

# Development Management Sub Committee

Wednesday 14 January 2015

## Application for Approval of Matters Specified in Conds 14/03079/AMC

**At Land At, Kinleith Mill Industrial Estate, Currie**  
**Proposed development at land at Kinleith Mill industrial**  
**estate, comprising 89no. residential units including**  
**associated access, parking and landscaping.**

<b>Item number</b>	4.2
<b>Report number</b>	
<b>Wards</b>	A02 - Pentland Hills

## Summary

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The proposals comply with the development plan and the relevant non-statutory guidelines. The scale, design and layout are acceptable and would not prejudice residential amenity or road safety. There proposal will maintain the character and appearance of the conservation area. There are no material considerations which outweigh this conclusion.

## Links

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### [Policies and guidance for this application](#)

LPRW, RWH2, RWH5, RWH6, RWH7, RWE30, RWE41, RWE42, RWE45, RWE35, RWED10, RWTRA1, RWTRA2, RWTRA4, RWE22, RWE18, RWE20, RWE27, RWE36, NSG, NSGD02, NSLBCA,

# Report

## **Application for Approval of Matters Specified in Conds 14/03079/AMC**

**At Land At, Kinleith Mill Industrial Estate, Currie  
Proposed development at land at Kinleith Mill industrial estate, comprising 89no. residential units including associated access, parking and landscaping.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site is approximately 4.5 hectares of industrial land in the Water of Leith river valley. It was occupied by the Kinleith Mill industrial complex and has now been cleared of buildings and trees, as approved under planning permission 01/04622/FUL. It is currently secured by fencing.

The site is in two sections. The main (west) section lies to the south of the river. It is bounded on the north by the Water of Leith and on the south by the Water of Leith Walkway. The smaller (east) section is bounded on the south by the Water of Leith and on the north by the steep, tree-covered river valley slope.

The west section is accessed by two bridges over the river, one pedestrian only and one vehicular and pedestrian. It can also be reached from the Water of Leith Walkway. A publicly accessible path runs through the westernmost section of the site. The east section is accessed from Blinkbonny Road and then onto an unadopted road. Lanark Road West lies to the north and Category B listed Kinleith Bridge (5706, listed 30 January 1981) carries Blinkbonny Road over the site.

There is a small area of the site at the western edge which is located within the Green Belt, Currie Conservation Area and Site of Importance for Nature Conservation.

There is a Right of Way which runs from the unadopted road on the east of the site to the Water of Leith Walkway.

This application site is located within the Currie Conservation Area.

#### **2.2 Site History**

14 June 1990 - outline planning consent granted to demolish existing mill and for housing development (application reference 437/85).

June 1992 - planning consent granted for approval of reserved matters in respect of access and landscaping for outline consent 437/85 (application reference 2162/91).

October 1995 - planning consent granted for approval of reserved matters for 89 houses on land to the north of the Water of Leith Walkway (application reference 1310/93).

March 2000 - planning application submitted to rehabilitate derelict industrial land forming part of the former Kinleith Paper Mill and redevelop for residential, leisure and amenity open space (application reference 00/00987/OUT).

26 April 2001 - appeal lodged against the non-determination of application 00/00987/OUT and sisted in October 2000 (appeal reference PPA/230/284).

January 2001- planning application in outline to rehabilitate derelict industrial land forming part of the former Kinleith Mill and redevelop for residential, leisure and amenity open space. Applicants appealed against non-determination (application reference 00/00987/OUT). Appeal reference 01/00012/REF. Appeal not determined.

December 2001 - certificate of lawfulness granted for demolition/clearance/regulated consolidation of mill buildings and associated structures and development of housing (application reference 01/01851/CLU). This referred to outline consent application number 437/85 and relates only to development on the north side of the Water of Leith.

12 March 2004 - planning permission granted for residential development of 51 houses and 107 flats, proposed nursery and office conversion of existing pumphouse (application reference 01/04622/FUL).

31 March 2008 - planning application submitted for erection of 46 category 11 sheltered apartments for the elderly, ancillary accommodation, parking and landscaped gardens (application reference 08/01134/FUL). Application withdrawn on 13 August 2008.

09 April 2014 - planning permission in principle granted for residential development of the site (application reference 12/04126/PPP).

18 June 2014 - Permission granted to vary condition 2 of planning permission 12/04126/PPP relating to building heights (application reference 14/01704/PPP).

## **Main report**

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### **3.1 Description Of The Proposal**

Approval is sought for the erection of 89 residential units consisting of 63 houses and 26 flats. Twenty two affordable units are proposed including a variety of flats and houses. The mix of units will consist of detached dwelling houses, semi-detached dwelling houses, and terraced houses, and three blocks of flatted properties. There will be a variety of house designs, including two storey detached and semi-detached houses with pitched roofs, and three storey terraced houses with pitched roofs. Three blocks of flats are proposed which will be three storeys in height with pitched roofs.

All of the houses will have a private garden and private parking provision. The flats will have dedicated parking provision and access to areas of communal open space.

Overall the proposal provides 161 vehicle parking spaces including garages and open parking. The proposed scheme contains areas of public open space, including a larger central area, and landscaping along the Water of Leith bank.

A realigned access road to the site from Lanark Road and a new replacement bridge providing vehicular and pedestrian access to the site are proposed. A central access road will be formed with additional pedestrian accesses paths to the south of the site from the Water of Leith Walkway and the existing pedestrian access bridge across the Water of Leith will be maintained.

### **Supporting Statement**

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement
- SUDS Design Statement
- Pre-Application Consultation Report
- Transport Statement
- Accommodation Schedule
- Flood Risk Assessment
- Ecology Report
- Landscape Maintenance Specification
- Supplementary Design Information

### **3.2 Determining Issues**

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

Do the proposals comply with the development plan?

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

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

### **3.3 Assessment**

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

- a) the principle of the proposed development is acceptable;
- b) the scale and design of the proposed development is acceptable and will maintain or enhance the character and appearance of the conservation area;
- c) the proposed development raises any road safety implications;
- d) the proposed development offers an acceptable living environment for future residents;

- e) the proposed development meets the sustainability requirements of the Edinburgh Design Guidance;
- f) there are any other material considerations;
- g) any impacts on equalities or human rights are acceptable; and
- h) comments raised have been addressed.

a) Principle

The application site for the most part is allocated for housing in the adopted Rural West Edinburgh Local Plan (RWELP), reference HSG1. A small area of the application site lies within the designated Green Belt. This area amounts to less than 5% of the site and is not subject to built development proposal.

The site benefits from an extant planning permission in principle for residential development of up to 89 dwellings (application reference: 12/04126/PPP).

The proposal is acceptable in principle.

b) Scale and Design

The proposed design approach is to reflect, in part, the site's past use as a mill. The proposal promotes large flatted buildings at the entrance to the site and a combination of detached, semi-detached and terraced housing on the remainder elsewhere. The variety of building forms are united by the use of a limited palette of materials, including brick within building facades. Particular attention has been paid to boundary treatments where the extensive use of iron railings is proposed.

The proposed development provides private and communal open space in accordance with current guidance. A feature of the application proposal is a strong landscape edge along the site boundary with the Water of Leith creating a positive relationship between the two. The nature of the boundary treatments between the site and the Water of Leith Walkway will provide increased pedestrian permeability and access, and will create a safe pedestrian environment. Overall the proposal creates a distinctive identity and sense of place.

A small area of the application site, at its western end, sits within the Currie Conservation Area. Its Character Appraisal identifies its essential character as being where *'the rural character of the area meets the urban form of the main street'*. The proposal will retain landscaped areas that lie within the conservation area and promote additional landscaping and wildflower planting.

The overall scale and design of the proposed development is acceptable.

c) Transport

The Head of Transport has raised no objections to the application subject to the recommended legal agreement. The legal agreement signed in relation to the extant planning permission in principle (application reference: 12/04126/PPP) covers all aspects raised by the Head of Transport and as such no new legal agreement is required. The proposal, including the proposed redesigned junction of Blinkbonny Road and Lanark Road West, has been assessed by Transport Planning and will not give rise to adverse impacts on pedestrian or road safety. The site lies within walking distance of Currie village centre and its public transport services and shops and will not have an unacceptable impact on local traffic levels. The proposed development complies with the Council's parking standards.

d) Residential Amenity

Each property will have adequate private garden and will be in easy reach of communal open space. The internal floor spaces are in accordance with the standards set by the Edinburgh Design Guidance. The site layout will ensure that each property will not be adversely affected by way of overshadowing or loss of daylight and the nature of the proposed plot boundaries, in conjunction with the layout, will ensure that adequate levels of privacy are provided for future residents.

The proposal complies with the relevant non-statutory guidelines with reference to privacy and overshadowing of neighbouring properties and will not have any detrimental impact on the amenity of neighbouring residents.

The proposal will provide an acceptable living environment to meet the needs of future residents.

e) Sustainability

The applicant has submitted a sustainability statement in support of the application.

<b>Essential Criteria</b>	<b>Available</b>	<b>Achieved</b>
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
<b>Total</b>	<b>80</b>	<b>80</b>

In summary, the proposal score complies with the sustainability requirements of the Edinburgh Design Guidance.

f) Other Material Considerations

**Affordable Housing**

The applicant has agreed to provide 22 affordable units (25%) on site which will be well integrated into the scheme and situated at more than one location across the site. The types of affordable units consist of a variety of flats and houses and therefore offer a representative mix across the site. The provision of affordable units on site is in accordance with Local Plan policy.

### **Archaeology**

During the consideration of the application for planning permission in principle the site was identified as an area of potential archaeological significance both in terms of its milling history and potential for prehistoric remains. The Council Archaeology Officer has raised no objections to the proposal subject to the condition of planning permission attached to the extant planning permission in principle (application reference: 12/04126/PPP).

### **Flooding**

The applicants have submitted a Flood Risk Assessment and proposals were also submitted in terms of sustainable urban drainage and surface water management. SEPA has considered the information and has no objections to the development of the site in terms of flood risk or surface water management. This view is shared by CEC Flood Prevention.

### **Ecology and Access**

The treatment of the site including proposed new planting and regarding of the river bank will provide a strong edge to the river and improve the quality of the Valley of the Water of Leith as a wildlife corridor. The ecology report advises that there will be no adverse impact on the wildlife of the corridor. There will be no significant impacts on air quality or noise pollution and Environmental Services raised no objections on these grounds.

The Water of Leith Walkway will also be enhanced along the edge of the development through the provision of an improved edge condition and increased accessibility across the site with wider connections to Lanark Road West. An existing right of way along the Water of Leith bank will be affected at its western most end, where it currently connects to Water of Leith Walkway. Due to a change in ground level a connection to the walkway is no longer viable at this point. This is, however, mitigated by the new additional connections to the walkway and the additional access along the Water of Leith bank. Overall the proposal will have a positive impact on access to the Water of Leith and the Water of Leith Walkway, and across the application site.

The proposed development of the site would not have any adverse impact on any habitat of a protected species and access across and through the site will be improved.

### **g) Equality and Human Rights**

The proposed development will create an environment where public spaces can be used safely and securely. The proposals will offer a good standard of living with access to transport and public places including green spaces. The proposals will have a positive impact in respect of human rights.

The site is accessible for people with mobility issues. Over the site a range of living accommodation will be provided that will support different users including young families and the elderly and includes an acceptable level of affordable housing to assist those who cannot access traditional housing markets. The proposals will have a positive impact in respect of equalities.

In summary, the proposals will have a positive impact in respect of equalities and rights.

#### h) Public Comments

The application attracted 18 representations, all of which were letters of objection.

#### **Material Objections**

- Inappropriate design and location of proposed road junction and its implications on pedestrian and road safety, and traffic - addressed in 3.3 c).
- Detrimental impact on pedestrian and road safety, and local traffic levels - addressed in 3.3 c).
- Existing and potentially increased flood risk - addressed in 3.3 f).
- Loss of privacy to neighbouring properties - addressed in 3.3 d).
- Unacceptable levels of amenity for future residents resulting from a lack of sunlight - addressed in 3.3 d).
- Impact on Right of Way - addressed in 3.3 f).
- Inappropriate design and scale - addressed in 3.3 b).
- Increased pollution - addressed in 3.3 f).

#### **Non Material Objections**

- Alleged inaccuracies in drawings concerning properties outwith the development site boundary.
- Neighbour notification process.
- Impact on property values.

#### **Community Council**

- The Currie Community Council objects to the proposal on the following grounds:
- Inappropriate design and location of proposed road junction - addressed in 3.3 c).



- Impact on Rights of Way - addressed in 3.3 f).
- Location of a flatted block at the western most corner of the site - scheme since amended to replace this flatted block with terraced houses.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. 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.
2. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

#### **Reasons:-**

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

#### **Informatives**

It should be noted that:

1. The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
2. 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.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 15 August 2014 attracted 18 representations, all of which were letters of objection.

### **Material**

- Inappropriate design and location of proposed road junction and its implications on pedestrian and road safety, and traffic.
- Detrimental impact on pedestrian and road safety, and local traffic levels.
- Existing and potentially increased flood risk.
- Loss of privacy to neighbouring properties.
- Unacceptable visual impact from neighbouring properties.
- Unacceptable levels of amenity for future residents resulting from a lack of sunlight.
- Loss of existing Right of Way.
- Inappropriate design and scale.
- Increased pollution.

## **Non Material**

- Alleged inaccuracies in drawings concerning properties outwith the development site boundary.
- Neighbour notification process.
- Impact on property values.

## **Background reading/external references**

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

**Statutory  
Development  
Plan Provision**

The proposal site is a designated housing site (HSG1) by the Rural West Edinburgh Local Plan. A small area of the site at the western edge which is located within the green belt, Currie Conservation Area and Site of Importance for Nature Conservation, as designated by the Rural West Edinburgh Local Plan.

**Date registered**

4 August 2014

**Drawing  
numbers/Scheme**

01,02a,03,04a,05,06,07,08,09,10,11,12,13,14,15,16,17,18a,19,,

Scheme 2

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**Links - Policies**

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**Relevant Policies:**

**Relevant policies of the Rural West Edinburgh Local Plan.**

Policy H2 says that housing development will be supported on sites HSP1 to HSP8

Policy H5 states that all new housing should harmonise with and reflect the character of its surroundings and should adhere to the criteria set out in the policy.

Policy H6 says that development which would significantly damage residential amenity will not be permitted in residential areas within the defined settlement boundary.

Policy H7 states that planning permission for residential development, including conversions, consisting of 12 or more units, should include provision for affordable housing amounting to 25% of the total number of units proposed.

Policy E30 says that any planning application affecting a site of archaeological significance will require an archaeological field evaluation to be undertaken in consultation with the Council's Archaeologist.

Policy E41 encourages high standards of design for all development and its careful integration with its surroundings in terms of scale, form, siting, alignment and materials. New development should improve energy efficiency and reduce noise pollution.

Policy E42 requires new buildings to make a positive contribution to the overall quality of the environment and the street scene, making provision for high quality landscaping and, where appropriate, new open spaces.

Policy E45 says that as a general principle all new residential and business development should be designed to avoid or manage any threat to susceptible properties from a 200 year flood.

Policy E35 states that developments in Conservation Areas will only be permitted where all features which contribute to the special character and appearance of the areas are retained.

Policy ED10 says that within the local plan area the height and detailed design of buildings will be controlled to ensure that airport operations and aircraft movements are not inhibited.

Policy TRA1 says that development with the potential to generate significant levels of personal travel should be located on sites which minimise the need to travel and are easily accessible by foot, cycle or public transport.

Policy TRA2 states that proposals will not be permitted where it would have an unacceptable impact on the existing road network; public transport operations; air quality; road safety, residential amenity and walking and cycling.

Policy TRA4 says that development proposals should make specific provision for the needs of cyclists and pedestrians and provide convenient and safe access to existing or proposed networks where practicable.

Policy E22 says that development proposals which have the potential to harm a protected plant or animal species or its habitat will not be permitted unless the protection of species can be secured through the appropriate design and construction methods.

Policy E18 protects identified sites of local nature conservation interest. Development within or affecting Sites of Interest for Nature Conservation will not be permitted unless there are appropriate mitigation measures to enhance or safeguard the nature conservation interest of the site.

Policy E20 says that outwith the area identified in policies E17 and E18, the Council will seek to maintain and improve the nature conservation and biodiversity value of the countryside when considering development proposals.

Policy E27 encourages and supports a number of measures for the protection and enhancement of the recreational potential of the River Almond, Water of Leith and their tributaries.

Policy E36 states that Development proposals in a conservation area should take into account the area's special interest and how its character and appearance may be preserved or enhanced.

### **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.

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

# Appendix 1

## **Application for Approval of Matters Specified in Conds 14/03079/AMC**

**At Land At, Kinleith Mill Industrial Estate, Currie  
Proposed development at land at Kinleith Mill industrial estate, comprising 89no. residential units including associated access, parking and landscaping.**

### **Consultations**

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#### **Currie Community Council comment**

*Currie Community Council would like to object to the above proposal for the following reasons:*

*Firstly the junction between Blinkbonny and Lanark Road appears unworkable. The drawings submitted are as previous and, as previous, miss out almost all detail and dont show any critical dimensions. They were intended, by the original consultant, to show the best possible configuration and do not imply that the scheme shown is workable. If they did show details such as road widths, turning circles and the camber (which is considerable), it would be apparent that vehicles couldn't get round without reversing. We suggest the council try it in their minibus.*

*The previous developers included a scheme to raise Blinkbonny Road (at vast expense) to slightly increase the width of the junction. That seems to have been forgotten in this version.*

*The developer knows that once he has constructed the junction more or less to the drawing, responsibility is the councils.*

*Secondly, not all the drawings show all the rights of way, see marked up drawings. Previous developers have attempted to do away with the peripheral paths so that they can give properties river frontage. One of the more unscrupulous got the case officer to agree to this after planning approval was granted. We don't think the planning officer realised the significance of this at the time as it was buried in other matters. She just approved a version of the drawing that didnt have the paths on (and had several extra houses) and agreed that it was ok for the public to walk through the housing to reach the footbridge.*

*Thirdly, a large building has appeared at the western end of the site, see marked up drawing. Its is not in keeping with the low density and tapering aspect of the site: it sticks out. Why has it been added at this late stage? We suggest its scaled down to a more modest, two story structure in keeping with the surrounding buildings.*

*We hope the planners can reconcile the application to provide much needed housing with a workable access route but would point out that this site is far more suited to light industrial or commercial use, as it was in the past.*

### **Archaeology**

*Further to your consultation request, I would like to make the following comments and recommendations in respect to this application for proposed development comprising 89 residential units including associated access, parking and landscaping.*

*As stated in response to the earlier 2012 & 2014 PPP applications this site of the former Kinleith Mill is a site of archaeological significance both in terms of its milling history and potential for prehistoric remains. This application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also CEC Rural West Edinburgh Local Plan Policies E30 & E31. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*

*As stated earlier the site has been subject to earlier archaeological by CFA in 2004 investigations (Evaluation & Historic Building Recording) however the full scope of archaeological works had not been fully completed. Having assessed the potential impact of these new proposals I have concluded that they would have a moderate archaeological impact upon the surviving remains identified by the earlier work. Accordingly it is essential that a condition is attached which would see the full recording and analysis of these remains, principally: the original pre-1850 mill complex; mill lade; mill bridges over the Water of Leith and associated river retaining wall and the area of the mill's settling tanks. In addition a scheme of heritage public interpretation must also be undertaken.*

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

*'No development or demolition shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, historic building recording, analysis & reporting, publication & interpretation) 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.*

### **Affordable Housing**

*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 a residential development consisting of 89 homes. The AHP will apply and as such a 25% proportion of affordable housing is required on site. After negotiations following the previous Planning Permission in Principle application (12/04126/PPP) the applicant has agreed to provide 22 affordable units (25%) on site and this has been welcomed by the department. Furthermore the affordable element of the development is well integrated and is situated on more than one location on the site. The types of affordable units consist of a variety of flats and houses and therefore offer a representative mix across the larger site.*

*The location of the affordable housing is also located close to the pedestrian access to the A70 Lanark Road West and public bus stops as requested by this department.*

*Considering the adjustments to the planning application to include the provision of 25% affordable housing on site, this department welcomes this application subject to the applicant entering into a Section 75 Legal Agreement to assure delivery of the affordable housing.*

## **Scotways**

*A number of our members have contacted us with concerns regarding the above planning application. This was very helpful, as although we commented on 12/01426/PPP in January 2013, we were unaware of the latest set of plans. Further to our correspondence we are grateful to you for the clarification of the timescale available for our response. The National Catalogue of Rights of Way (CROW) shows that asserted rights of way LC49 and LC47 are affected by the application site. Right of way LC47 forms part of the Water of Leith Walkway. A map is enclosed with right of way LC47 highlighted in pink and right of way LC49 highlighted in orange. As there is no definitive record of rights of way in Scotland, there may be other routes that meet the criteria to be rights of way but have not been recorded as they have not yet come to our notice. In light of our letter reproduced in the Design and Access Statement it is relevant to note that the line of right of way LC49 has been refined since our comments were submitted last year - previously the line merely indicated that public access was being taken across the site between Blinkbonny Road and the Water of Leith Walkway. Our records now indicate that LC49 runs around the edge of the site as shown on the map provided, but that other lines across the site have been possible at various times and these may or may not have the status of rights of way. The Design and Access Statement refers to reinstatement of the original "right of way" LC49 - whilst being unsure of the terminology used by the applicant, we acknowledge that this additional*

link between the recorded line of right of way LC49 and the Water of Leith Walkway (LC47) is described in our records as a variant to LC49 and as such its retention and improvement is welcome. For ease of reference, this variant link proposed by the applicant has been highlighted in yellow on the plan provided. Following consultation with the Council's access team we will be pleased to add the route to CROW if appropriate. Additionally, it is clear that the recorded rights of way identified form part of a network of local routes linking the site with Blinkbonny Road (to the south and east) and Lanark Road West (via the footbridge and paths to the north). It appears likely that some or all of these local paths will be unrecorded rights of way. The applicant's Transport Statement acknowledges that the Water of Leith Walkway forms part of National Cycle Network Route 75 at this location. You will no doubt be aware there may now be general access rights over any property under the terms of the Land Reform (Scotland) Act 2003. We strongly recommend the Core Paths Plan, prepared by the Council's own access team as part of their duties under this Act. As well as clearly marking the Water of Leith Walkway as a Core Path, the Plan shows the network of local paths including the recorded line of right of way LC49. The Society is very concerned to note that the Site Layout plans viewed do not show right of way LC49's link to right of way LC47 (the Water of Leith Walkway) at the west of the site. It is our understanding that this link was shown at earlier stages of the planning process and we require confirmation from the applicant that this link has been retained. The above identified omission aside, it can be argued that the proposed development could represent an opportunity to improve recorded rights of way and other local paths. Improvements identified by the applicant's Transport Statement (3.2.4) include footpath connections to A70 Lanark Road West improved to adoptable standard, including the provision of lighting on the west footpath; improvements to existing pedestrian bridge over Water of Leith; and signage directing pedestrians and cyclists to Water of Leith Walkway. It is also noted that cycle ramps are to be provided alongside the west path to Lanark Road West (3.3.4&5). Although these appear to be welcome improvements, we have been unable to find sufficient detail in the application documentation to determine their suitability. We are also unsure whether the proposed improvements are sufficient; for example, another path in the vicinity which could be considered as a key part of the site's accessibility is the route which runs from Blinkbonny Road to the Water of Leith Walkway at the south-west of the site. The Society strongly recommends that any improvements are discussed in advance with the Council's access team and form a formal part of the planning application secured by a planning condition if consent is to be granted. Appropriate mitigation is especially significant as residential development on this site will inevitably lead to increased use of the path network in the vicinity. Furthermore, the Society requests that the recorded rights of way and other local paths identified remain open and free from obstruction before, during and after construction of the proposed development. Where temporary closure is deemed necessary for safety reasons, this should be for as short a period as possible and should be clearly signposted - an alternative route should also be made available where practicable. A blanket closure of the entire site for the period of construction would be unacceptable given the impact on the network of local routes. For the same reason, the closure of the footbridge and the vehicular bridge at the same time would be inappropriate, due to the effect on public access. We anticipate that any necessary closures would take place through close liaison with the Council's access team. We further request that the Society is kept informed of any temporary closures in order that we can help disseminate information to concerned members of the public. It is unclear whether the line of right of way LC49 at the west end of the site has been safeguarded.

*The Society has seen no detail as to how the development's impacts on public access during construction are to be managed. There is also a lack of information regarding the necessary improvements to public accessibility in the vicinity of the site. For the reasons outlined, the Society must submit a holding objection to this application. Neither the Society nor its individual officers carries professional indemnity insurance and in these circumstances any advice that we give, while given in good faith, is always given without recourse. I hope the information provided is useful to you. Please do not hesitate to contact me if you need more detail or if you have any queries.*

## **SEPA**

*Further to J.Brian McAllister's e-mails of 11 November 2014 in response to SEPA's concerns in connection with the approval of matters specified in condition (from approved consent 12/04126/PPP) we are now in a position to remove our objection in relation to the discharge of condition 8.*

*Please note the advice below.*

*Advice for the planning authority*

### *1. Flood risk*

*1.1 We previously provided pre-planning comments on a Flood Risk Assessment (FRA) and did not object when we received the application for planning permission in principle. Based on the approval of matters that was submitted, the only condition that appeared to be relevant in terms of flood risk was number 8 pertaining to the design of retaining structures and the new bridge. As a result of the information provided, we highlighted issues with bridge design and requested clarification regarding the areas to be cut and filled to ensure there was no increase in flood risk to the development or elsewhere.*

*1.2 The FRA highlights that although the majority of cut and fill is to be done above the 1:200 year flood level, some will be undertaken within the 1:200 year flood level. Of the alterations that are to be done within the 1:200 year flood level, cross-sections 4-4, 5-5, 6-6, A6, and A7 show filling in of some of the 1:200 year flood plain. Based on Table 1 of the FRA, the works to the channel will have a negligible effect on flood levels and as such the FRA has addressed our previous concerns.*

*1.3 An overland flow path has been proposed to reduce any flood risk from bridge blockage. We support this proposal.*

*Detailed advice for the applicant*

### *2. Flood risk*

*2.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit [http://www.sepa.org.uk/flooding/flood\\_maps.aspx](http://www.sepa.org.uk/flooding/flood_maps.aspx).*

*2.2 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.*

*2.3 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information*

held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice inline with the phases of this legislation and can be downloaded from [www.sepa.org.uk/planning/flood\\_risk.aspx](http://www.sepa.org.uk/planning/flood_risk.aspx).

## **Transport**

*I have no objections to the application subject to the following conditions and informatives being applied:-*

*Prior to the issuing of the consent the developer to enter into a suitable legal agreement to make provision for the following:-*

- a) *Design and construct traffic signals to include pedestrian phases on all legs at the Blinkbonny Road / Lanark Road West junction. The design to include all necessary engineering works to facilitate all traffic movements through this junction. Work to be completed to the satisfaction of the Director of Services for Communities prior to any works commencing on site.*
- b) *Design and construct pedestrian facilities (puffin crossing and refuge island) to the west of the Blinkbonny Road / Lanark Road West junction.*
  - 1) *Puffin crossing on Lanark Road West to the west of the westernmost footpath leading from the new development. The location of the crossing to be agreed with the Director of Services for Communities prior to construction. The developer or his agent to carry out a consultation exercise with the residents prior to construction.*
  - 2) *Construct a refuge island in proximity to the easternmost footpath from the development.*
  - 3) *Upgrade to adoptable standards the east and west footpaths leading from the development to Lanark Road West. This will include street lighting and upgrading works to the existing pedestrian bridge.*
  - 4) *Provide a footway, to a design approved by the Director of Services for Communities on the existing south east verge of Blinkbonny Road to link to the proposed footway at the eastern most boundary of the application site to the footway on the south side of Lanark Road West.*
- c) *The developer to fund all the costs in relation to providing new waiting and loading restrictions at the following:-*
  - 1) *Within the development site.*
  - 2) *On the existing road between Blinkbonny Road and the development site.*
  - 3) *On Lanark Road West at the puffin crossing.*
  - 4) *On Lanark Road West at the refuge island.*
  - 5) *On Lanark Road West at the signalised junction*

*(Reason:- To provide a safe road network and prevent indiscriminate parking)*

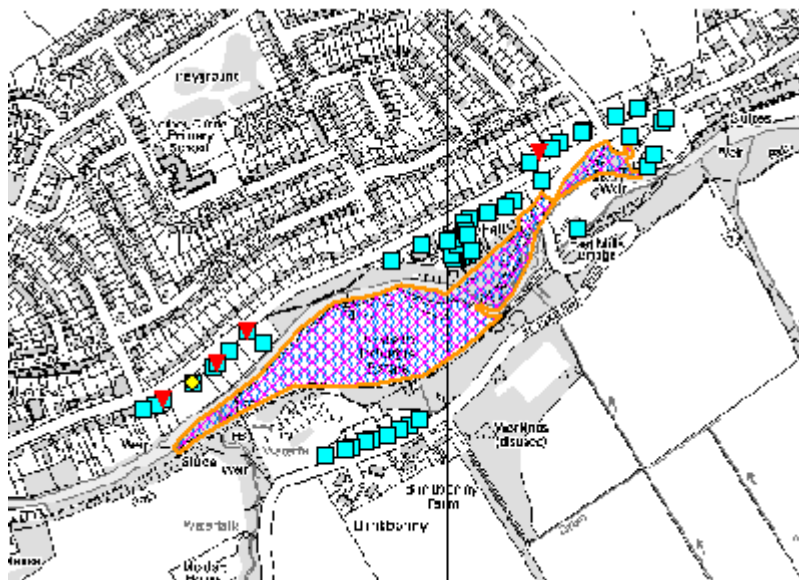
*Informative*

*All roads within the development site will be built to an adoptable standard and will be subject to a Road Construction Consent application.*

*A Stage 2 road safety audit will be required for all aspects of the development, existing roads as well as the proposed roads.*

## Location Plan

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**END**