

Development Management Sub Committee

Wednesday 18 November 2015

**Application for Planning Permission 14/04860/FUL
At Land 296 Metres South Of 17, Frogston Road East,
Edinburgh
Residential development (633 units)(with small scale
commercial units) with associated roads, footpaths, parking,
landscaping and open space plus site for new Primary
School.**

Item number	7.2
Report number	
Wards	A16 - Liberton/Gilmerton

Summary

The proposal is contrary to the Edinburgh City Local Plan in terms of the development of a site in the green belt. However, the Second Proposed Local Development Plan allocates this site for housing and provides a site brief for the development of this site. The application has been assessed in terms of its impact on amenity, infrastructure and the landscape and with appropriate mitigation, the development is acceptable. There are no material considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LPC, CITD1, CITD2, CITD3, CITD4, CITD5, CITD6, CITD8, CITE9, CITE10, CITE11, CITE12, CITE17, CITE18, CITH1, CITH2, CITH3, CITH4, CITH7, CITCO1, CITCO2, CITT1, CITT2, CITT4, CITT5, CITT6,
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Report

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Recommendations

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

Background

2.1 Site description

The site is approximately 30 hectares in area and is bounded by Frogston Road East (B701) to the north and Burdiehouse Road (A701) to the east. It is bounded to the west by Broomhills Road with the Burdiehouse Burn to the south.

The site comprises an open field located within the green belt. It undulates throughout and rises to a pronounced knoll, sloping away gradually to the south and east. To the west, Broomhills Road is lined by semi-mature trees, which leads to Broomhills Cottages and farmstead. The Burdiehouse Burn traverses the south of the site alongside sparse tree cover. High voltage power lines cross the southern extent of the site, which adjoins a large electricity sub-station adjacent to the City Bypass.

To the north and east, the site is bounded by the established residential areas of Mortonhall, Kaimes, Gracemount, Burdiehouse and Southhouse. These residential areas comprise mainly of two storey housing, although there are also some single storey cottages and three/four storey flats.

The site is well served by public transport routes as it lies within close proximity of a main transport corridor into the city (the A701). There is retail provision in the form of local shops located approximately 710 metres to the east at Gracemount (from the closest point of the site). Larger retail units are located within the Straiton Retail Park, approximately 840 metres to the south (from the closest point of the site).

2.2 Site History

There is no relevant site history.

Main report

3.1 Description Of The Proposal

Full planning permission is sought for the erection of 633 residential units (including 25% on-site affordable provision of 158 units), 572 square metres of commercial space and associated access roads, landscaping and open space. The site also includes an area for a new primary school.

The residential units comprise 560 houses and 73 flats. The houses comprise two storey terraced, semi-detached and detached units. The flats are located around the main entrance from Burdiehouse Road and are three and four storeys in height. The affordable units are proposed to comprise of 55 flats and 103 houses.

Materials proposed are reconstituted stone and dry dash render for the external walls and recycled uPVC windows and doors, with concrete roof tiles.

Also proposed is 570 square metres of commercial space, comprising class 1 (retail), 2 (financial and professional uses) and 3 (food and drink). It is proposed that these units are located on the ground floor of the flats at the entrance to the development off Burdiehouse Road.

Access for cars and buses is taken from a new proposed junction off Burdiehouse Road onto a main orbital spinal route through the site to an additional entrance on Frogston Road East. This main route is tree-lined on one side with parking serving housing units on the other. Pedestrian and cycle access is proposed to be taken from several points around the site, comprising three separate points of access off Frogston Road East and three accesses off Burdiehouse Road and Old Burdiehouse Road.

Parking for the flats is located in courtyards to the rear of the units where 66 spaces are proposed. Cycle and refuse storage is provided for each block within secure storage areas. Parking for the houses is provided at a rate of 1-2 spaces per unit, depending on the size of unit.

Open space is proposed in the form of a central park and green wedges throughout the southern portion of the site. The central park is proposed to be 3.1 hectares in area and includes two playparks, paths and an artwork feature. The green wedges provide amenity space as well as contributing towards the water environment and total 6.9 hectares in area.

In order to mitigate infrastructure issues, it is proposed that the Kames junction is upgraded. Also, there is an area of land within the site that is reserved for the provision of a new primary school. This site is two hectares in area and is located in the north east of the overall site.

Previous Schemes

The development has undergone several minor changes through the course of the assessment, including changes to the layout of some of the units and changes to the SUDS. The general layout has remained unaltered.

Supporting Information

The following documents were submitted in support of the application:

- Air Quality Impact Assessment;
- Archaeological Desk-Based Assessment and Evaluation Data;
- Ecological Habitat Survey;
- Flood Risk Assessment and Drainage Strategy;
- Housing Land Assessment;
- Landscape Maintenance and Woodland Management Strategy;
- Landscape Strategy Document;
- Planning Statement;
- Planting Schedule;
- Play Area Schedule;
- Tree Survey;
- Contextual Views and Visibility Analysis;
- Design and Access Statement;
- Landscape and Visual Impact Assessment;
- Pre-application Consultation Report;
- Transport Assessment, and
- Site Investigation Report.

These documents are available to view on the Planning and Building Standards Online Service.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of residential development is acceptable;
- b) there is an effective 5 year housing land supply;
- c) this is an effective housing site;

- d) there are any infrastructure constraints;
- e) the development will have an adverse impact on the landscape;
- f) the scale, design and layout of the proposed development is acceptable;
- g) there is sufficient amenity for existing neighbours and future occupiers, and the affordable housing provision is acceptable;
- h) the proposal will affect local biodiversity or ecology;
- i) the proposal will raise drainage, flooding, ground stability or contamination issues;
- j) the proposal will have any air quality, transport or access implications;
- k) the development will have any adverse impact on any archaeological remains;
- l) the proposal will meet sustainability criteria;
- m) the proposal will have any equalities or human rights impacts; and
- n) the comments raised by third parties have been addressed.

a) The Principle of the Development

Scottish Planning Policy

Scottish Planning Policy (SPP) (2014) accepts there may be appropriate circumstances to justify development in the green belt. It states that where a development plan is out-of-date, a presumption in favour of sustainable development will be a significant material consideration. It also states that where there is a shortfall in the five year effective housing land supply, the development plan will not be considered up-to-date. Effective land supply is the part of the established housing land supply which is free (or expected to be free) of development constraints in the period under consideration and will therefore be available for the contribution of housing.

The methodology for measuring the adequacy of the effective housing land supply is under consideration by SESplan. However, as explained in section 3.3(b), it is accepted that there is currently a shortfall in Edinburgh. Accordingly, development plan policies on the supply of housing land are not up-to-date and SPP's presumption in favour of sustainable development is an important material consideration which must be afforded significant weight.

Paragraph 110 of SPP states that the planning system should:

- identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a five-year supply of effective housing land at all times;

- enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and
- have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.

The inclusion of Broomhills as a housing site in the Second Proposed Local Development Plan accords with the requirements of SPP as it is an effective housing site (see section 3.3(c)) and will enable the delivery of an allocated site within a five-year period. The merits of the design and layout of the proposal are discussed in section 3.3(f), however it is concluded that this site accords with the principles of SPP.

Strategic Development Plan (SDP/SESplan)

Strategic Development Plan Policy 1A outlines the spatial strategy for the SDP area including the identification of 13 Strategic Development Areas. South East Edinburgh is identified as a Strategic Development Area and the application site falls within this area.

Although this site lies within the South East Edinburgh Strategic Development Area (SDA), it does not mean that all land within the SDA is suitable for housing development in principle. Paragraph 46 of the SDP confirms that the scale of any additional housing allocations will be determined through local development plans (LDPs) following the preparation of SESplan supplementary guidance taking into account environmental and infrastructure constraints. The SDP requires the definition in LDPs of a green belt around Edinburgh for a number of stated purposes. Several areas of significance to the Edinburgh Green Belt lie within the South East Edinburgh SDA, and SDP Policy 1A requires LDPs to take account of such environmental constraints. A comprehensive assessment of all available greenfield land in South East Edinburgh was undertaken to inform the Proposed Local Development Plan (set out within the Revised Environmental Report, March 2013 and Second Revision, June 2014). It forms part of the Strategic Environmental Assessment of the Local Development Plan and provides an assessment of significant negative or positive effects that land use change and development may have on the environment.

This site is categorised as 'West of Burdiehouse Road' in the Housing Site Assessment in the Environmental Report. The overall assessment of this site finds that it has potential to accommodate development, subject to additional planting, although the elevated land in the centre of the site is too prominent and not suitable for development. This is reflected in the layout of the current development proposal.

Scottish Planning Policy (SPP) and SDP Policy 7 require a five year effective housing land supply to be maintained. Sites within the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain a five year effective housing land supply, subject to the development being in character with the settlement or local area, the development not undermining green belt objectives and any additional infrastructure required by the development being committed or to be funded by the developer. The housing site assessment criteria (as noted above) reflect the criteria included within SDP policy 7 and conclude that the site is suitable for development. The criteria are examined in 3.3(a), however, it can be concluded that the proposal complies in principle with Policy 7 of the SDP.

There is currently a shortfall in the five year effective land supply. The Second Proposed Local Development Plan (LDP) identifies sites to meet the SDP housing requirements and this site is an important contributor to address this shortfall.

Therefore, the proposal is in accordance with the aims of the Strategic Development Plan.

Adopted Edinburgh City Local Plan (ECLP)

As the site lies within the green belt, ECLP policy Env 10 is relevant to the assessment of the proposal.

Criterion a) of policy Env 10 states that development in the green belt will not be permitted except for the purposes of agriculture, woodland and forestry, or for a countryside recreational use that is compatible with an agricultural or natural setting. The proposal for residential development does not conform with the above uses and as such does not comply with criterion a) of Env 10.

Criteria b) and c) apply only to existing buildings and existing non-conforming uses within the green belt and are therefore not relevant in the assessment of this application.

In addition to being contrary to green belt policy, the proposal does not comply with policy Hou 1 (Housing Development). Criterion d) of Hou 1 specifies that housing development will be permitted on other suitable sites within the urban area, if proposals are compatible with other plan policies. This site is not within the urban area and therefore does not comply with Policy Hou 1.

To summarise, the proposal does not comply with Edinburgh City Local Plan policies Env 10 and Hou 1.

Second Proposed Local Development Plan (LDP)

The Second Proposed LDP allocates this site as housing site HSG21. The site was also identified as a housing proposal (HSG21) in the first Proposed LDP (March 2013). The southern edge of the site remains an 'Area of Importance to Flood Management' under Policy ENV21 and a Local Nature Conservation Site under Policy ENV15.

The representation period for the first Proposed Plan ran from 1 May 2013 until 14 June 2013. During this time, representations were received from over 2,200 individuals and organisations, a number of which are directly relevant to this application.

There were 489 representations to proposal HSG21, the majority of which were objecting to the principle of development and requesting that the proposal be removed from the plan. The representations were mainly from individuals with one from a Community Council and one from a Community Group. There were two supporting representations and these are set out in the LDP Schedule of Representations, June 2014. The majority of representations were objecting to the principle of development and requesting that the proposal is deleted. Other representations related to detailed considerations such as drainage, transport and infrastructure constraints.

Having regard to all the representations received, the site remains an appropriate housing site and is being progressed through the Second Proposed LDP.

The Second Proposed LDP was approved at Planning Committee on 19 June 2014. The Planning Committee approved a new Development Plan Scheme (DPS) for the LDP on 19 June 2014 and the LDP is now with the Scottish Ministers for examination.

As noted above, the site is identified as a housing proposal in the Second Proposed LDP. The application is therefore in accordance with LDP policy Hou 1a) (Housing Development), which supports development on sites allocated in this Plan to meet strategic housing requirements.

The application proposes 633 dwellings which is above the upper capacity range stated in the Second Proposed LDP of 595 units. The increase in numbers is due to a smaller park being proposed than originally envisaged. Although the number of units is greater than stated in the Second Proposed LDP, the increase is supported as it helps to address the shortfall in housing land supply and the reduction in the size of the park is acceptable (see section 3.3(e)).

The Second Proposed LDP contains site briefs for each of the new housing allocations. The development principles for this site as set out in the Brief are discussed in more detail in section 3.3(f). However, in general terms, the proposal is in accordance with the Brief.

The Role of Windfall Sites

In meeting the housing land requirement, the Council is relying on substantial windfall development on top of the base land supply and strategic allocations made in the Proposed LDP. The SDP assumed around 5,000 windfall completions in Edinburgh up to 2024. The Housing Land Study, carried out to support the Proposed LDP, assumes 5,200 completions on windfall sites to 2024. The contribution of windfall sites, as well as LDP allocated sites, is a necessary part of meeting our housing land requirement. Therefore, granting consent for windfall sites does not negate the requirement to allocate additional sites to meet the land supply.

Further to this, granting planning permission for a windfall site does not automatically make a site part of the effective land supply. The Council is required to maintain a five year supply of effective housing land at all times and currently this is not the case. Therefore, this site is important in meeting the Council's housing land requirement.

'In Principle' Conclusion

In conclusion, the application is contrary to policy Env10 in the ECLP and is therefore a departure from the adopted Local Plan. However Scottish Planning Policy and the Strategic Development Plan require a five year effective housing land supply to be maintained at all times. The City of Edinburgh Council area does not currently have a 5 year effective housing land supply.

The proposal meets all of the criterion within SDP policy 7. The Second Proposed LDP allocates additional sites to meet the Council's housing requirement. The site was identified as a housing proposal in the first Proposed LDP and is also included in the Second Proposed LDP. The principle of residential development on this site is therefore supported and complies with proposal HSG 21 and policy Hou1a) in the Second Proposed LDP.

Consideration has been given to whether granting planning permission in advance of adoption of the Local Development Plan would prejudice the emerging plan. In this instance, it is not considered premature to do so because the LDP housing site assessment demonstrates that the proposal accords with SDP policy 7, the cumulative infrastructure requirements have been established and account has been taken of relevant representations submitted to the first Proposed LDP. The need to maintain a five year effective housing land supply is also a consideration.

The proposal is a departure from the Development Plan. However, notification to Scottish Ministers is not required in this instance as the development is not a significant departure from the Development Plan and the Council does not have an interest in the site.

b) Housing Land Supply

The adopted SESPlan Housing Land Supplementary Guidance (SG) was published in November 2014. It sets housing land requirements for each of the six Council areas as required by SDP Policy 5 Housing Land. The SG sets a housing land requirement for the City of Edinburgh Council area of 29,510 homes. It provides an indication of what this may mean in terms of new allocations within and outwith Strategic Development Areas. However, this should only be determined in detail through the LDP process. Based on the adopted SESplan Supplementary Guidance and latest Housing Land Audit (2014), the total effective housing land supply for Edinburgh is 92% of the required five year target. The shortfall in the current land supply equates to 847 units. This site is counted in the Audit as contributing towards that supply.

As noted above, SPP requires the identification of a generous supply of land within the Plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a five-year supply of effective housing land at all times. SDP Policy 7 also requires a five-year effective land supply to be maintained. Sites may be allocated in LDPs or by granting planning permission to maintain a five-year effective land supply, subject to the development being in character with the settlement or local area, the development not undermining green belt objectives and any additional infrastructure required by the development being committed or to be funded by the developer.

Whilst there is currently a shortfall in the five-year effective land supply, the Council is committed to bringing forward housing sites as quickly as possible in a plan-led manner.

c) Effectiveness of the Site

Planning Advice Note (PAN) 2/2010 sets out a number of criteria which should be used to establish whether a site is effective. It notes that not all of the sites in the housing land audit will be effective, and it is important that the audit distinguishes effective, i.e. unconstrained sites, from those that are affected by constraints which cannot be overcome in time to contribute to the housing land requirement. The decisions and assumptions around effectiveness and programming are crucial to the accuracy and usefulness of the data in the audit and therefore merit careful consideration.

To assess any site (or a portion of a site as being effective), it must be demonstrated that within the five-year period beyond the date of the audit, the site can be developed for housing (i.e. residential units can be completed and available for occupation) and will be free of constraints on the following criteria:

Ownership: This site is in the ownership or control of a party who can be expected to develop it within a reasonable timescale.

Physical: This site is free from constraints relating to slope, aspect, flood risk, ground stability and vehicular access.

Contamination: The previous agricultural use of this site is not expected to have resulted in any undue contamination of the site, although this is examined in (h) below.

Deficit funding: There is no public funding required to make residential development economically viable on this site. Although the site contains an area for a new school, the delivery of the school is the responsibility of the Council as Education Authority.

Marketability: The site can be developed in the period under consideration.

Infrastructure: This is examined in (d) below as the required infrastructure should be provided by the developer to accommodate the development.

Land Use: Housing is the preferred use of the land in planning terms in order to contribute towards providing a five-year land supply.

It can be concluded that this site is effective in terms of the criteria contained within PAN 2/2010.

d) Infrastructure Constraints

The two main infrastructure issues relating to this site are transport and education.

The Second Proposed Action Programme (Updated May 2015) accompanies the Second Proposed LDP and sets out how the authority proposes to implement the LDP by aligning its delivery with corporate and national investment in infrastructure. The Action Programme sets out actions to help mitigate the impact of strategic and planned growth and to deliver the policies and proposals identified in the Proposed Plan.

This site is identified as being within the South East Edinburgh Strategic Development Area. Within this area, there are site-specific actions identified for this application site. In relation to transport, there is a requirement to reconfigure the Kaimes junction to ease congestion for north/south traffic. The estimated cost for this junction upgrade is approximately £500,000 and this is proposed to be met by the developers for both this application site (HSG 21) and the Burdiehouse site (HSG22, application reference: 14/04880/FUL).

In relation to education, the Action Programme includes two options for actions across this part of South East Edinburgh. Option one is the provision of new primary schools at Gilmerton and on this site at Broomhills. There is also a need for additional capacity at the catchment secondary schools (Liberton High School or Gracemount High School) although further detailed assessment is required to determine where the additional capacity is best provided. Option two is the provision of extensions onto the existing primary schools (Gracemount, Gilmerton and possible extensions to Liberton and Craigour Park if required due to catchment changes). The contributions levels have not yet been established for option two.

In terms of contributions, option one potentially requires the greater financial input. The figure is still to be finalised, however it is expected to be around £14,000,000. The applicant has confirmed that it is willing to transfer the land ownership of a two hectare area of serviced land within the application site boundary to the ownership of the Council in order for the Council to then construct and operate a new primary school. The developer will also pay a sum in order to cover the remaining contributions required for this site.

The applicant has agreed to pay the appropriate levels of contributions towards the relevant transport and education infrastructure actions. This will mitigate any infrastructure impacts in the wider area and is supported.

e) The Impact on the Landscape

Edinburgh City Local Plan policy Env 11 relates to landscape quality and states that planning permission will not be granted for development which would damage or detract from the overall character of important topographical or landscape features. The impact of development on this site on the landscape was a consideration during the preparation of the Local Development Plan and the basic parameters of developing this site were considered acceptable. However it now requires detailed consideration.

The impact of the proposed development on the landscape requires consideration of its effects on (i) the landscape character and resources and (ii) visual amenity. Landscape impacts describe the effects of the proposals on the physical character and quality of the landscape. Visual impacts describe the effects of the development on visual receptors such as existing local residents, walkers and road users.

The current landscape character of the site is a landscape disjointed by electrical and transport infrastructure but which benefits from exceptional views across to the Lothians and the Pentlands Regional Park. The landscape and visual impact of the proposed development requires consideration against this character and within the context of the surrounding suburban context.

In terms of the impact of the development on the landscape character and visual amenity, the site currently has a strong visual connection with the undulating countryside surrounding it and the Pentland Hills beyond. The site benefits from well-established tree groups which serve to create visual separation from adjacent areas as well as promoting a high-quality urban fringe character, particularly when viewed from the south looking northwards. The electrical switching station already has a significant visual impact on much of the surrounding land and is visible by road users along the bypass, as well as the A701 Burdiehouse Road and Frogston Road. Local recreational receptors also have their views governed by the large scale electrical infrastructure which runs across the skyline adjacent to the southern boundary of the site.

With the exception of the view experienced by the residents of the 29 houses along Old Burdiehouse Road, Janefield and Frogston Road East, the visual impacts of the development is assessed to be minor adverse. While a development of this scale will substantially change the existing landscape character and setting of the city, the site has the ability to accommodate residential development of an appropriate style and density. The visualisations show a development aligned with the existing site contours and structured by layers of tree planting and greenspace. Outward views from the site to Arthur's Seat and the Pentland Hills will be maintained by similar breaks in development.

The Local Development Plan (proposal GS9) requires a 5 hectare park on the high point of the site. Through detailed site design, this area has been reduced and is now 3.1 hectares in area. Although there is a reduction in the size of the park, it still meets the minimum quantitative standard set out in the Open Space Strategy. In addition, the design of the park addresses the Council's open space quality standards and the park and play facilities are positively addressed by housing on all sides and provide a safe route and strong relationship to the proposed school site. Whilst the park has reduced in extent, consideration has been given to the appearance of the site in views from the wider landscape. Development is set below the ridgeline and is structured by green wedges and avenue tree planting along the main street which circumscribes the hill.

The configuration of a central park and inclusion of green wedges, coupled with the proposed tree buffer of 20-30 metres, reduces the need to provide a full 50 metre wide planted boundary to the south and east of the site. The tree survey submitted with the application shows that tree cover is restricted to the site boundaries, with no significant tree or shrub growth within the main part of the site. A row of mature field boundary trees forms the north boundary along Frogston Road East and these are mainly sycamore and beech. An established shelterbelt forms the west boundary and comprises ash, Corsican pine, lodgepole pine and larch. Trees within the shelterbelt are still relatively young (around 15 years) and have a height of 12-14m and stem diameters of 20-25cm. A further area of young plantation woodland runs along the edge of the Burdiehouse Burn in the south, comprising mainly ash and oak. Trees here are younger and smaller at only 6-8m height. Two small sections of hedgerow are established along the east boundary and include specimens of Norway maple, common alder, hawthorn and elder amongst lower shrub growth. The majority of these trees will be retained with the exception of the removal of the trees at the vehicular entrance point on Frogston Road, where 6 trees are required to be removed. However, the loss of these trees will be offset by the planting of 12 semi-mature trees at the site entrance, which is acceptable.

To ensure the long-term mitigation of development upon the landscape, a Tree Preservation Order will be applied to existing and new trees and woodland on site. A logical programme of phasing, in relation to residential completions and prior to occupation, is secured through appropriate conditions alongside details of maintenance responsibilities in perpetuity.

In order to ensure an appropriate and sensitively-designed lighting strategy that is suitable for this landscape, a condition is recommended for further details to be submitted in this regard.

Landscape Conclusion

The site is currently agricultural land and therefore its character will intrinsically change under the proposals for residential development. Foreground views to the Pentland Hills will be altered when viewed from areas around Burdiehouse Road and Frogston Road, however the backdrop views of the hills will be maintained, and to the inclusion of the central parkland within the site where there will be no buildings aids the visual transition to the hills. The additional planting within the site will help integrate the proposals with the surrounding green belt land and the existing residential developments. Overall, the proposal is acceptable in terms of its impact on the landscape.

f) Scale, Design and Layout

In assessing the scale and form of the proposal, policies Des 1, Des 3 and Des 4 of the ECLP and the Edinburgh Design Guidance provide a robust framework for assessing design quality. The site is also covered by the Broomhills Site Brief within the Second Proposed LDP. It is one of two proposed housing sites in this area, the other being Burdiehouse (HSG 22).

Policy Des 1 states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a high quality, sustainable living environment. In terms of assessing this proposal against policy Des 1, the surrounding built environment is a mix of heights, styles and age with varying materials. The layout of the proposed development would contribute towards the existing quality and character of the immediate and wider environment by having a similar spatial form to surrounding areas of Mortonhall and Kaimes and would provide pedestrian permeability from these areas to the new central park.

Policy Des 3 states that developments should have a positive impact on their setting having regard to the positioning of buildings on the site, their height, scale and form, materials and detailing and wider townscape and impact on views. In assessing the development against policy Des 3, there are several other examples within the locale (particularly along Burdiehouse Road) where the heights of the buildings vary and it is not uncommon throughout the wider area to see a range of building heights in adjacent buildings. Within the streetscape, the existing views to the Pentland Hills and across to Arthur's Seat would be materially affected as a result of the proposal. However, the buildings have been positioned so that views are maintained, albeit housing will form the foreground view.

The Edinburgh Design Guidance states that in new suburban developments, it will be expected that a range of different housing types will be provided and that these will be laid out to give a range of different types of streets and spaces. This proposal conforms to this principle of the guidance by providing a range of different house types (there are 30 different house and flat types proposed across the site) and the development is laid out to provide streets and spaces with different characters and functions.

The Broomhills Site Brief requires that these sites integrate new homes with the existing townscape and landscape setting, whilst enhancing important approaches to the city through street design. The key development principles of the Brief are:

- Vehicular access to be taken from Frogston Road East and Burdiehouse Road with no direct route between the two access points. No vehicular access to be taken from Broomhills Road.
- Opportunity to change the character of Burdiehouse Road through street design, to enable and improve path connections across Burdiehouse Road, provide street verges and trees and create residential frontage with a reduced speed limit.
- A new 5 hectare public park to be provided on the highest part of the site in line with open space proposal GS9 to reflect landscape constraints of elevated terrain and outward views to the Pentland Hills and city skyline.
- A 50 metre wide tree belt should be provided to create a strong green belt boundary to the south and west of the site. This should incorporate existing tree cover, provide habitat enhancements integrated with SUDS provision and include a multi-user path to connect Burdiehouse Burn Valley Park to path networks at Morton Mains and Mortonhall.
- Provide a green corridor incorporating pedestrian and cycleway connections through the site from Old Burdiehouse Road.

In terms of the assessment of this proposal against the Brief, two vehicular accesses proposed are in accordance with the Brief. There is a route between Frogston Road East and Burdiehouse Road which is contrary to the Brief. However, this route has been designed to be convoluted in order to deter drivers from using it as a rat run during busy periods. There are improved path connections across Burdiehouse Road as a result of a new junction and the proposed flats on the frontage of Burdiehouse Road create a residential frontage, both are in accordance with the Brief. In terms of the park, the proposed park is 3.1 hectares in area. This is two hectares less than the Brief. However, discussions during the pre-application stage determined that a park of three hectares would be sufficient in order to meet the Council's large greenspace standards. This also allows for the provision of additional units over and above the Brief's upper capacity of 595 units.

A series of design workshops took place between November 2013 and August 2014 with the Council, the applicant and Architecture and Design Scotland (A+DS). A+DS submitted a project appraisal following the final workshop session and awarded the project a rating of 'Well Considered and Supported (Level 2)'. This award was conditional on the basis that the outstanding issues raised in the appraisal were addressed. The outstanding issues included matters such as landscaping details, built forms and road frontages. These issues have been addressed by the applicant and the proposal has been amended to take cognisance of the outstanding issues raised by A+DS by incorporating additional tree planting, having a strong road frontage and revising the layout of the rear courtyards to the flats.

Design Conclusion

The layout is an appropriate design response for the site with a mix of detached, semi detached, terraced housing and flats. The heights of the buildings reflect those in the existing area. The use of detailed design elements such as enhanced gables and setbacks help to provide the development with some character and sense of place. The design of the buildings is of a simple traditional design. The proposed materials are appropriate. Vehicular accesses are proposed in accordance with the Brief.

In terms of scale, layout, design and materials, the proposals are acceptable.

g) Amenity for Existing and Future Residents and the Affordable Housing Provision

Existing Residents

The existing residents most affected by the proximity of the proposals are located to the east on Burdiehouse Road at Janefield and Old Burdiehouse Village; and to the north on Frogston Road East. The properties at Janefield sit at an elevated position to Burdiehouse Road and the proposed houses to the rear would sit approximately six metres lower. Therefore, while the immediate outlook of the existing properties would change from open fields to houses, there would be no impact on privacy or overlooking as a result of the proposals. The properties on Old Burdiehouse Road to the south east of the site are approximately 45 metres from the nearest proposed housing, although the new housing will sit approximately five metres higher than those on Old Burdiehouse Road. However, since there is a considerable distance between the existing and proposed houses, the amenity will not be affected. Similarly, the properties to the north on Frogston Road East benefit from large gardens and due to the layout of the proposed development, gardens of the proposed houses would back on to the gardens of the existing properties. There would therefore be no impact on privacy or amenity of existing residents.

It is acknowledged that the immediate outlook from existing residents will be altered, as will longer views across the site from the wider area. However, the role of the planning system is not to protect private views and while longer views across the site will be altered, the amenity of residents will not be detrimentally affected.

Overall, although the character of the site will change, the amenity of existing neighbours has been assessed and there will be no impact on privacy, overlooking or overshadowing of existing properties.

Future Residents

The mix of unit sizes and house types has a significant impact in ensuring a varied and sustainable community. This mix should respond to the differing needs of residents, immediate site conditions and to citywide objectives. The Edinburgh Design Guidance states that in schemes with 12 units or more, 20% of the total number of homes should be designed for growing families. These types of homes should have three or more bedrooms, have good levels of storage and have direct access to private gardens (for example via patio doors or private external stairs) or safe play areas for children.

This proposal offers 34% of properties across the site with three or more bedrooms. These are in the form of terraced, semi-detached and detached houses and are proportioned with at least 81 square metres of internal floor areas, as per the guidance. There is adequate storage within these properties and they benefit from direct access into a garden. In addition, the site has been designed on an urban block basis, where the majority of houses are separated by back gardens of 9 metres. The development will provide a minimum of an 18 metre window to window distance and therefore sufficient privacy is afforded between properties. The properties have also been positioned within the site to ensure that there are no issues with daylighting and sunlight. The properties on the southern and eastern edges of the development have been repositioned to allow for passive surveillance of the wooded areas and provide a greener outlook.

In terms of the flats, there are no single aspect flats. All flats will receive adequate amounts of sunlight and daylight in accordance with the Edinburgh Design Guidance. There is adequate amenity space for the flats in line with the Edinburgh Design Guidance and they benefit from being set within a landscape that has been designed to maximise the amount of amenity afforded to them.

The planning application is accompanied by a Noise Assessment, which considers likely effects from road traffic at Frogston Road East, Burdiehouse Road and the Edinburgh City Bypass on residential amenity within the proposed development. The Noise Assessment states that the proposed development has the potential to be impacted by noise from road traffic, but only where there are windows facing directly onto Burdiehouse Road. The assessment concludes that noise impacts from adjacent electricity pylons would be much less significant than road traffic. However these cannot be quantified because the high background noise from the Bypass masks other noise sources. The assessment recommends a minimum specification of noise insulation within the proposed dwellings to provide a reasonable level of amenity protection within habitable rooms, thereby avoiding sleep disruption and minimising amenity impacts. The development proposes an acceptable level of insulation and this can be secured by a condition of the planning permission. Therefore, in relation to the protection of residential amenity, the proposed development is acceptable.

In addition to the residential properties on site, commercial space is also proposed within the ground floor of the units adjacent to Burdiehouse Road. It is envisaged that small corner shop-style retail units will occupy the spaces. This will provide local facilities and amenities to the new residents, as well as existing residents close by, and may reduce the number of car trips to other areas to use similar facilities. With regards to the impact of the commercial units on neighbouring amenity, a condition is recommended in order to control noise levels.

With regards to the affordable housing, these homes are proposed to be a mixture of flats and houses which would be provided using the principles of tenure blind construction. The homes are proposed to consist of varying house types and sizes and will be made up of one, two and three bedroom homes and are located around the entrance to site from Burdiehouse Road. The units meet the minimum space standards as set out in the Edinburgh Design Guidance. Housing and Regeneration is satisfied with the level, type and location of the affordable units.

Overall, the design of the units provides the appropriate amount of amenity for future occupiers and is in accordance with the Edinburgh Design Guidance. Mitigation measures for protection of the units from noise is acceptable and therefore the amenity afforded to new occupiers is acceptable.

h) Local Biodiversity or Ecology

The ecological report submitted in support of the application concludes that as the site is predominantly arable, it has limited ecological value with no notable habitats or species recorded on site. The Burdiehouse Burn is identified as being the most valuable habitat associated with the site, with an area designated as a Local Nature Reserve along the south of the site. Measures are required to be taken to ensure there is no compromise of the integrity or quality of the habitat. Whilst no otters were recorded, it is assumed that otters move along the burn. The ecological report recommends that conditions are attached to any planning permission relating to the protection of small mammals during construction. In this instance, informatives will be attached to the planning permission in this regard as it deals with this issue most appropriately.

Similarly, the clearance of vegetation from the proposed construction areas has the potential to disturb nesting birds and therefore clearance should be undertaken outside the bird nesting season (March to August inclusive). Should it be necessary to clear ground during the bird nesting season, the land should be surveyed by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts. An informative is also recommended in this regard.

Therefore, there will be no adverse impact on the Local Nature Reserve.

The implementation of development would increase the diversity of habitats and flora found on site, which in turn could support a greater range of wildlife. This would all be subject to successful implementation and management of the landscape works and biodiversity mitigation set out in the supporting documents.

Therefore, if the above measures are incorporated in accordance with the submitted reports and informatives, the development could increase the diversity of habitats on the site.

i) Drainage, Flooding, Ground Stability and Contamination

Drainage and Flooding

With regards to drainage, a drainage strategy for the new development shows that there are existing foul/combined sewers in three locations around the site.

In Frogston Road East to the north, in Burdiehouse Road to the east and alongside the Burdiehouse Burn to the south. It is proposed that the foul drainage for the area to the north of the central ridge outfalls northwards to discharge into the existing combined sewer in Frogston Road East. It is proposed that the foul drainage for the area to the south of the central ridge outfalls southwards to discharge into the existing combined sewer alongside the Burdiehouse Burn. The foul drainage for a small area of the site adjacent to the proposed new road access onto Burdiehouse Road may connect to the existing combined sewer in Burdiehouse Road. The design of the foul sewers will be in accordance with Sewers for Scotland 2 and it is intended that they will be adopted by Scottish Water. Microdrainage calculations were submitted and are acceptable to Flood Prevention.

A designated Area of Importance for Flood Management runs along the southern part of the site, adjacent to the SUDS proposal. With regards to flood risk, the Burdiehouse Burn flows along the southern perimeter of the site. SEPA has commented that it agrees with the flows used in the supporting flood risk assessment and drainage strategy document, as well as the application of sensitivity analysis. Based on the sensitivity analysis, there is a scenario which applies a 50% culvert blockage adjacent to the site and raises flood levels along the site by a maximum of 630mm. Even for this scenario, the highest flood level adjacent to the site is 122mAOD. Based on the topographic survey, the lowest property will be situated on ground levels approximately 126.5mAOD. As such, SEPA is satisfied that there is sufficient height difference between the site and the 1:200 year flood level when taking into account bridge blockage or an allowance for climate change. SEPA have also advised that a condition should be attached to the planning permission in this regard. The Council's Flood Prevention section is also satisfied that the proposals are acceptable.

Ground Stability and Contamination

In terms of ground stability, The Coal Authority reviewed the proposals and confirmed that the application site falls within the defined Development High Risk Area. Therefore within the application site and surrounding area, there are mining features and hazards which need to be considered in relation to the determination of this planning application. Coal mining information was submitted with the application and the report identifies that the application site has been subject to past mining activity, namely an adit (opening) for oil shale in the south-west corner of the site. Whilst this is not a coal mining legacy feature, it is included within the risk records of The Coal Authority and as such needs to be considered.

The Coal Authority has no record of what steps, if any, have been taken to treat the mine entry. The submitted report states that 'based upon the information presently available, mineral stability is broadly considered to be satisfactory. However, it would be considered prudent to further investigate the accurate location of the mine adit and its condition, as well as confirm the condition of the shale seams in the southern edge of the site in the event that any future development is to be located in this area.'

Whilst the mine entry poses no direct risk to the built development footprint, it does pose a risk to public safety in relation to the future occupiers. The development will result in the potential for increased informal public access into the area where the mine entry is located. Consequently, The Coal Authority recommends that the mine entry should be located and secured to prevent public access. This is addressed in a condition of the permission.

With regards to contamination, a site investigation report was submitted with the application. On the basis of the information supplied, the general categorisation of risks displayed in the conceptual model is acknowledged as indicating risks from identified contamination. This is in terms of an isolated elevated concentration of zinc and localised elevated concentrations of carbon dioxide to identified receptors in connection with development and are likely to be at a low and manageable level.

Nevertheless, the report identifies a degree of supplementary matters that require additional attention to ensure the site is sufficiently characterised and remediated to enable all interested parties to be in a future position to determine the land to be in a condition that is suitable for use. Therefore, further updates on ground conditions and amendments to the current ground model and conceptual site model are required. A planning condition is recommended to ensure the appropriate strategy is developed to an approvable standard and to further ensure the land is made suitable for the proposed use.

j) Air Quality, Transport and Access

Air Quality

Due to the size and density of the development, Environmental Assessment requested that the applicant assessed the potential impacts this proposed development may have on the local air quality taking into account any other developments in the area. The applicant submitted a supporting air quality impact assessment in which dispersion modelling was undertaken in order to quantify pollutant concentrations across the site and predict air quality impacts as a result of emissions associated with traffic generated by the development.

Exceedences of the relevant air quality objectives were not predicted at any location across the development site. Predicted impacts on nitrogen dioxide and Particulate Matter₁₀ concentrations as a result of operational phase emissions were predicted to be of a slight adverse significance near the Howdenhall Road/Captains Road junction. It is noted that there are residential properties in close proximity to the nearside kerb. The air quality impact assessment has highlighted that mitigation measures will be required for the construction phase to ensure dust is controlled. Environmental Assessment has considered the assessment and accepts its findings are based on the worst case scenario; as it has included nearby development sites that have been considered as committed development as recommended by Environmental Assessment.

However, Environmental Assessment is concerned with the density of the proposed development which is above that stated in the Local Development Plan and the resultant impacts this may have on the surrounding road network. Environmental Assessment has advised that an air quality issue may be created if all the other sites within the LDP achieve their maximum capacities. The problem is further exacerbated where there are appeal decisions (Gilmerton Station Road, for example) which far exceed proposed site densities. In these cases, Environmental Assessment may have to monitor the areas and declare an Air Quality Management Area in nearby streets depending on what the monitoring results are.

In terms of assessing this application against the comments from Environmental Assessment, there are a number of aspects to consider. Firstly, the applicant has provided data to show that there is no change in air quality between 600 and 650 houses. In addition, the additional units proposed on site will help address the Council's shortfall in housing numbers. Taking these into account, the additional 38 units on site will have no impact on air quality when compared to the Second Proposed LDP capacity of 595 units.

Transport Impacts

The main transport impacts as a result of this development would be on the Kaimes Crossroads, where Burdiehouse Road, Captain's Road, Frogston Road and Howden Hall Road meet. This junction is controlled by traffic lights and is currently operating above capacity. The site brief contained within the Second Proposed LDP stipulates a number of requirements to be taken into account in order to mitigate impacts of vehicle traffic on the existing road network. These include: vehicular access to be taken from Frogston Road East and Burdiehouse Road with no direct route between the two access points; no vehicular access (including emergency) to be taken from Broomhills Road; and the opportunity to change the character of Burdiehouse Road through street design, enabling and improving path connections across Burdiehouse Road, street verges and trees, and residential frontage with a reduced speed limit.

The proposal meets these requirements in terms of the access points, the street design and path connections. However, the main orbital route through the site connects Burdiehouse Road with Frogston Road East. The applicant has provided information to show that this route would take the same length of time to travel as it would to remain on the main road, thus offering no rat run for drivers wishing to avoid the Kaimes junction. Transport has offered no objections to this proposal.

In addition, the Action Programme that accompanies the Second Proposed LDP notes the following transport actions in the vicinity of the site:

- (T21) Burdiehouse Junction (Kaimes Crossroads). The reconfiguration of the junction is required to ease congestion for north to south traffic. This is further explained in the Second Proposed LDP as a 'proposal to increase junction capacity based on improved efficiency of traffic signals to ease congestion and maintain bus priority for north to south traffic.';
- Secure pedestrian and cycleway access from Old Burdiehouse Road linking to Burdiehouse Burn path (Broomhills Road);
- Street improvements to Burdiehouse Road; and
- Upgrade bus stops on Burdiehouse Road.

In assessing this application in terms of the traffic impacts, it is proposed that re-marking and phasing changes of the existing traffic light junction at the Kaimes Crossroads would alleviate traffic waiting at the junction. It is also proposed to install a Microprocessor Optimised Vehicle Actuation (MOVA) system at this junction. MOVA is a product developed to overcome problems associated with traditional vehicle actuation control, including queuing at a junction. It is more responsive to traffic conditions and often leads to a significant increase in capacity at a junction.

Transport has advised that this approach is acceptable, subject to an appropriate contribution being secured through a Section 75 agreement. The applicant has agreed to this.

Access

In terms of access, secure pedestrian and cycleway access is provided from Old Burdiehouse Road linking to Burdiehouse Burn path around the southern part of the site. This access continues onto Burdiehouse Road and over the existing crossing on to the Burdiehouse Burn path. Additional pedestrian and cycleway access is provided along Frogston Road East through the site and joining the other paths.

This network of paths is encouraged as it increases permeability across the site and into other areas.

k) Archaeology

Edinburgh City Local Plan policy Env 9 relates to the development of sites of archaeological significance.

The objective of any archaeological works is to determine the character, extent, condition, quality, date and significance of any sub-surface archaeological remains within the development area and if significant archaeological deposits are discovered a mitigation strategy should be prepared compliant with Scottish Planning Policy (2014) and Planning and Archaeology 2/2011 (2011).

Following pre-application discussions, the site was subject to an archaeological evaluation (desk based assessment, metal detecting and 10% trial trenching). The results of this work demonstrated that significant archaeological remains survived in three areas across the north-western quarter of the site as follows:

- Site 1: Prehistoric settlement site located immediately west of the cottages on Broomhills to the north of trial trench 82 and comprised a range of prehistoric cut features comprising at least two ring-ditched houses with associated ditches and pits/post-holes;
- Site 2: Trench 9 large pit containing heat affected material of unknown date, and
- Site 3: Post-medieval field boundary ditch.

Outwith these sites, isolated patches of plough truncated medieval/post-medieval furrow where recorded. Further archaeological remains may occur across the southern limits of the site however much of this area was not available for evaluation due to buffer zones for overhead services and ecology associated with the Burdiehouse burn.

Nevertheless, the site contains significant archaeological remains and the aim is 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.

Although the area has been affected by modern ploughing, significant prehistoric and possible medieval remains were encountered as discussed above principally across the north western quarter of the site. Such remains will be significantly adversely affected by ground breaking works associated with development. It is essential therefore that a programme of phased programme of archaeological work is undertaken to fully excavate, record, analyse these and further associated significant archaeological remains and a suitable condition is recommended in this regard in order to accord with ECLP policy Env 9.

Given the potential importance of these remains and relatively rare opportunity to excavate Prehistoric settlement remains within Edinburgh, it is important that the programme of archaeological works contain public/community engagement. The scope of this public engagement will be agreed with the Council's Archaeology Service and informed by the results of the evaluation works.

I) Sustainability

A Sustainability Statement was submitted in support of the application.

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

In addition to the essential criteria, the applicant has provided a commitment to further sustainability measures as set out in the desirable elements sections, including the use of sustainable timber and low/zero carbon technologies.

The sustainability measures are therefore acceptable.

m) Equalities and Human Rights

The application has been assessed for any potential impacts on equalities and human rights. Air quality and noise issues are largely temporary matters during the construction stage that can be mitigated against through good working practices.

The proposal would lead to the loss of the existing open area, though it would provide new housing, including 25% affordable and the provision of a publicly-accessible park, which could aid in improving the standard of life.

In relation to equalities, the design statement indicates that development will be fully accessible to disabled people and that the houses will be designed to accommodate changes in lifestyle and mobility that can be anticipated over the lifetime of their occupants.

n) Representations

There were 34 letters of objection which raised the following material issues:

- Principle of development in the green belt and prematurity of the application in advance of the adoption of the LDP (addressed in 3.3 (a) above);
- Loss of productive agricultural land (addressed in 3.3(a) above);
- Inappropriate design, heights and materials (addressed in 3.3 (f), above);
- Overdevelopment and non-compliance with the Broomhills Site Brief in terms of housing number, landscape buffer and park size (addressed in 3.3 (a) and (f) above);
- The impact on the historic significant and scenic beauty of the landscape (addressed in 3.3 (d) and (e) above);
- Infrastructure restraints, including road capacity and traffic congestion (addressed in 3.3 (i) above);
- Potential flood risk (addressed in 3.3(i) above);
- Impact on local infrastructure (including schools, medical centres, dentists, policing, public transport, waste disposal (addressed in 3.3 (d) above);
- Cumulative impact of the developments in the area and the impact of the increase in vehicles on the local road network(addressed in 3.3 (j) above);
- Impact on trees, wildlife, habitats, biodiversity and local nature reserve (addressed in 3.3(h) above);
- Impact on local air quality (addressed in 3.3(j) above);
- The commercial units are unnecessary and will lie vacant (addressed in 3.3(g) above);
- The location of the school and the impact on traffic (addressed in 3.3(j) above);
- Impact on amenity and increase in noise and light pollution (addressed in 3.3(g) above); and
- There is no need for the development due to the number of housing units granted planning permission on 'windfall sites' since the end of the consultation period for the first proposed LDP (addressed in 3.3(a) above).

The following non-material representations were also raised:

- Timing of any appeal following refusal or failure to determine the application;
- Comments regarding the timing of the submission of the application near Christmas;
- Impact from construction traffic;
- Devaluing of nearby existing homes; and
- Loss of views from existing properties.

Comments were received from the Gilmerton and Inch Community Council. These can be summarised as:

- The site is currently productive farmland which forms part of the green belt (addressed in 3.3(a) above);
- The development of this area would have a hugely damaging landscape impact (addressed in 3.3(e) above);
- Local road network is already under pressure and the development will increase congestion (addressed in 3.3(j) above);
- The extra traffic generated would be substantial and be extremely damaging to residents health and safety as well as the environment (addressed in 3.3(j) above);
- Loss of visual amenity and air quality for local residents (addressed in 3.3(j) above);
- Concerns that problems with flooding, sewerage and subsidence would become more frequent (addressed in 3.3(i) above);
- Local infrastructure and services would be put under additional pressure by the development (addressed in 3.3(g) above);
- Poor design with little sustainability (addressed in 3.3(f) and (l) above);
- There should be more interspersed green access linkages between the green spaces (addressed in 3.3(e) above);
- The access road through the site may be used as a rat-run (addressed in 3.3(j) above); and
- Existing housing backing onto the development should be offered screening to preserve their sense of belonging and individuality (addressed in 3.3(g) above).

The adjacent Liberton and District Community Council objected to the proposals on the following grounds:

- The principle of the development and the need for housing (addressed in 3.3(a) above);
- The prematurity of the application (addressed in 3.3(a) above);
- Non-conformity with the Brief contained within the Second Proposed LDP (addressed in 3.3(c) above);
- Poor design and cumulative impacts of the flats on Burdiehouse Road;
- Impact on existing residential amenity (addressed in 3.3(g) above, and
- Impact of additional traffic and poor pedestrian connections (addressed in 3.3(j) above).

The Cockburn Association commented that:

- The representations made under the second public consultation on the proposed LDP, which designates this area for housing, have yet to be presented to Committee. It would therefore be premature to grant planning permission at this stage (addressed in 3.3(a) above);
- Development would have a negative impact on the Local Nature Reserve (addressed in 3.3(h) above), and
- Development would have a negative impact on the Area of Importance for Flood Management (addressed in 3.3(i) above).

Overall Conclusion

The proposal is contrary to the Edinburgh City Local Plan in terms of the development of a site in the green belt. However, the Second Proposed Local Development Plan allocates this site for housing and provides a site brief for the development of this site. The application has been assessed in terms of its impact on amenity, infrastructure and the landscape and with appropriate mitigation, the development is acceptable. There are no material considerations which outweigh this conclusion.

It is recommended that this application be Granted 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. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning and Building Standards.

3. Prior to occupation of the commercial/community premises, the Head of Planning and Building Standards shall be provided with a written statement detailing the proposed operations and the potential of those operations to cause noise disturbance to occupiers of nearby existing and proposed residential properties. The Head of Planning and Building Standards shall then identify in writing whether a full noise impact assessment will be required to ensure nearby residential amenity is protected. Any noise assessment should, if required, specify mitigation measures designed to protect the nearby residential amenity and the commercial/community premises must not be occupied prior to any proposed mitigation measures being agreed with the Head of Planning and Building Standards are implemented.

4. The following noise protection measures to the proposed residential development, as defined in the The Airshed Ltd, 'Environmental Noise Assessment' report (Ref AS 0451 Rev 03)), dated 10 March 2015:

Glazing units with a minimum insulation value of 9.1/20/13.1mm double glazing should be installed for the external windows with trickle vents providing 39dB Dn,e reduction on the following elevations;

- a) Flats 420 - 428 facades facing A701
- b) Flats 369 - 409 facades facing A701
- c) Type B10 Terraced house 365 - 368 facades facing A701
- d) Houses 001- 004 facades facing Frogston Road East

shall be carried out in full and completed prior to the development being occupied.

5. Prior to the commencement of works on site, full details of the external lighting to be used throughout the development shall be submitted to the Head of Planning and Building Standards. Once the details have been agreed, the lighting shall be installed as per the approved strategy.
6. 'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Excavation, reporting and analysis, public engagement, publication, interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Head of Planning and Building Standards.
7. No built development or land-raising shall take place within the 1:200 year flood extent as detailed within the Flood Risk Assessment (FRA) by Kaya Consulting dated 28th November 2013.
8. 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 the site is suitable for redevelopment,
3. In the interests of amenity of future residents.
4. In the interests of amenity of future residents.
5. In the interests of amenity.
6. In the interests of cultural heritage.
7. In the interests of flood prevention.

8. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. Consent should not be issued until the applicant has entered into a suitable legal agreement to provide, construct or contribute to:

Transport

- a) Reconfiguration of Burdiehouse Road and Frogston Road East junction to ease congestion for north to south traffic. Site Burdiehouse (HSG 22) is expected to contribute £314,815 for this;
- b) Secure pedestrian and cycleway access from Old Burdiehouse Road linking to Burdiehouse Burn path (Broomhills Road);
- c) Secure pedestrian and cycleway access from Old Burdiehouse Road linking to Broomhills Road;
- d) Street improvements to Burdiehouse Road;
- e) Upgrade bus stops on Burdiehouse Road;
- f) A draft Travel Plan prior to first occupation and a final Travel Plan within 12 months of that date; and
- g) The sum of £2,000 each, to progress suitable traffic orders to inter alia redetermine footways/carriageways, introduce yellow lines, control disabled parking spaces, amend/introduce speed limits.

Education

The contribution of around £14,000,000 (in the form of land plus financial contribution) towards education provision.

Affordable Housing

The provision of a minimum of 25% of the total number of units on site to be affordable.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

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

Financial impact

4.1 The financial impact has been assessed as follows:

The developer has agreed to meet all required infrastructure contributions as part of a Section 75 legal agreement. This includes £314,815 for transport measures around £14,000,000 for education provision.

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

A Proposal of Application Notice was submitted and registered on 4 October 2013. Copies of the Notice were also issued to:

- Liberton and Gilmerton Community Council
- Fairmilehead Community Council
- Liberton and Gilmerton Neighbourhood Partnership
- The South Edinburgh Partnership
- Ward Councillors
- Kenny MacAskill MSP
- Region MSPs (Brown, Boyack, Dugdale, Findley, Johnstone and MacDonald)

Two community engagement events were undertaken on the 26 and 27 November 2013 at Valley Park Community Centre. An additional event was undertaken on 29 May 2014 at Valley Park Community Centre.

Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards online services.

A pre-application report on the proposals was presented to the Committee on 4 December 2013. The Committee noted the key issues in the report and requested:

1. Further information on the capacity of the road network within and around the proposed development area;
2. Further information on the impact the proposed development would have on the local Roman Catholic school; and
3. Further information on any impact that may be experienced by the existing housing caused by deliveries to the proposed commercial units.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on the 13 February 2015 and 34 letters of objection were received. These included comments from Spokes, The Cockburn Association, Gilmerton and The Inch Community Council, as well as the neighbouring Liberton and District Community Council.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

Strategic Development Plan (June 2013)

Policy 1A outlines the spatial strategy for the SDP including the identification of 13 Strategic Development Areas of which South East Edinburgh is identified as a Strategic Development Area.

Policy 7 require a five years effective housing land supply to be maintained.

Scottish Planning Policy

SPP requires a supply of effective land for at least five years to be maintained at all times.

Finalised SDP Supplementary Guidance

The Finalised SDP sets out housing land requirements for each of the six Council areas as required by SDP policy 5.

Edinburgh City Local Plan

The site is within the Edinburgh Green Belt.

Second Proposed Local Development Plan

The site is identified as housing allocation HSG 21. Also on the site is green space allocation GS 9 and school SCH 8.

Date registered

24 November 2014

Drawing numbers/Scheme

1-88,

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Lesley Carus, Senior Planning Officer

E-mail:lesley.carus@edinburgh.gov.uk Tel:0131 529 3770

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

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 Des 8 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

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 10 (Green Belt) identifies the types of development that will be permitted in the Green Belt.

Policy Env 11 (Landscape Quality) establishes a presumption against development which would adversely affect important landscapes and landscape features.

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

Policy Env 17 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

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 Com1 (Community Facilities) sets requirements for the provision of community facilities associated with large scale residential development, and the protection of existing community facilities.

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

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 2 (Planning Conditions and Agreements) requires, where appropriate, transport related conditions and/or planning agreements for major development likely to give rise to additional journeys.

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.

Appendix 1

Application for Planning Permission 14/04860/FUL At Land 296 Metres South Of 17, Frogston Road East, Edinburgh Residential development (633 units)(with small scale commercial units) with associated roads, footpaths, parking, landscaping and open space plus site for new Primary School.

Consultations

Environmental Assessment date 1 October 2015

The site is to be developed to include up to 633 residential dwellings, a primary school, commercial/community uses together with associated parking and landscaping. The site is currently agricultural land and is located between Burdiehouse and Mortonhall, and is bound to the north by Frogston Road East, to the east by Burdiehouse Road, to the south by the

Burdiehouse Burn and electricity sub-station with a wooded area to the west. The applicant should note that the proposed level of development exceeds the level set out in the Local Development Plan and associated Transport Appraisal.

Environmental Assessment has raised concerns regarding this development including the impacts the development may have on local air quality and noise impacts from neighbouring land uses. There is also the possibility of light/noise pollution from the new school and contaminated land issues due to the historic land use. Planning has advised that further details of the school will be submitted at a later date and the commercial uses shall be controlled by condition.

Local Air Quality

Due to the size and density of the development Environmental Assessment requested that the applicant assessed the potential impacts this proposed development may have on the local air quality taking into account any other developments in the area. The applicant has submitted a supporting air quality impact assessment in which dispersion modelling was undertaken in order to quantify pollutant concentrations across the site and predict air quality impacts as a result of emissions associated with traffic generated by the development.

Exceedences of the relevant air quality objectives were not predicted at any location across the development site. Predicted impacts on nitrogen dioxide and Particulate Matter¹⁰ concentrations as a result of operational phase emissions were predicted to be of a slight adverse significance near the Howden Hall Road / Captains Road junction. It is noted that there are residential properties in close proximity to the nearside kerb.

The air quality impact assessment has highlighted that mitigation measures will be required for the construction phase to ensure dust is controlled. Environmental Assessment has considered the assessment and accepts its findings are based on the worst case scenario; as it has included nearby development sites that have been considered as committed development as recommended by Environmental Assessment. However Environmental Assessment is concerned with the density of the proposed development which is above that in the Local Development Plan and the impacts it may have on the surrounding road network.

Environmental Assessment recommends that details of any proposed energy centre are provided upfront with a chimney height calculation. It is very likely that the proposed school will require a chimney height calculation carried out in order to comply with the Clean Air Act. It should be noted that Environmental Assessment will not be able to support biomass as a fuel source for a school.

Any car parking associated with the proposed commercial and school developments must incorporate the installation of electric vehicle charging points. Charging outlet (wall or ground mounted) should be of the following minimum standard:

Type 2 (EN62196-2), Mode 3 (EN61851-1) compliant and be twin outlet. With the ability to supply 22 kW (32 Amps) AC - Three Phase power and have the ability to be de rated to supply 11 kW to each outlet when both are in use. Where this is not possible then 7 kW (32 Amps) AC - Single Phase chargers that have the ability to deliver power of 7 kW capacity to each outlet simultaneously.

Noise

Environmental Assessment raised concerns regarding the possible impact noise may have on the amenity of the newly proposed residential properties. The development site is exposed to noise from road traffic, electricity transformer and the proposed commercial and school uses. The applicant has submitted a noise impact assessment in support of the application. The noise impact assessment has demonstrated noise can be mitigated by careful building layout and design and appropriate insulation can provide a reasonable level of protection for amenity for habitable rooms. Environmental Assessment is satisfied that noise can be mitigated however the exact specifications of the mitigation measures will be required in the form of a noise impact assessment when more details of the proposed school development are available. Conditions will be recommended to restrict the use class of the commercial units to 1, 2, and 4 and to ensure acoustic glazing is fitted to the most exposed windows.

The submitted noise impact assessment has highlighted that no detailed assessment has been conducted to assess noise impacts on the proposed school, due to lack of detailed information at this stage. Planning have advised a noise impact assessment can be considered for the proposed school development at a later date.

The proposed housing development site has the potential to be adversely affected by noise from road traffic, but only where there are windows directly facing onto busy roads. In general the development is well screened from noisy roads by existing development. Based on this assessment, road traffic is the dominant source of noise affecting the proposed development.

Objectively, noise from the electricity power lines is likely to be much less significant than road traffic but it cannot be quantified, due to the confounding influence of the high background noise road traffic which masks other sources. Noise from the electricity transformer yard has been judged to be of low significance.

Environmental Assessment would require conditions attached to any consent to ensure that traffic noise is adequately addressed to ensure amenity is protected.

Floodlighting

This could be an issue if Multi Use Games Areas supporting the proposed school are floodlit. If floodlighting is proposed in areas in close proximity to consented/existing residential properties there is potential that this can adversely impact amenity in regards to light pollution. Environmental Assessment recommends that a condition is attached to any consent to ensure that amenity is protected.

Contaminated Land

Due to the historic land use and information provided in the supporting site investigation reports Environmental Assessment advises that a condition is attached to ensure that contaminated land issues are addressed. It is acceptable on the basis of the current level of risk associated with the proposed development of the land to formalise the further course of investigations and/or remediation measures within an appropriately detailed remediation strategy report for the site, comparable with guidance provided in Contaminated Land Report 11 (CLR 11; Environment Agency 2004). A planning condition will be recommended to be attached to any application consent to ensure the appropriate strategy is developed to an approvable standard and to further ensure the land is made suitable for use.

Therefore on balance Environmental Assessment recommends that the application is refused due to the likely adverse impacts a development of this density may have on local air quality. However if consent is granted the following conditions and informatives are recommended;

- 1. Detailed site plans of where the electric vehicle charging outlets and ducting shall be submitted.*
- 2. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and*
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.**

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

3. A scheme for protecting the existing and proposed nearby residential accommodation from illumination and/or glare from the proposed school shall be submitted and approved in writing by the Council's Planning Authority. The scheme shall show that the design, installation and operation of the floodlighting system shall be such that no floodlighting bulb or floodlighting bulb reflecting surface shall be visible within any residential premises. All works which form part of the approved scheme shall be completed prior to the flood lighting system coming into use.

4. Prior to occupation of the primary school, commercial/community premises, the Head of Planning shall be provided with a written statement detailing the proposed operations and the potential of those operations to cause noise disturbance to occupiers of nearby existing and proposed residential properties. The Head of Planning shall then identify in writing whether a full noise impact assessment will be required to ensure nearby residential amenity is protected. Any noise assessment should, if required, specify mitigation measures designed to protect the nearby residential amenity and the primary school, commercial/community premises must not be occupied prior to any proposed mitigation measures being agreed with the Head of Planning and implemented.

5. The following noise protection measures to the proposed residential development, as defined in the The Airshed Ltd, 'Environmental Noise Assessment' report (Ref AS 0451 Rev 03)), dated 10 March 2015:

- Glazing units with a minimum insulation value of 9.1/20/13.1mm double glazing should be installed for the external windows with trickle vents providing 39dB Dn,e reduction on the following elevations;

- a) Flats 420 - 428 facades facing A701*
- b) Flats 369 - 409 facades facing A701*
- c) Type B10 Terraced house 365 - 368 facades facing A701*
- d) Houses 001- 004 facades facing Forgstone Road East*

shall be carried out in full and completed prior to the development being occupied.

Informative

1. Charging outlet (wall or ground mounted) should be of the following minimum standard:

Type 2 (EN62196-2), Mode 3 (EN61851-1) compliant and be twin outlet. With the ability to supply 22 kW (32 Amps) AC - Three Phase power and have the ability to be de rated to supply 11 kW to each outlet when both are in use. Where this is not possible then 7 kW (32 Amps) AC - Single Phase chargers that have the ability to deliver power of 7 kW capacity to each outlet simultaneously.

2. When available the applicant shall provide details of all the boilers to Environmental Assessment to ensure compliance with the Clean Air Act 1993.

3. *All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.*
4. *The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.*
5. *Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.*
6. *Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.*
7. *All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.*
8. *Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.*
9. *This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.*
10. *No bonfires shall be permitted.*

Edinburgh and Lothain Badger Group Date 1 December 2014

Thank you for the opportunity to respond to this application.

The Lothian & Borders Badger Group holds recent records of one badger sett to the west of Burdiehouse Road and another to the south of the A720 near Straighton Pond. These are outlying setts in only occasional use. In the last 2 years there have also been 3 badger road deaths on the A720 and one on Lang Loan. I can provide Grid references if required.

These records indicate that badgers are visiting the Burdiehouse area, probably to forage, and they seem to be crossing the bypass to do so. Only if the culverts carrying the various burns under the A720 are made useable as wildlife underpasses is the badger population likely to increase here in the foreseeable future.

As stated in the Environmental report, the application site is currently of little importance to badgers, however habitat enhancement especially along the burns will benefit any visiting badgers who could also use public open spaces and gardens as sources of food.

Archaeology 3 December 2014

to your consultation request I would like to make the following comments and recommendations concerning this application in for residential development (633 units) with small scale commercial units, associated roads, footpaths, parking, landscaping and open space plus the site for a new primary school.

Following pre-application discussions with this office the site was subject to an archaeological evaluation (DBA, metal detecting & 10% trial trenching), undertaken by AOC Archaeology earlier this year. The results of this work (see AOC's report 22560 submitted as part of this application) demonstrated that significant archaeological remains survived in three areas across the north-western quarter of the site as follows:

Site 1 Prehistoric settlement site located immediately west of the cottages on Broomhills to the north of trail trench 82 and comprised a range of prehistoric cut features comprising at least two ring-ditched houses with associated ditches and pits/post-holes

Site 2, Trench 9 large pit containing heat affected material, of unknown date

Site 3 post-medieval field boundary ditch

Out with these sites isolated patches of plough truncated medieval/post-medieval rig & furrow where recorded. Further archaeological remains may occur across the southern limits of the site however much of this area was not available for evaluation due to buffer zones for overhead services and ecology associated with the Burdiehouse burn.

The site clearly contains significant archaeological remains and this application must be considered under terms of the Scottish Government's Scottish Planning Policy (SPP), PAN2/2011 and Scottish Historic Environment Policy (SHEP) and also CEC's Edinburgh City Local Plan policy 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.

Although the area has been affected by modern ploughing significant prehistoric and possible medieval remains were encountered as discussed above principally across the north western quarter of the site. Such remains will be significantly adversely affected by ground breaking works associated with development. It is essential therefore that a programme of phased programme of archaeological work is undertaken to fully excavate, record, analysis these and further associated significant archaeological remains.

In terms of Site 1, this will see the strip/map excavate and recording of a minimum area stretching from AOC's trench 82 northwards towards to a line roughly level with the north end of the natural hollow and from the site's western boundary eastwards to the natural hollow.

In terms of site 2, a minimum area of c. 20m x 20m should be similarly stripped under archaeological control centred upon this pit. Should significant remains be seen to extend beyond this areas then further extensions will be required in order to excavate all significant remains. In terms of site 3 the probable post-medieval boundary further sections should be excavated and recorded in order to determine date. Outwith these specific areas, given the evaluation results, no specific works are envisaged.

Archaeological Public Engagement

Further given the potential importance of these remains and relatively rare opportunity to the excavation of Prehistoric settlement remains within Edinburgh it is considered important that the programme of archaeological works contain a programme of public/community engagement. The scope of this public engagement will be agreed with CECAS and informed by the results of the evaluation works but could include public lectures, viewing points, temporary interpretation boards etc.

It is recommended that these programme of works be secured using a condition based upon the model condition stated in PAN 42 Planning and Archaeology (para 34), as follows;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Excavation, reporting and analysis, public engagement, 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 (WSI) 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.

Architecture and Design Scotland Date 10 December 2014

Thank you for your request for a consultation response from Architecture and Design Scotland in relation to the above application. Our involvement in the project during the pre-application consultation process was intended to support the Authority's appraisal of the proposals, and following the conclusion of the Design Forum process we do not routinely provide further comment.

We conducted a series of four workshops to support and develop the dialogue between City of Edinburgh Council representatives, the applicants professional team and SNH between 6th November 2013 and 29th August 2014. The outcome of this process took the form of a concluding Project Appraisal dated 10th September 2014 containing advice relevant to all participants in the Design Forum process, the applicant and the council in particular. This was circulated to all parties, and a further copy is attached for ease of reference. As the application is now in the public realm we will publish the report on our website: you may therefore consider the report as public and available for you to use and refer to when preparing your report.

Since the proposals reviewed by A+DS at the last Design Forum workshop on 29th August pre-dated the present planning application the appraisal may not relate directly to all aspects of the proposals as currently submitted.

The materiality of the report to the present planning application will therefore be a matter for the council to assess; particularly in relation to the extent to which the conditional matters and outstanding issues set out by A+DS in section 3 of the A+DS Appraisal have been satisfactorily addressed in the planning application.

In terms of our stated support for the proposals, this assumes that the matters set out in section 3 of the Appraisal Report would be addressed in revised design proposals following the conclusion of the Design Forum process. By the same token if these matters have not been fully addressed then the proposals would not be fully supported by A+DS.

If, in your estimation, the submitted proposal has been altered fundamentally since the appraisal workshop such that the advice provided at that time is no longer of relevance please let us know and we can discuss how best to update the advice provided.

Flood Prevention 12 December 2014.

see queries/issues noted below regarding the Flood Risk Appraisal and drainage design.

Flood Risk Assessment

Comments are as issued to Michael Stewart, Kaya Consulting, 24th September 2014

2 Legislative and Policy Aspects

It is noted that an updated version of SPP was released by the Scottish Government in June this year. Please consider any impacts of the updated SPP for the proposed development.

It is noted that an updated version (version 8) of SEPA's Technical Flood Risk Guidance for Stakeholders was released in February this year. Please consider any impacts of the guidance for the proposed development.

4 Hydrological Analysis

It is acknowledged that industry standard methods have been used to determine flood flows for the Burdiehouse Burn catchment, with comparison between different methods and previous studies presented. The worst case scenario, i.e. highest peak flow derived for the catchment (Halcrow 2008), has been taken forward to use in the mathematical model of the watercourse ensuring a conservative flood levels are calculated. Allowance for climate change has been assessed through application of a 20% increase in peak flows as per the appropriate guidance.

5.1 Model set-up

Industry standard HEC-RAS software has been used to build a 1 dimensional model of the Burdiehouse Burn. All structures (three bridges) and features (railway embankment) have been included in the model appropriately to ensure flow paths are simulated as per the on the ground scenario.

Manning's n roughness coefficients used are considered appropriate.

The model has been run in steady state model using the 1 in 200 year and 1 in 200 year plus climate change peak flows with a normal depth downstream boundary based on the channel gradient from topographic survey. Due to the nature of the watercourse there are no significant flood plain storage areas so a steady state model is adequate in this case.

5.2 Model Results

No comment on model stability has been included in the report. Please provide evidence that the model is stable and therefore producing reliable water levels.

5.3 Model Sensitivity Analysis

It is agreed that the critical model runs in this instance are the blockage scenarios. As noted, the overtopping level of the embankment places a limit on the maximum water level upstream of the pipe bridge and therefore any increased blockage scenario beyond the 60% modelled will only have a small impact on water levels in the channel. The results are considered conservative and appropriate.

It would be welcomed if a flood map showing the extent of the flooding under the 60% blockage scenario, equivalent to Figure 5, was included for completeness as this is the critical result from the study. This is necessary to show the proposed SUDS basing is located outwith the flood extent.

7 Surface Water Drainage Strategy

The outline drainage strategy is welcomed as a first pass at potential solutions to capturing and routing surface water drainage from the site. A detailed surface water management plan should be produced (see comments below) for the proposed development following CEC and other appropriate guidance.

Appendices

Both in the appendices and in the long section profile, Figure 4, the water level at the downstream face of the downstream road bridge is at a level above that is higher than the road level, without the bridge overtopping at its upstream face. Please confirm why this is occurring and that it has no adverse effects on water levels at the upstream cross sections adjacent to the proposed development boundary.

Drainage Design

CEC Flood Prevention request that the discharge to the Burdiehouse Burn is attenuated to the 2 year Greenfield runoff rate of the site, or 4.5 l/s/ha, whichever is smaller. A minimum pipe diameter of 75mm should be used for discharge from the site to reduce blockage risk.

CEC Flood Prevention request that the drainage system is designed as such that attenuation volume is provided for the 200 year plus 20% climate change allowance event. Please provide calculations to show the detention basin has been sized appropriately.

Please provide MicroDrainage outputs to show that the proposed drainage system can convey the 1 in200 year plus climate change event to attenuation basin. Results should be provided for each manhole location and reference the drainage plan requested above.

Detailed pre and post development flow paths are required to assess any impact the development may have on surrounding areas and also to show flow paths in the event of system blockage or a rainfall event beyond that of the design event. It is acknowledged that flow paths over roads have been provided, but further detail is required for the central area of the site and also from garden areas surrounded by housing.

SEPA 15 December 2014.

Thank you for your consultation letter of 28 November 2014 which SEPA received on 28 November 2014.

We ask that the planning condition in Section 1 be attached to the consent. If this is not applied, then please consider this representation as an objection. Please also note the advice provided below.

Notwithstanding this, we object to this planning application on the grounds of a lack of information relating to the level of treatment proposed for surface water drainage. We will review this objection if the issues detailed in Section 3 below are adequately addressed.

Advice for the planning authority

1. Flood Risk

1.1 We have no objection to the proposed development on flood risk grounds provided that, should the Planning Authority be minded to approve this application, the following planning condition is imposed:

o No built development or land-raising shall take place within the 1:200 year flood extent as detailed within the Flood Risk Assessment (FRA) by Kaya Consulting dated 28th November 2013.

1.2 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

1.3 Notwithstanding our position we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.

Technical Report

1.4 We have been asked to comment on a Flood Risk Assessment for a large mixed use development at Burdiehouse, Edinburgh. The Burdiehouse Burn flows along the southern perimeter of the Greenfield site.

No further watercourses are identified on the OS Map or during the site walkover. We are not aware of any flooding history near to the site.

1.5 We agree with the flows used, Manning's *n* values, and the application of sensitivity analysis. Based on the sensitivity analysis, Scenario 6 which applies a 50% culvert blockage adjacent to the site, raises flood levels along the site by a maximum of 630mm. Even for this scenario, the highest flood level adjacent to the site is 122mAOD.

1.6 Based on the topographic survey, the lowest property will be situated on ground levels approximately 126.5mAOD. As such, we are satisfied that there is sufficient height difference between the site and the 1:200 year flood level when taking into account bridge blockage or an allowance for climate change.

1.7 The spill level of the downstream culvert is approximately 120.2mAOD hence it is also below the development platform.

1.8 As mentioned in the FRA, we would recommend that the SUDS pond be constructed outwith the 1:200 year flood extent.

Summary of Technical Points

1.9 In summary we have no objection to the proposed development on flood risk grounds, subject to the following planning condition being imposed:

o No built development or land-raising shall take place within the 1:200 year flood extent as detailed within the Flood Risk Assessment (FRA) by Kaya Consulting dated 28th November 2013.

Caveats & Additional Information for Applicant

1.10 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit http://www.sepa.org.uk/flooding/flood_maps.aspx.

1.11 We refer the applicant to the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from www.sepa.org.uk/flooding/planning_flooding.aspx. Please note that this document should be read in conjunction with Policy 41 (Part 2).

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

1.13 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.

1.14 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.

2. Foul Drainage

2.1 Foul drainage from the site should be discharged to the public sewerage network. The applicant should consult Scottish Water in this regard. We confirm that it is the responsibility of Scottish Water to ensure that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows. We note there is a CSO at grid reference NT 27386 67415.

2.2 We would highlight that our records indicate the presence of a septic tank serving a property at Broomhills Farmhouse. It may be that there are more than just this single septic tank in this area and if that is the case then the new development should endeavour to provide first time sewerage provision to these existing discharges. This would contribute towards the River Basin Management Plan measure assigned to Scottish Water to reduce sources of phosphorous in the receiving waterbody.

3. Surface Water Drainage

3.1 Although the applicant has submitted detail on site drainage, it would appear that they are providing a single level of surface water drainage treatment in the form of a large detention basin to the south of the development. It may be that there are areas of porous paving / roadways within the development but the plans do not show that level of detail. On the grounds that there is only a single level of treatment being provided - rather than the two levels (as a minimum) required under the Water Environment (Controlled Activities) (Scotland) Regulations, we object unless and until the proposal is modified in order to provide a sufficient level of treatment in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA. If two levels of SUDS treatment are indeed already designed into the drainage scheme then we ask that this be confirmed to us by way of a site layout indicating where this is provided - this would be sufficient for us to remove our objection.

3.2 Comments from Scottish Water and, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues.

3.3 Surface water drainage from the construction phase should also be dealt with by SUDS. Such drainage should be in accordance with C648 and C649, both published by CIRIA. It should be noted that oil interceptors are not considered SUDS in their own right but are beneficial as part of the treatment train.

4. Burdiehouse Burn

4.1 Our records indicate that the section of the Burdiehouse Burn nearest the site is part of a stretch of approximately 3,700m which has been straightened and is therefore morphologically impacted. We request that the applicant investigate whether works to naturalise this stretch of the watercourse are possible.

4.2 An appropriate buffer strip will be required to protect the Burdiehouse Burn.

5. Air Quality

5.1 The proposed development will be located in an area that is not affected by poor air quality.

5.2 *The modelling assessment has been undertaken using an approved computer dispersion tool. We note that an exceedance of the annual mean air quality objective for nitrogen dioxide is predicted at two locations. We recommend that City of Edinburgh Council investigate this at the earliest opportunity.*

5.3 *We note that the development is located some distance from local amenities, therefore the number of journeys made by car is likely to increase. Whilst this figure may appear to be insignificant, when considered alongside other developments in Scotland, the cumulative increase in the distance travelled by car could undermine the Scottish Government's commitment to reduce emissions of greenhouse gases. The developer may therefore wish to consider options that would offset carbon emissions - such as the provision of electric charging points that would help to encourage the uptake of low carbon transport.*

6. Domestic Waste

6.1 *Scottish Planning Policy Paragraph 215 states that "residential, commercial and industrial properties should be designed to provide for waste separation and collection." In accordance with this policy and PAN 63 Waste Management Planning, space should be designated within the planning application site layout to allow for the separation and collection of waste, consistent with the type of development proposed. Please consult with your local council's waste management team to determine what space requirements are required within the application site layout. Some local authorities have an information sheet setting out space requirements.*

Regulatory advice for the applicant

7. Regulatory requirements

Details of regulatory requirements and good practice advice for the applicant can be found on our website at www.sepa.org.uk/planning.aspx.

SEPA consultation response withdrawing objection 7 October 2015

Further to your email of 6 October in which you forwarded to SEPA comments from Andrew Rule in response to our objection (specifically section 3.1 of our letter of 11 December 2014) I can confirm that we are satisfied with the levels of treatment proposed for surface water drainage at the site and our objection is therefore withdrawn.

All other comments in our response of 11 December 2014 remain valid.

The Coal Authority 16 December 2014

Thank you for your consultation letter of 28 November 2014 seeking the views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are mining features and hazards which need to be considered in relation to the determination of this planning application.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Site Investigation Report (dated January 2014, produced by DRM), which accompanies this planning application.

Protecting the public and the environment in coal mining areas

2

The Report correctly identifies that the application site has been subject to past mining activity, namely an adit for oil shale in the south-west corner of the site. Whilst this is not a coal mining legacy feature it is included within our risk records and as such needs to be considered.

The Coal Authority has no record of what steps, if any, have been taken to treat the mine entry. The Site Investigation Report in 3.3.6 states: "Based upon the information presently available, mineral stability is broadly considered to be satisfactory. However, it would be considered prudent to further investigate the accurate location of the mine adit and its condition, as well as confirm the condition of the shale seams in the southern edge of the site in the event that any future development is to be located in this area."

Whilst the mine entry poses no direct risk to the built development footprint it does pose a risk to public safety in relation to the occupiers. The development will result in the potential for increased informal public access into the area where the mine entry is located. Consequently The Coal Authority would strongly recommend that the mine entry should be located and secured to prevent public access.

The Coal Authority Recommendation to the LPA.

The Coal Authority does not object to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

The Coal Authority would however strongly recommend that a planning condition be imposed requiring the locating of the mine entry and measures be implemented to secure it from public access. We consider this should be done prior to occupation of the first dwelling.

Police Scotland 6 January 2015

Observations and comments

It is strongly recommended that the architect and client meet with an architectural liaison officer to discuss Secured by Design principles and crime prevention through environmental design.

Transport Planning 3 February 2015

I 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 layout and extent of adoptable road, including footways etc., to be agreed;
2. Consent should not be issued until the applicant has entered into a suitable legal agreement to provide, construct or contribute to:
 - a) Reconfiguration of Burdiehouse Road and Frogston Road East junction to ease congestion for north to south traffic. Site Burdiehouse (HSG 22) is expected to contribute;
 - b) Secure pedestrian and cycleway access from Old Burdiehouse Road linking to Burdiehouse Burn path (Broomhills Road);
 - c) Secure pedestrian and cycleway access from Old Burdiehouse Road linking to Broomhills Road;
 - d) Street improvements to Burdiehouse Road;
 - e) Upgrade bus stops on Burdiehouse Road;
 - f) a draft Travel Plan prior to first occupation and a final Travel Plan within 12 months of that date;
 - g) the sum of £2,000 each, to progress suitable traffic orders to inter alia redetermine footways / carriageways, introduce yellow lines, control disabled parking spaces, amend / introduce speed limits;
3. Cycle parking for those properties without garages will be required in a secure and undercover location. The design, layout and specification to be to the satisfaction of the Head of Transport;
4. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
5. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
6. Any gate or gates must open inwards onto the property;
7. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;
8. The applicant should be informed that prior to carrying out any works to an existing road, whether adopted or not, a Minor Roadworks consent must be applied for and secured;
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. The applicant should therefore advise the Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. 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.

Housing and Regeneration 3 November 2015

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 a development which will include 633 homes and as such the AHP will apply. A minimum of 25% (158) of these homes will be required to be of approved affordable housing tenures and will be required to be delivered on-site. The applicant has stated their willingness to meet the AHP obligations and to provide 25% of these homes on-site as approved affordable tenures. This is welcomed by this department.

The applicant states that the homes will be a mixture of flats and houses which will be provided using the principles tenure blind construction. The homes will consist of varying house types and sizes and will be made up of two and three bedroom homes. In order to achieve a representative mix, this department discussed the possibility of the provision of four bedroom family homes. The proposed open market value of these homes, however, made the provision of these unviable on this site.

This department met with the applicant and agreed that the affordable housing will be distributed across the development site and be easily accessible to local transport links and amenities. The homes are located within close proximity to several frequently operating bus services that can be accessed from both the Burdiehouse Road and Frogston Road East entrances. These will provide residences with suitable transport options to and from the City Centre. This will satisfy the requirements of the AHP.

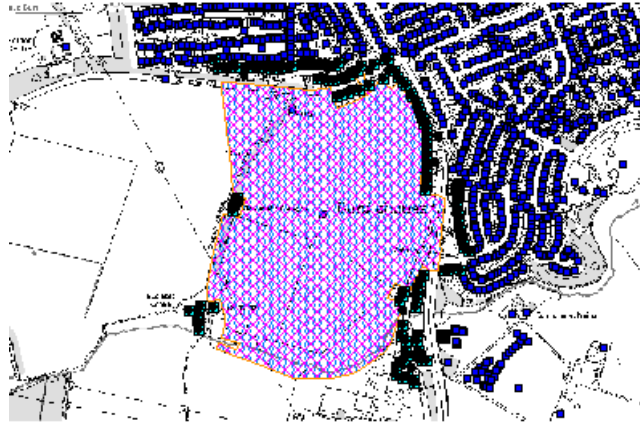
This department has requested that applicant enter into dialogue with registered social landlords (RSLs) with a view to securing the maximum numbers of social rented housing and RSL interest has been established. The AHP seeks to ensure that affordable housing is delivered to secure mixed sustainable communities. It is the aim of the policy to provide a minimum of 70% social rented homes through an RSL.

3. Summary

This proposal is supported by this department as it will provide tenure-blind affordable housing that meets a range of different affordable housing needs.

It is requested that the provision of a minimum of 25% affordable housing, to be secured by Section 75 agreement, be included in the Informatives Section of the Committee report.

Location Plan



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