views to and from Brunstane House within the overall layout (condition 2 in part & 13: Note 14,15 not subject to this AMC) and covering wider archaeology condition 6.

Condition 2: the proposed layout meets the requirements for the setting of the two Scheduled Monuments and Brunstane House including the key views. Details of the related site interpretation and public art can be addressed as part of the overall archaeology conditions and management of the site.

Condition 6: The area has been subject to a programme of archaeological evaluation undertaken by CFA archaeology (CFA reports 4124 & 4126) in 2021 & 2022 following on from pre-application geophysical surveys undertaken in 2016. The results indicate that archaeological remains do survive across the development site though affected by modern framing practises. A detailed mitigation for each of the phases of development based upon these results is therefore required which will require the agreement of detailed WSI covering these areas. Discussions are ongoing and as such at this stage we are unable to advise on the discharging of this condition as part of this AMC application. Indeed, given the nature of the condition this would normally undertake separately from an AMC process and would see a staged discharging once all relevant works have been completed. In this case either after each development phase or in a combination of phases depending on final scope of works.

DATE: 1 June 2023

NAME: The Coal Authority

COMMENT: September 2022

Substantive Concern

we do not consider that the requirements of the second part of Condition 19 of planning permission 16/04122/PPP have been satisfactorily addressed and, as such, we must object to this application.

DATE: 8 September 2022

NAME: SEPA

COMMENT: May 2023

No objection. No objection on Flood Risk Grounds. NPF4 Policy 22 recommends a precautionary approach to flooding with avoidance first. It is noted all proposed

buildings and roads are situated above 24m OAD near the Brunstane Burn railway culvert.

No buildings are proposed to be constructed over the culverted Magdalene Burn. No building or land raising is proposed within the flood risk area, as defined in NPF4.

Air Quality

The updated environmental statement information is a positive addition with updates on dust management plan, reducing traffic through the provision of public transport links and infrastructure and providing EV charging points.

DATE: 24 May 2023

NAME: Environmental Protection

COMMENT: Condition 8 1) is satisfied and can be discharged. Further issues need to be addressed to discharge condition 8 2) but it is satisfied in principle so long as localised asbestos contamination, gas protection measures and Protective Water Supply Pipe issues are addressed.

I refer to the following reports that apply to Condition 8, parts 1) and 2), for the purpose of the risk assessment of land contaminants and remediation measures necessary to ensure the development is suitable for use for the purpose intended by planning permission 16/04122/PPP:

Report on Site investigations, March 2023. Mason Evans Consultants, Third Edition

Remediation Method Statement, July 2022. Mason Evans Consultants, Third Edition
Based on the information available with this application for AMC, Environmental Protection is prepared to accept Condition 8. 1) is satisfied and should be discharged in relation to matters specified in this term, while 8. 2) is satisfied in principle, providing an initial agreement of the Remediation Strategy/Method Statement, subject to further information and/or matters to be addressed: Localised Asbestos Contamination, Gas Protection Measures Design Report and UKWIR Risk Assessment/Protective Water Supply Pipe.

DATE: 5 June 2023

NAME: Network Rail

COMMENT: 6 June 2023 No objection now as revised site plan shows SUDS will be at least 10 m from the Railway. Also landscaping conditions are not being discharged so issues below can be resolved at a later stage.

4 June 2023 Objection due to unacceptable risk to the railway.

Planting small leaved lime trees, with leaf fall adjacent to the railway can impact reliability. The revised plans also show other trees in locations that do not comply with Network Rail's guidelines. Certain tree species should not be planted within 5 or 10m of the railway to mitigate risks - tree falling and vegetation obstructing railway infrastructure, as well as leaf fall.

The revised plans do not demonstrate that the SUDS basin at the north of the application site would be a minimum of 10m from Network Rail's boundary which could adversely affect the stability of the railway. Network Rail's previous objection to the proposed footbridge previous design is withdrawn and the revised footbridge proposed

location is acceptable. However, the applicant will also need further Network Rail consents.

DATE: 19 May 2023

NAME: ScotWays

COMMENT: 7 June 2023

Objection withdrawn: further information has been provided. We are content with the temporary diversions of rights of way (LC1 and LC2) and indeed the National CycleRoute during construction.

The right of way LC1 currently runs along the site boundary by the proposed western allotment area and thence across the site to meet the cycle route along the old railway (and then into the development to its south). In light of successive applications affecting right of way LC1, ScotWays strongly recommends that the Town & Country (Scotland) Act 1997 Section 208 be used to protect this right of way by formally diverting it in order to enable this development to proceed. It is understood that a ROW diversion was agreed for the adjacent consented application site 19/01796/FUL, but as it is not clear when/whether that particular diversion will be in place, it will be necessary to ensure that provision is made for the existing line of the right of way beside of the allotments until such time as the formal diversions are both in place.

It is ScotWays understanding that the applicant is in agreement that right of way LC1 will be formally diverted. Provided an appropriate formal diversion of right of way LC1 forms part of any consent granted, in addition to the plans for temporary diversion during construction, then ScotWays' holding objection can be considered withdrawn.

5 June 2023: Holding Objection until the situation regarding the two rights of way LC1 and LC2 is clarified.

DATE: 5 June 2023

NAME: Flood Planning

COMMENT: No objection subject to condition:

Prior to construction, the applicant should provide confirmation that Scottish Water accept maintenance of the SUDS basin and that the relevant CEC department accept maintenance of the roadside swales.

DATE: 31 May 2023

NAME: Historic Environment Scotland

COMMENT: May 2023

No comments on the Scheduled Monuments.

Brunstane House the reduction in the size of open ground (Brunstane Park) from the original Masterplan - especially the bringing forward of development to the E and NW boundaries would have an adverse impact on the setting of category A listed Brunstane House. However, we note that the important view corridors from the first floor of the house (Fife and Lauderdale views) are retained within the development, and that the proposed play area has been moved further away from the house to the SE corner of the park and made less formalised, which we welcome.

DATE: 23 May 2023

NAME: Affordable Housing

COMMENT: This application is for a development consisting of up to 676 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 169 homes of approved affordable tenures, equivalent to 25% of the residential units.

The applicant has entered into dialogue with the Council on the design, mix and location(s) of the affordable housing, and identification of the Registered Social Landlords (RSL) so that an integrated and representative mix of affordable housing can be delivered on site. The tenure of the affordable housing must be agreed by the Council.

The Council aims to secure 70% of new onsite housing for social rent. The applicant has identified a Registered Social Landlord, Hillcrest Housing Association to deliver the homes for social rent and mid-market rent. The amended proposal for is for a majority of social rent, and the remaining homes provided as mid market rent.

- o 115 Social Rent units (76 flats / 39 houses)
- o 54 Mid-Market Rent units (42 flats / 12 houses)

It should be noted that the original proposals included 20 homes proposed for Golden Share. Following discussion with the Council all homes Golden Share proposed for Golden Share will now be taken forward as mid market rent with Hillcrest Housing Association. We welcome the revised proposal with more homes for affordable rent.

The affordable homes are required to be tenure blind and fully compliant with latest building regulations. The design of affordable housing should be informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides and we require that applicants work with the Council and RSL's to achieve this.

The affordable homes should be situated within close proximity of regular public transport links and next to local amenities. An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, should be provided.
DATE: 5 June 2023

NAME: The Coal Authority
COMMENT: May 2023

Material Consideration.

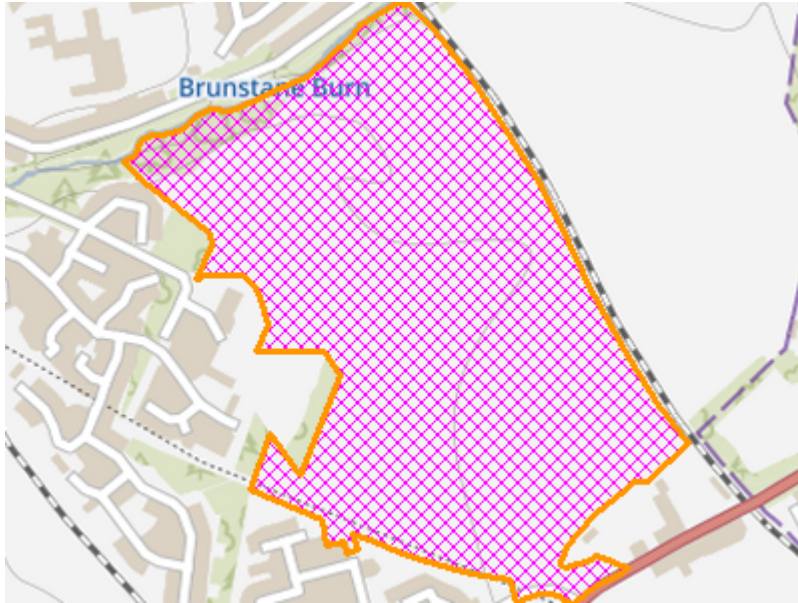
We consider that the layout of the proposed development has now been suitably informed by the presence of the various mine entries which have been located on site.

No objection to the application as amended. You are, however, directed to the more detailed comments included in our previous response letter regarding the content and recommendations for further works contained in the Report on Site Investigations, which remain valid and relevant to the decision making process.

DATE: 9 May 2023

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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