

Development Management Sub Committee

Wednesday 19 November 2014

**Application for Planning Permission 14/00169/FUL
At 173 Duddingston Park South, Edinburgh, EH15 3EG
Residential development of 186 houses and flats (including
25% affordable homes) with associated parking, roads,
access and landscaping.**

Item number	5.1
Report number	
Wards	A17 - Portobello/Craigmillar

Summary

The minor departure from the development plan regarding a lack of provision of employment or small business units on the site is justified given the commercial evidence provided by the applicant and the Edinburgh Small Business Study and the design difficulties in providing a practical solution at the entrance to the site. The proposal is acceptable in principle, is of an appropriate layout, scale and design and will be sustainable. The amenity of neighbours will not be adversely affected and the level of amenity to be afforded to future occupiers is acceptable. The impact on infrastructure has been addressed in the requirement for contributions, through the use of a legal agreement and a condition shall ensure that any archaeological remains are treated appropriately. There are no other material considerations that outweigh this conclusion.

Outcome of previous Committee

This application was previously considered by Committee on 09.04.2014

The Committee granted the application subject to conditions and informatives, including the requirement for a legal agreement. A transport developer contribution for the provision of an off-site cycle/pedestrian link sought a payment of £96,000.

It is now proposed to amend the contribution to enable an on-site cycle/pedestrian link to be built or the monetary developer contribution to be paid.

This is included in the addendum to the report.

Links

[Policies and guidance for this application](#)

LPC, CITD1, CITD3, CITD4, CITD5, CITD6, CITE8, CITE9, CITE15, CITE18, CITH1, CITH2, CITH3, CITH4, CITH7, CITCO2, CITEM4, CITT1, CITT4, CITT5, CITT6, CITI6, NSG, NSGD02, NSESBB, NSDCAH, NSMDV, NSP,

Report

Application for Planning Permission 14/00169/FUL At 173 Duddingston Park South, Edinburgh, EH15 3EG Residential development of 186 houses and flats (including 25% affordable homes) with associated parking, roads, access and landscaping.

Recommendations

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

Background

2.1 Site description

The application site is a linear strip of 4.6ha in an area currently occupied by a range of modern industrial units including warehousing. The units are approximately 25-35 years old and of varying sizes and architectural styles. The site is still in use and is covered by large areas of hardstanding with little natural vegetation. The site rises slightly to the north and east. It is bordered to the north by a railway line and to the east by a pedestrian/cycle path and Fort Kinnaird Shopping Centre. A footpath and cycle route cross the railway at the north eastern side of the site in an elevated position. An open space corridor separates the existing housing areas to the south of the site.

2.2 Site History

The relevant planning site history is:

26 October 2012. Proposal of Application Notice approved for residential development (planning reference: 12/03691/PAN).

18 October 2013. Proposal of Application Notice approved for amendment to existing approved residential development (13/00040/FUL) (planning reference: 13/04203/PAN).

6 January 2014. Application withdrawn for 195 dwellings, small business space (class 4) and associated roads and landscaping (planning reference: 08/02927/FUL).

22 January 2014. Permission granted for residential development of 192 houses and flats (including 25% affordable homes) (planning reference: 13/00040/FUL).

Adjacent site:

4 December 2013. Granted subject to a legal agreement for erection of 67 dwellinghouses and 24 flatted dwellings, formation of associated access roads, car parking and associated works at land 80 metres northeast Of 85 Blackchapel Close (planning reference 13/01378/FUL).

Main report

3.1 Description of The Proposal

The proposal is for 186 houses and flats (including affordable homes) with associated parking, roads, access and landscaping.

A spine road will run west to east through the site with culs-de-sac off it. A block of flats will be located to the west of the site at the entrance and a block to the east of the site, at its most easterly point. The flats will be four storeys high set in communal grounds and will have a mix of 1 and 2 bedrooms. The houses will be two storeys high with private gardens and there will be a mixture of terraced, semi-detached and detached dwellings which will have between 2 - 4 bedrooms. Forty-nine affordable units (26%) will be provided. Parking will be provided mainly in the form of driveways and in courtyards.

The density of the development is 40 dwellings per hectare.

Materials will be mainly render with some small brick details and the roofs will be grey tiles.

Open space will be located on the west side (entrance) of the site, in the middle of the site and at the eastern end of the site. Landscaping and tree planting is proposed. Walls and hedges will form the boundary treatment.

Supporting Statement

The following supporting information has been submitted and is available to view on the Council's Planning and Building Standards Online Services:

- Commercial Statement;
- Transport Assessment;
- Noise and Vibration Report;
- Design Statement;
- Surface Water Management Plan;
- Window Specification;
- PAC (Pre-Application Consultation) Report; and
- Coal Mining Risk Assessment/ Information.

3.2 Determining Issues

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the development is acceptable in this location;
- b) the layout, scale and design are appropriate;
- c) there is any adverse impact on the amenity of neighbours;
- d) the level of amenity for future occupants is acceptable;
- e) the impact on infrastructure is acceptable;
- f) the development is sustainable;
- g) there are any other material considerations;
- h) there are any equalities or human rights impacts; and
- i) the comments have been taken into consideration.

a) Acceptability of Principle of Development

The proposal is in an area of predominantly residential use, although it is acknowledged that there is a commercial centre, Fort Kinnaird, to the east and south-east.

Edinburgh City Local Plan advises that housing development will be permitted on suitable sites within the urban area, provided proposals are compatible with other policies in the Plan.

The proposed residential development will be next to and opposite existing housing. The wider area to the north, west and south consists predominantly of residential use and the proposal is compatible with this land use. Planning permission has been secured for residential development of the site south of the application site.

There is an existing planning permission for a residential development on the site which was granted on 22 January 2014. This permission could be implemented and is, therefore, a material planning consideration for the current application.

The site is currently occupied by commercial uses. It is allocated as an Employment Site in the Edinburgh City Local Plan. Policy Emp 4 requires that development incorporating uses other than business, industry or storage will be permitted provided an element of significant new floorspace is designed to provide for a range of business users. The site should provide new floorspace for business use.

The proposed Local Development Plan (LDP) identifies the site as being in the Urban Area. Policy Emp 9 requires that if employment sites are to be redeveloped where the site is larger than one hectare, the proposal includes floorspace designed to provide for a range of business users.

The proposal will not provide any new business space and does not comply with policy Emp 4 in the Edinburgh City Local Plan or Emp 9 of the proposed Local Development Plan. However, the previous consent (13/00040/FUL) did not contain business space and the applicant has provided information justifying why business space has not been provided for this current application. Edinburgh Commercial Property, on behalf of the applicant, has advised that there is currently no demand for this type of accommodation and that landlords are heavily discounting rentals on similar properties to attract interest. This situation has not changed since the previous application (13/0040/FUL) was submitted and approved. The information used to help form the local plan policies dates from 2005 and the "Edinburgh Small Business Space" report (updated 2011, commissioned by City of Edinburgh Council) concludes that the current policy is a "narrow solution" and presents "long term challenge in relation to lower density estates". The policy does not reflect current market conditions and the difficulty of filling employment and business spaces.

Most of the business unit stock was developed in the 1970s and 1980s and requires modernising or replacing. The Edinburgh Small Business Study concluded that the threat to small business space has abated due to the recession and that ageing estates will require re-investment if the sites are not to be lost to alternative uses. Investment has been made in other locations locally to provide modern business and commercial space, including the re-developed Duddingston Yards, close to the application site, Peffermill Industrial Estate, Castlebrae Business Centre, Prestonfield Park and Peffer Place Business Centre. Some of the businesses uses recently occupying the application site have already relocated to new business space locally, e.g. Peffer Place.

Integration of commercial space within any residential development is difficult to secure due to such constraints as noise, deliveries, hours of operation etc. This results in a certain type of commercial space which does not reflect what the market is looking for.

For this site, the only practicable location commercial space would be at the narrow entrance of the site and this would dominate the gateway into the residential street. This in itself would raise other issues such as the quality of building design and setting, transport and access particularly for delivery vehicles (lorries). The narrow frontage of the site on Duddingston Park South and the linear form of the site would make it difficult to provide an appropriate amount and type of business premises and would result in a short commercial frontage. It would be difficult to incorporate units that would be suitable for a range of business without impacting on either residential amenity of the homes or road safety.

Economic Development has advised that it does not have any comments on the current application as the loss of the employment land has already been established which was considered as part of the previous housing application and there is an extant planning consent for housing on the site.

The difficulties of providing suitable employment/business space integrated into this residential development and obtaining a good design outcome outweigh the provision of business units on the site. In these special circumstances, with the evidence provided by the applicant and the findings of the Edinburgh Small Business Study, the linear layout of the site, the impact on road safety and the availability of units in business developments elsewhere in the area, it is considered that in this case infringement of the policy EMP4 requiring the provision of business space is acceptable. The principle of accepting an infringement to the policy has already been established in planning permission 13/00040/FUL.

The principle of development is acceptable in this location.

b) Layout, scale and design

The road layout reflects the linear form of the site and the off-set sections will provide some visual interest. The culs-de-sac will provide more intimate streets and the use of parking courtyards will minimise the cluttering of the main route through the site by parked vehicles.

Concentrating the open space in three main areas of the site - at the entrance, in the middle and at the far end - will give a structure to the street scene and provide softening in contrast to the hard landscape features.

Most of the residential buildings will be two storeys high and this fits in with most neighbouring streets and the predominant built form of the immediate surrounding area.

The four storey blocks of flats at the entrance to the site will give a strong gateway into the site and the open space opposite will enable glimpses through to the proposed new street and houses. This block of flats will have a backdrop of a railway embankment, and a new street on land rising towards the east and with three storey flats opposite. In this context it will sit comfortably within the street scene and not appear overbearing. There is a variety of heights in the immediate surrounding area, including four storey blocks at the junction of Duddingston Park South and Newcraighall Road. The height is acceptable.

The block to the eastern end, also four storeys, will sit comfortably within this part of the site due to the change in levels between the application site and The Jewel path and Fort Kinnaird on higher ground behind it to the east. It will not appear dominant and will sit well next to the proposed block of flats in the neighbouring development site (Blackchapel - planning reference 13/01378/FUL).

The proposed design takes account of the architectural styles of the houses and flats in the neighbouring site at Blackchapel Close. The proposal will sit comfortably within the local area.

There is a mix of house styles in a palette of simple and uniform materials which will sit well within the immediate vicinity. The architectural styles are plain with some adornment, such as emphasising the doors and windows, and are similar to those proposed for the adjacent site at Blackchapel Close providing cohesiveness. The proposed materials are compatible with those in the existing residential buildings in the immediate surrounding area and also with those proposed at the Blackchapel site next door.

Trees and hedging will be planted in the main route to give a well-structured soft landscaping boulevard in the site. The proposed landscaping has taken the SUDS requirements into account and provided an appropriate landscape setting. This will work well in the large area of green space in the middle of the site and link well to the existing large green area immediately to the south, where the current boundary fence will be removed to enable the green spaces to be joined up and appear as one larger area.

Bin and cycle stores will be internal to the flatted blocks and this complies with the Edinburgh Design Guidance.

Arthur's Seat and the Pentland Hills are landmarks and can be easily seen from the site. The site is not a key view nor does it fall into a view cone for other key views. With the dominant development height being two storey and the flats being located on the edge and in the lower level parts of the site, public views towards Arthur's Seat and the Pentland Hills will not be adversely affected.

The proposal is of an appropriate layout, scale and design.

c) Amenity of Neighbours

Some of the proposed houses will be positioned next to existing houses in Blackchapel Close and Peacocktail Close. They will be the minimum distance of 9 metres from the boundary, which complies with the current advice in the appropriate non statutory guideline. Therefore, there will be no overlooking issues. All of the overshadowing will fall within the application site and, therefore, there will be no overshadowing or loss of daylighting issues.

The electricity sub-station will be positioned to the north east of the ground around the flats beside a parking area and next to the railway embankment. It will not cause any noise issues to existing neighbouring properties.

The amenity of neighbours will not be adversely affected.

d) Amenity of Future Occupiers

Each house will have its own garden and the flats will have communal grounds. Therefore, a sufficient amount of private and semi-private open space will be provided.

Approximately 45% of the site will be given over to green space, including gardens and the open space areas. This satisfies the minimum threshold, of 20%, required in Policy Hou 3. In addition the site is within walking distance of the Niddrie and Brunstane Burn green corridors and local nature conservation sites, the sports facilities at the Jack Kane Centre, Hunter's Hall Park and the playing fields at Bingham. The amount of open space provision is acceptable.

The Council's Play Strategy sets out a vision and aims for development of play for children and young people. The proposed development will create new demand and is not close to play facilities for young children. Therefore, a condition will be attached to this permission to ensure that a children's play park is provided.

Due to the historic land use, a condition will be attached to ensure that land contamination is addressed. To deal with the specific potential risk of the coal mining legacy, the Coal Authority has recommended that a condition be placed on the permission requesting intrusive site investigations be undertaken prior to development taking place. This is to establish the exact situation regarding coal mining legacy issues on the site and ensure any necessary remedial works to treat the mine entries and/or areas of shallow mine are carried out. The Coal Authority is concerned that there may be shallow mine workings on the site and there could be a risk from mine gas. In particular it is concerned that some plots are close to a recorded mine entry. Therefore, a condition will be placed on this permission in addition to the one on site contamination to ensure that it is proven that the land will not fail the development.

Environmental Assessment has no objection subject to conditions or informatives. It advises that noise will not have an adverse impact on the proposed residential development if mitigation measures are carried out. Therefore, a condition is recommended to ensure that a centralised ventilation system is installed to mitigate the noise from the retail park in the east facing bedrooms of the flats positioned at the eastern end of the site. No mitigation is required for the noise from the railway or vibration from the plant of the retail park.

An acceptable level of amenity for future occupiers, with the use of conditions, will be provided.

e) Impact on infrastructure

Transport

Transport Planning has no objections to the proposed development subject to conditions or informatives regarding public access to roads, the extent of the adoptable areas, structural approvals and the provision of a Quality Audit. It also recommends that a contribution towards the construction of a cycle route and parking bays be secured through a legal agreement.

Each house will have a driveway, garage or both and communal parking will be provided for the flats. The Parking Standards have been complied with.

SPOKES has recommended that a link is made between the application site to the existing parallel path to the east which is a Core Path and links Newcraighall Road to The Jewel. The application proposes to provide a link to the path to The Jewel but the land in between the application site and the path is in third party ownership. Therefore, it is unreasonable to place a condition on the permission seeking that this link is provided as the applicant has no control over the land not in his ownership. To address this issue a legal agreement will be entered into to provide funding for any future path linking to The Jewel path and this may provide an opportunity to provide the cycle path if land ownership issue can be overcome. This approach would enable the cycle path to be provided at a future date. In addition the landscape plan shows that the site will link to the new residential development in Blackchapel and although outwith the current application site, the applicant is investigating a path linking from the application site into Blackchapel site and onto the core path.

Water Supply and Drainage

Scottish Water has no objection to the application.

SEPA has no objection to the proposal.

The Council's Flood Prevention officer has advised that he has no objection to the application. The applicant has confirmed that the conclusions in the Surface Water Management Plan will not result in a risk of surface water entering buildings.

Children and Families

Children and Families has advised that a contribution of £400,000 is required to alleviate accommodation pressures at primary schools in the Craigmillar area. Therefore, a legal agreement is recommended.

The impact on infrastructure, with the use of conditions and a legal agreement, is acceptable.

f) Sustainability

The proposed development will contain low and zero carbon equipment with the details being submitted at Building Warrant stage. Mechanical ventilation, heat recovery and SUDS will be installed. Internal and private storage and common refuse/recycling points will be provided to facilitate re-use and recycling.

The proposal has been classed as a major development and has been assessed against Part B of the standards. The points achieved against the essential criteria are set out in the table below:

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	80

The proposal meets the essential criteria.

g) Other Material Considerations

Archaeology

The City's Curator of Archaeology has advised that the site is built upon an area of the late Victorian Newcraighall colliery and the site overlies the remains of railway sidings associated with the former colliery.

Although the site has been affected by modern day development, there is a low-moderate potential for the survival of significant archaeological remains associated with the operation of Newcraighall Colliery. Groundbreaking works could therefore disturb archaeological remains and it is recommended that a programme of archaeological work is undertaken prior to development with any significant remains uncovered fully excavated and recorded.

Therefore, a condition shall be attached to this permission to ensure that a programme of archaeological works is undertaken prior to construction.

Affordable Housing

Forty-nine affordable dwelling units will be provided consisting of 46 flats and 3 houses. This is 26% as per the requirement in local plan policy. Three of the units will be Golden Share. The proposed affordable housing will be tenure blind and will be integrated into the development. The proposed affordable flats are spread across two plots within the site and will contribute towards the integration of the affordable units in the development and avoid a concentration of social housing in one area.

Accessibility

The applicant proposes to connect the application site to the development site at Blackchapel immediately to the south, increasing accessibility of the application site and affordable units. A legal agreement will ensure that a link is provided to the adjacent core path and this will increase the accessibility to shops and bus services particularly at The Jewel.

h) Equalities and Human Rights

A range of living accommodation will be provided that will support different users including young families and the elderly. The site is accessible for people with mobility issues. The proposals include an element of affordable housing to assist those who cannot access traditional housing markets.

It is not expected that the proposal will raise any human rights issues.

It is not expected that the proposal will have an adverse effect on equalities or human rights.

i) Public comments

Material comments

SPOKES raised the issue of access from the application site to the core path which runs parallel to the east of the site lining Newcraighall Road to The Jewel. This comment has been addressed in assessment (e)

Non-material comments

A letter of representation raised the issue of access to existing adjacent properties and also access for the maintenance of the boundary fence. These are not material planning issues and, therefore, cannot be taken into account in the consideration of the planning application.

Community Council

Craigmillar Community Council did not comment on the application.

CONCLUSION

In conclusion, the minor departure from the development plan regarding a lack of provision of employment or small business units on the site is justified given the commercial evidence provided by the applicant and the Edinburgh Small Business Study and the design difficulties in providing a practical solution at the entrance to the site. The proposal is acceptable in principle, is of an appropriate layout, scale and design and will be sustainable. The amenity of neighbours will not be adversely affected and the level of amenity to be afforded to future occupiers is acceptable. The impact on infrastructure has been addressed in the requirement for contributions, through the use of a legal agreement, a condition shall ensure that any archaeological remains are treated appropriately. There are no other material considerations that outweigh this conclusion.

Addendum to Assessment

The application was previously considered by the Development Management Sub Committee on 9 April 2014.

Committee granted the application subject to conditions and informatives, including the requirement for a legal agreement to secure a transport developer contribution of £96,000. This is to provide a future pedestrian and cycle link between the application site and the nearby core path.

The application drawings show a path proposed up to the boundary with the adjacent residential development site at Blackchapel (13/01378/FUL) to the south. A variation to the planning permission at Blackchapel (13/01378/VARY) now shows a link through the Blackchapel site from the core path, which runs parallel to the boundary of the Fort Kinnaird retail park, connecting with the path in the Duddingston Park South site.

The developer, who is the same for both this application and the one at Blackchapel, wishes to construct the cycle/pedestrian link as part of the development of the two

housing sites. This would enable pedestrians and cyclists to gain access through both sites onto/from the core path. The core path gives access to Fort Kinnaird, Asda at The Jewel and onwards to Portobello and Brunstane.

It is proposed that the obligation to pay the contribution remains in the legal agreement for the Duddingston Park South application, in case the link is not provided as part of the construction of the site. If the link is constructed the obligation will be discharged. An agreed time for the link to be provided is recommended and failing its provision, then the payment of the transport developer contribution obligation would become due.

This approach to the legal agreement regarding the transport developer contribution would enable a more flexible approach to providing a link through the site to connect with the core path.

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

3.4 Conditions/reasons/informatives

1. No development shall take place until intrusive site investigation works have been undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site and any required remedial measures are undertaken prior to the development, to treat mine entries and/or areas of shallow mine workings to ensure the safety and stability of the proposed development. The evidenced work shall be submitted to and approved in writing by the Council as Planning Authority.
2. Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish , either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - c) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
4. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

5. A toddlers play park shall be provided on site by the developer and full details to be submitted to and approved in writing by the Council as Planning Authority. The play park shall be fully operational prior to the occupation of the first dwelling.
6. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
7. The proposed development shall be completed in accordance with the requirements specified in: Noise Impact Assessment, Mechanical Services Plant Noise re 2073 18 R dated 7 March 2014 section 5.3 detailing the centralised mechanical ventilation and extract unit (mechanical ventilation) system for the all bedrooms except those facing west for plots A70-100.

Reasons:-

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In order to safeguard the interests of archaeological heritage.
4. In order to ensure that the approved landscaping works are properly established on site.
5. To ensure a satisfactory form of development.
6. In order to enable the planning authority to consider this/these matter/s in detail.
7. In order to protect the amenity of the occupiers of the development.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to transport infrastructure.
2. Consent shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to Children and Families to alleviate accommodation pressures in the local catchment area.
3. Permission should not be issued until the applicant has entered into a suitable legal agreement to ensure that affordable housing is provided in accordance with Council policy.

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

5. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

6. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

7. 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 road, including parking place, footways, footpaths, cycle tracks and SUDS to be identified and agreed. The area has extensive mine workings which may require appropriate measures and structural approval.

8. A Stage 2 Quality Audit will be required in accordance with Designing Streets prior to application for Road Construction Consent.

9. 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. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.

10. SEPA regulatory requirements and good practice advice can be found on SEPA's web site www.sepa.org.uk/planning.aspx.

11. Please note that any planning approval granted by the Local Authority does not guarantee a connection to Scottish Water's infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received. A fully completed Development Impact Assessment form, found at www.scottishwater.co.uk, needs to be submitted to Scottish Water.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

12. Network Rail - All surface or foul water arising from the development must be collected and diverted away from Network Rail Property (Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development).

If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. An 1.8 metre high 'rivetless

palisade' or 'expanded mesh' fence is recommended by Network Rail. Network Rail's existing boundary measure must not be removed without prior permission.

Network Rail can provide details of planting recommendations for neighbours. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to operational railway infrastructure must be carried out in accordance with an agreed method statement, approved by Network Rail's Asset Protection Engineer before development can commence.

Construction works 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 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.

13. The developer should contact Scottish Power regarding the electricity pylons and safe working in their vicinity.

14. The development shall be designed and constructed so that any noise associated with the electrical substations complies with NR20 when measured within any nearby living apartment with the windows open for adequate ventilation.

15. The applicant is encouraged to provide all dwellings with a garage with a 32amp electric vehicle charging point.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Two representations have been received including one from SPOKES. They raised the following issues:

Material issues:

- pedestrian/cycle links to the core path - "Asda" path
- Non-material issues:
 - access to adjacent properties
 - maintenance access

No comments have been received from Craigmillar Community Council.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

**Statutory Development
Plan Provision**

The application site is in the Urban Area in Edinburgh City Local Plan. It borders a Commercial Centre (Fort Kinnaird retail park) and a Railway Safeguard.

Date registered

16 January 2014

Drawing numbers/Scheme

01, 02A, 03 - 22, 23A, 24A, 25A, 26A, 27A, 28A, 29 - 33.,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

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

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 4 (Layout Design) sets criteria for assessing layout design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Des 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

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

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

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

Policy Env 18 (Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

Policy Hou 1 (Housing Development) supports housing on appropriate sites in the urban area, and on specific sites identified in the Plan.

Policy Hou 2 (Housing Mix) requires the provision of a mix of house types and sizes in new housing developments.

Policy Hou 3 (Private Open Space) sets out the requirements for the provision of private open space in housing development.

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

Policy Hou 7 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

Policy Com2 (School Contributions) sets the requirements for school contributions associated with new housing development.

Policy Emp 4 (Employment Sites and Premises) sets out criteria for development proposals affecting business & industry sites and premises.

Policy Tra 1 (Major Travel Generating Development) supports major travel generating development in the Central Area, and sets criteria for assessing major travel generating development elsewhere.

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Policy Tra 5 (Private Cycle Parking) requires cycle parking provision in accordance with levels set out in supplementary guidance.

Policy Tra 6 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

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

Relevant Non-Statutory Guidelines

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

NSESBB Non-statutory guidelines Part B of 'The Edinburgh Standards for Sustainable Building' sets principles to assess the sustainability of major planning applications in Edinburgh.

Non-statutory guidelines on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

Non-statutory guidelines on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Appendix 1

Application for Planning Permission 14/00169/FUL At 173 Duddingston Park South, Edinburgh, EH15 3EG Residential development of 186 houses and flats (including 25% affordable homes) with associated parking, roads, access and landscaping.

Consultations

SEPA comment

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

We advised on planning application 13/00040/FUL on 26 March 2013 (our reference PCS/125398) and on 4 March 2013 (our reference PCS/124458) for this site. We refer you to our responses as our advice is the same. Below is a short summary.

Advice for the planning authority

1. Flood Risk

1.1 We are still of the opinion that there is no flood risk on this site, and that runoff rates should be agreed between the applicant and the planning authority.

2. Drainage Strategy

2.1 From the information provided, the drainage strategy appears to be sufficient for this proposed development.

3. Regulatory Requirements

3.1 Details of regulatory requirements and good practice advice for the applicant can be found on our website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at Clearwater House, Heriot Watt Research Park, Avenue North, Riccarton, Edinburgh, EH14 4AP or Tel: 0131 449 7296.

The Coal Authority - first response 12.2.14

The Coal Authority Response: Fundamental Concern

We have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically both recorded and likely historic unrecorded underground coal mining at shallow depth; there is also a recorded mine entry within the site.

The Coal Authority objects to this planning application, as the required Coal Mining Risk Assessment Report, or equivalent, has not been submitted as part of the application.

The Coal Authority Recommendation to the LPA

In accordance with the agreed risk-based approach to development management in Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report as part of this application.

Without such an assessment of any risks to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, The Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore objects to this proposal.

The Coal Authority would be very pleased to receive for further consultation and comment any subsequent Coal Mining Risk Assessment Report which is submitted in support of this planning application.

The Coal Authority - second response 17.2.14

The Coal Authority Response: Material Consideration

The application site falls within the defined Coal Mining Development Referral Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority previously objected to this planning application in a letter to the LPA dated 12 February 2014 as the applicant had failed to submit the required Coal Mining Risk Assessment, or equivalent, in support of their application.

The Coal Authority is therefore pleased to note that the applicant has now submitted the Executive Summary of a Site Investigation (May 2008), which was previously prepared for this site in support of their application.

The Executive Summary of a Site Investigation correctly identifies that the application site has been subject to past coal mining activity. The Coal Authority records indicate that the site has been subject to both recorded and likely historic unrecorded underground coal mining at shallow depth and contains a recorded mine entry.

The Executive Summary of a Site Investigation concludes that shallow mine workings and the mine entry pose a potential risk to the proposed development. Accordingly, appropriate recommendations are included for intrusive site investigation works prior to

development in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified, if necessary.

In the event that shallow mine workings are encountered by these site investigations, The Coal Authority considers that due consideration should also be afforded to the potential risk to the proposed development from mine gas.

Although it is not clear as the mining hazard has not been plotted, or located, but it would appear that proposed plots 57, 58, 61, 62, 108 and 109, as indicated on the Proposed Site Layout (Plan no. 13053(PL)002) might be located too close to the recorded mine entry, which could result in the site layout needing to be revised. The Coal Authority would take this opportunity to make the applicant aware of our adopted policy:

<http://coal.decc.gov.uk/assets/coal/whatwedo/4265-policy-for-building-over-or-within-the-influencing.pdf>

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Executive Summary of a Site Investigation (May 2008); that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the mine entries and/or areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

The Coal Authority considers that the content and conclusions of the Executive Summary of a Site Investigation are sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of the above condition.

Transport comment

We have no objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. 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 road, including parking place, footways, footpaths, cycle tracks and SUDS to be identified and agreed. The area has extensive mine workings which may require appropriate measures and structural approval.*

2. *A Stage 2 Quality Audit will be required in accordance with Designing Streets prior to application for Road Construction Consent;*
3. *Consent should not be issued until the applicant has entered into a suitable legal agreement to:*
 - a. *construct or provide a contribution of £96,000 to construct a cycle route to the existing cycle track to the east of the site;*
 - b. *contribute the sum of £2,000 to progress a suitable traffic order to control disabled persons' parking bays. 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. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.*

Children + Families comment

The application is a revision to an earlier planning application (13/00040/FUL) covering the same site. A Section 75 Agreement has been signed in respect of this earlier application, which makes provision for a contribution of £400,000 (index linked to October 2009) to alleviate accommodation pressures at primary schools in the Craigmillar area.

Subject to the educational provisions made in existing S75 being applied to this application, we would have no objection to the proposal.

Archaeology

Further to your consultation request I would like to make the following comments and recommendations in respect to this application for residential development of 186 houses and flats (including 25% affordable homes) with associated parking, roads, access and landscaping.

The current site is occupied by a range of modern warehousing and is bordered to the north by a Victorian railway branch-line and to the east by Fort Kinnaird shopping centre, built upon the site of the Late-Victorian Newcraighall Colliery. The site itself overlies the remains of railway sidings associated with this former colliery. This application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The site has clearly been affected by modern development nevertheless there is a low-moderate potential for the survival of significant archaeological remains associated with the operation of Newcraighall Colliery and potentially earlier coal mining activities (e.g. post-medieval bell pits). Ground-breaking works associated with construction of the new development could therefore disturb significant remains. Accordingly it is

recommended that a programme of archaeological work is undertaken prior to development with any significant remains uncovered fully excavated and recorded.

The first phase of this programme of archaeological investigation will be the undertaking of an archaeological evaluation (max 10%) linked to a desk-based assessment and walk over survey. The results of this work will inform what level of further archaeological excavation, recording and analysis, would be required to be carried out prior and/or during development and if applicable where preservation may be required.

These recommended works have as yet to be undertaken and accordingly it is recommended that that the following condition is attached to this consent to ensure that a programme of archaeological works is undertaken prior to construction.

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

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

Flood Prevention - first response 14.02.14

I have reviewed the submitted information and the surface water management plan highlights flow paths towards a few buildings.

Please can confirmation be given that they have looked in detail at the levels in all the locations where a risk is identified of water entering buildings, and that floor levels relative to the ground levels round the building are such that no additional measures are required. If additional measures are required please can these be detailed.

Flood Prevention - second response 17.03.14 provided following additional information submitted.

...this does address concern and I have no objection to proposal.

Scottish Water

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

Due to the size of this proposed development it is necessary for Scottish Water to assess the impact this new demand will have on our existing infrastructure. With Any development of 10 or more housing units, or equivalent, there is a requirement to

submit a fully completed Development Impact Assessment form. Development Impact Assessment forms can be found at www.scottishwater.co.uk.

Glencorse Water Treatment Works may have capacity to service this proposed development.

The water network that serves the proposed development may be able to supply the new demand.

Water Network : Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers.

The Developer should discuss the implications directly with Scottish Water.

Edinburgh PFI Wastewater Treatment Works : at present there is limited capacity to serve this new demand. The Developer should discuss their development directly with Scottish Water.

Wastewater Network : Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

Scottish Water is funded to provide capacity at Water and Waste water Treatment Works for domestic demand.

Funding will be allocated to carry out work at treatment works to provide growth in line with the Local Authority priorities. Developers should discuss delivery timescales directly with us.

Developers should discuss delivery timescales directly with us.

If this development requires the existing network to be upgraded, to enable connection, the developer will generally meet these costs in advance. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules. Costs can be reimbursed by us through Reasonable Cost funding rules

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

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

It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that will require to be implemented by the developer to protect our existing apparatus.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel : 0845 601 8855.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website: www.scottishwater.co.uk.

Network Rail

No response.

Scottish Power

No response.

Affordable Housing

1. Introduction

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

Services for Communities have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

- The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.*
- This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.*

2. Affordable Housing Requirement

This application is for 186 residential homes and as such the AHP will apply. There will be a requirement for 46 homes (25%) of approved affordable housing tenures and these should be provided on site and at least some of the affordable homes should be provided by a Registered Social Landlord.

The applicant has committed to provide 49 affordable homes which equates to just over 26% of the total and this is welcomed by this department.

3. House type/size, tenure, integration and accessibility

House type/size and tenure

The proposal is for a mix of house types and sizes including flatted and low-rise housing. For a site of this size we would expect that at least some (or all) of the AHP homes should be delivered by a Registered Social Landlord (RSL). The applicant has worked successfully with the Council and our RSL partners in the recent past (and currently) to plan and deliver well integrated affordable housing across a range of approved affordable tenures on similar sites such as Kirkliston and Fairmilehead.

We understand that the applicant has entered into dialogue with Registered Social Landlords to discuss the delivery of the affordable homes for this site and is close to reaching agreement.

In addition to affordable homes to be provided by an RSL, the developer has made the commitment to provide low-rise terraced homes as Golden Share. Golden Share homes have already been successfully provided by this developer and will assist in delivering a site which is well integrated and which will provide a variety of tenures for those with differing affordable housing need.

Integration and Accessibility

The proposed affordable flats are spread across two plots with one of the affordable blocks situated at the front entrance to the site and the other larger block to the rear of the site. This meets AHP requirements on a site of this size in order to avoid an over concentration of social housing in one area.

In terms of accessibility the block to the front is well located for ease of access to public transport and local amenities. The flats to the rear of the site, are situated close to the Asda superstore and Fort Kinnaird shopping centre which will be accessible by a pedestrian footpath provided by the developer.

4. Summary

The applicant has committed to provide just over 26% affordable housing which exceeds policy requirements and is welcomed by this department. These will be made up of a mix of apartments and low rise homes using the principles of blind tenure and as such will assist in delivering a mixed community which offers a representative mix of house types and tenures. As such, this department is supportive of this application.

The agreed affordable homes will be delivered through a Section 75 legal agreement and this department will require a commitment from the applicant to this effect.

We would be happy to assist with any queries around the affordable housing requirement for this development.

Environmental Assessment

Proposed residential development consisting of 186 houses and flats with associated parking at 173 Duddingston Park South (14/00169/FUL).

The applicant proposes developing what is currently an industrial area into a residential development with 186 houses and flats. There is a rail line to the north, a retail park to the east and an existing residential development to the south.

The applicant proposes to site residential properties in the immediate vicinity of a number of noise sources. To the north of the site is a rail track and to the east of the site is Kinnaird Park (Retail Park). Noise assessments were requested and subsequently carried out by acoustic consultant on 23 January 2013 (Document 2073 02 R), and 7 March 2014 (Document 2073 18 R).

Environmental Assessment has dealt with similar applications for this site in the past (08/02927/FUL & 13/00040/FUL). Noise impact assessments were carried out for those applications and concluded that mitigating measures could be put in place for Rail vibration and noise. Noise from Kinnaird Park's current and future consented operation were assessed and it established that noise created from Kinnaird Park from deliveries, plant and electrical substation noise will not have an adverse impact on the proposed residential development if mitigation measures are carried out.

The surrounding noise environment has not changed since the previous applications were submitted however the proposed layout of the site has altered which now includes a block of flats to the east of the application site. The applicant has carried out an updated noise impact assessment which has established that no mitigation measures are required for the rail noise/vibration or the retail parks proposed plant. The applicant has agreed that a centralised ventilation system to east facing flat bedrooms to ensure noise from the retail park is mitigated.

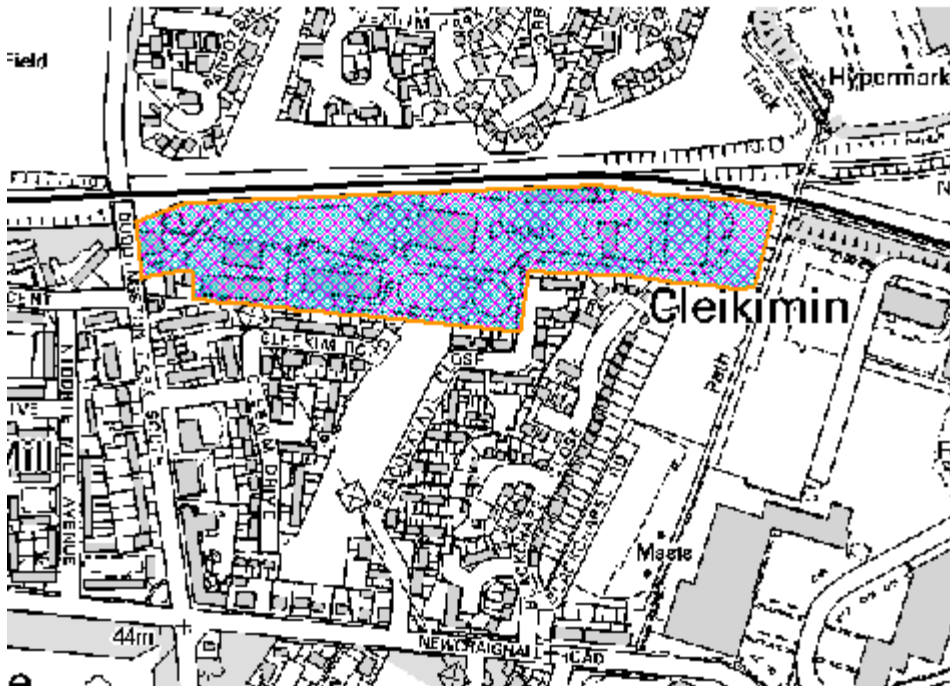
Due to the historic land use we will also recommend that a condition is attached to ensure that land contamination is addressed. As the site currently has consented for a higher density development no air quality impact assessment has been requested for this development. However, Environmental Assessment will recommend that 32amp electric vehicle charging points are located throughout the development within any residential garages this will allow electric vehicles to charge quickly. Environmental Assessment recommends that this is included as an informative.

Therefore Environmental Assessment has no objections to this proposed development subject to the following conditions:

- 1. The proposed development shall be completed in accordance with the requirements specified in; Noise Impact Assessment, Mechanical Services Plant Noise ref 2073 18 R dated 7 March 2014 section 5.3 detailing the centralised ventilation system for the flats.*
- 2. Prior to the commencement of construction works on site:
(i) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
(ii) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of planning.
Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.*

Informative All dwellings with a dedicated garage shall be provided with a 32amp electric vehicle charging point.

Location Plan



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