

Development Management Sub Committee

Wednesday 9 November 2016

Application for Planning Permission 16/02696/FUL At Land 263 Metres South Of 104, Newcraighall Road, Edinburgh Erection of 37 Dwelling Houses.

Item number	4.3
Report number	
Wards	A17 - Portobello/Craigmillar

Summary

The proposal is acceptable in this location and complies with the development plan. The layout, scale and design will provide well connected streets and are acceptable. The recommended conditions will ensure good quality materials are used and that the landscaping will become established. Existing neighbouring amenity will not be detrimentally affected and a good level of amenity will be provided for future occupiers. There will not be an adverse impact on the setting of the listed school and church. The impact on infrastructure can be mitigated through the requirement for developer contributions via a legal agreement and conditions.

Links

Policies and guidance for this application	LPC, CITD1, CITD2, CITD3, CITD4, CITD5, CITD6, CITD8, CITE9, CITE12, CITE10, CITOS1, CITH1, CITH2, CITH3, CITH4, CITH7, CITCO1, CITCO2, CITT4, CITT6, CITT5, NSG, NSGD02, NSESBB, NSGSTR, NSP,
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Report

Application for Planning Permission 16/02696/FUL At Land 263 Metres South Of 104, Newcraighall Road, Edinburgh Erection of 37 Dwelling Houses.

Recommendations

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

Background

2.1 Site description

The 0.887 hectare application site forms part of a 7.4 hectare development site (application number 15/04112/AMC) located at the eastern end of Newcraighall village. It is next to Newcraighall Public Park and south of Newcraighall Road.

To the east of the application site is agricultural land with a high voltage transmission line crossing it, extending up to the Council's boundary with East Lothian Council. To the north of the site are Newcraighall Primary School (C(S) listed - ref 4950, listed 7 October 2003), a former church (C(s) listed - ref 30286, listed 24 July 1992) and the site of the former Miner's Welfare and Social Club, now demolished.

Trees are found along part of the southern and western boundaries. The site is mainly flat. Mine shafts and a surface water culvert and foul sewer exist on the site.

Beyond the agricultural land is a railway embankment, the East Coast main railway line and Musselburgh. The adjacent land to the south, in East Lothian, is allocated for business use and further south is the Queen Margaret University Campus.

Access to the site will be through the consented development site (15/04112/AMC) which takes access from a road taken off Newcraighall Road. Work has started on the part of the larger site consented under planning permission 15/04112/AMC varied by permission 15/04112/VARY.

2.2 Site History

7 September 2015 - Permission granted for planning permission in principle for new housing, local mixed use facilities together with open space, access and services, infrastructure, landscape and footpath/cycle provision (i.e. masterplan) at land 263 metres south of 104 Newcraighall Road (application number: 10/03506/PPP);

16 March 2016 - Permission approved for residential development comprising 176 dwellings and associated infrastructure including the discharge of condition 4 of PPIP consent ref. 10/03506/PPP (as amended) at land 263 metres south of 104 Newcraighall Road Edinburgh (application number 15/04112/AMC); and

23 June 2016 - Permission varied for a non-material variation to application 15/04112/AMC residential development comprising 176 dwellings and associated infrastructure at land 263 metres south of 104 Newcraighall Road Edinburgh (application number 15/04112/VARY).

History of adjacent sites:

18 July 2014 - Permission granted for residential development of 220 units comprising houses, cottages and flats and two commercial units (as amended) at land 335 metres southwest of 103 Newcraighall Road Edinburgh (application number: 13/03181/FUL);

25 September 2014 - Permission varied for non-material variation to 13/03181/FUL for changes to materials at land 335 metres southwest of 103 Newcraighall Road Edinburgh (application number 13/03181/VARY);

6 November 2015 - Permission varied for non-material variation to 13/03181/FUL: alterations to plots 59 and 60 at land 335 metres southwest of 103 Newcraighall Road (application number 13/03181/VAR2);

18 May 2016 - Permission varied for non-material variation to 13/03181/FUL for alterations to house types and minor changes to the siting of some units within the plots at land 335 metres southwest of 103 Newcraighall Road (application number 13/03181/VAR3); and

25 August 2016 - Application received for proposed residential development (including class 8 residential institutions, class 9 houses and sui generis flats) primary school (class 10 non-residential institutions) local centre (including class 1 retail, class 2 financial services, class 3 food and drink, class 10 non-residential institutions and class 11 assembly and leisure), green network, access and transport links, infrastructure and associated ancillary works at land 445 metres north of 103 Newcraighall Road Edinburgh (known as Brunstane site) (application number 16/04122/PPP).

Relevant Local Plan history:

The site was originally allocated for housing (for an anticipated 220 units) in the adopted Edinburgh City Local Plan (ECLP) 2010. A nearby site to the north of Newcraighall Road was also allocated for housing (for an anticipated 200 units).

Two parties challenged the adoption of the ECLP in relation to these two housing allocations at Newcraighall by Statutory Challenge to the Court of Session.

The first challenge was heard in March 2011 by Lord Malcolm in the Court of Session and his decision was issued on 6 May 2011.

The challenge was successful and consequently Lord Malcolm quashed part of the plan insofar as it includes the allocation of 200 units of housing within Newcraighall North (site HSG 14 in the local plan as adopted) and the allocation of 220 units of housing within Newcraighall East (site HSG 15 in the local plan as adopted and the site of this current application).

The court's order resulted in the site identified as HSG 15 no longer being allocated for housing in the ECLP. This did not mean that the site reverted to having a green belt designation. In terms of the ECLP the land is not within the green belt but is in the Urban Area.

The Proposed Local Development Plan (2013) contained the site as a new housing proposal Newcraighall East HSG 27 with an estimated capacity of 275 - 385 units. Newcraighall North HSG 26 was proposed as a housing site with an estimated capacity of 150 - 210. Development on this site has started (application numbers 13/03181/FUL and 13/01381/VARY).

The Second Proposed Local Development Plan (June 2014) identifies the application site as housing proposal Newcraighall East HSG 27 with a capacity of 275 - 385 units.

Main report

3.1 Description Of The Proposal

The proposal is for 37 houses within the approved development at Newcraighall East site (15/04112/AMC varied by 15/04112/VARY).

The houses will be located at the southern end of the Newcraighall East housing site next to the south boundary. They will be arranged around the proposed village green as shown in planning permission 15/04112/AMC and 15/04112/VARY and in a row along the southern boundary. Terraced, semi-detached and detached houses are proposed:

10 x 2 bed terrace
4 x 3 bed terrace
10 x 3 bed semi detached
2 x 3 bed detached
11 x 4 bed detached

Materials will be ashlar reconstituted stone, facing brick, render and concrete roof tiles.

Two trees will be removed from just outwith the site boundary to the south, next to Newcraighall Public Park, and these removals have been consented in 15/04112/AMC.

Associated earthworks including some landraising will also be undertaken.

The following supporting documents have been submitted:

- Site Investigation report;
- Remediation Method Statement;
- Drainage and SUDS Management Plan;
- Flood Risk and Drainage Information (attenuation; drainage calculations and layout; and Self Certification and checklist);
- Landscape and Habitat Management Plan;
- Landscape Management and Maintenance Plan; and
- Supporting Statement.

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

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 proposal is acceptable in this location;
- b) the layout, scale and design are appropriate;
- c) there is any impact on amenity;
- d) there is any impact on the setting of the listed buildings or archaeological remains;
- e) the development is sustainable;
- f) there are any other material considerations;
- g) there are any equalities or human rights issues; and
- h) the public comments have been addressed.

a) Principle of development

The site is identified as a housing site in the Edinburgh City Local Plan (ECLP) and the Local Development Plan as modified.

Policy Hou 1 of the ECLP states that housing development will be permitted on sites listed in Table 6.1 and shown on the Proposals Map. The site is identified as HSG 15 - Newcraighall East - and, therefore, the proposed use complies with Hou 1. The site is also identified in the Local Development Plan as modified as part of housing site HSG 27. The Reporter's finding of the LDP2 examination has recommended revising policies relating to housing (HOU 1), developer contributions (DEL 1) and Transport (Tran 8). Policy HOU1 now includes taking account of the relevant infrastructure.

A capacity of 220 for the housing site HSG 15 was stated in the ECLP. The Local Development Plan as modified advised that a capacity of between 275 - 285 could be achieved on the site.

The cumulative impact on education and transport infrastructure is assessed later in this report (section 3.3 f).

The proposal is for housing use in a site adjacent to and near housing and is also part of a larger site with part of it already consented for housing.

The principle of housing development in this location has been established and is acceptable.

b) Layout, scale and design

Layout

The proposed layout is compatible with the layout for the rest of the development site (15/04112/AMC) and is consistent with the masterplan layout for the planning permission in principle (10/03506/PPP). The road layout has been consented in permission 15/04112/AMC varied by 15/04112/VARY and will contribute to the hierarchy of streets in the wider development and allow permeability through the site. This will promote connectivity and complies with the design policies in ECLP and the Edinburgh Design Guidance.

The proposed layout will be set out in urban blocks with good access/connections and areas of open space. Access (future) to the adjacent park and countryside from the wider site is indicated on the plans of the planning application 15/04112/AMC and the current proposal will not change these. This complies with the principles of the masterplan, local plan policies and the Edinburgh Design Guidance. Most of the houses will look onto the village green and this will be a focal point within the site.

Scale (density)

The existing housing at Newcraighall has a density of 30.4 dwellings per hectare. The number of dwelling units is capped at 176 for application site 15/04112/AMC which gives a density of 23.78 dwellings per hectare. The current application will provide 37 additional units, increasing the density for the larger site to 28.7 dwellings per hectare. Therefore, the densities are in keeping with surrounding residential areas.

The planning permission in principle consent would provide a density of between 18.33 and 25.67 dwellings per hectare on the 15 hectare PPP site. Excluding 5 ha for the open space this would give a density of between 27.5 and 38.5 dwellings per hectare. This is in the range held in the Local Development Plan as modified.

An estimated capacity of 220 is shown in the local plan and the housing numbers were limited to 176 in the planning permission in principle (10/03506/PPP). The Local Development Plan as modified suggests that a capacity of between 275 and 385 could be achieved for the entire housing site (HSG 27). The proposed 37 units will increase the number of units on the larger site from 176 to 213 which is below the capacity for the site set out in the Local Development Plan as modified. The density for the 213 capacity would be 29.78 dwellings per hectare.

Design

The proposal is in keeping with the design already consented in permission 15/04112/AMC varied by 15/04112/VARY. It will contribute to the urban block pattern giving good access/connections including access to areas of open space. This complies with the principles of the masterplan, local plan policies and the Edinburgh Design Guidance.

The proposal will include houses positioned around the village green and laid out in the same manner as that already consented for the site. The proposed central village green within the site will benefit from the overlooking of the houses surrounding it and will create a focus within the site.

The proposed houses will be of the same design and materials as those consented in permission 15/04112/AMC. The height of the houses is two storeys and this is in keeping with the heights for the larger site and the buildings in the wider surrounding area.

The landscaping will be of good quality and will be the same as that for the development consented for the larger housing site. The boundary treatments and landscaping are acceptable and will also be in keeping with those proposed for the rest of the site. The landscaping is acceptable.

The layout, scale and design are acceptable and are in accordance with the design policies Des 1-5 in terms of quality, context, co-ordinated development, design, layout and external spaces.

c) Amenity

Existing amenity

The houses will overlook the public street and the village green. The privacy distances meet the minimum threshold in the non-statutory guidelines and are, therefore, acceptable. There are no overlooking or privacy issues.

Future Amenity

The proposed development will benefit from the usable open space areas to be provided in permission 15/04112/AMC and is next to Newcraighall Public Park. The houses will all benefit from private gardens. The overall green space within the whole development site will be 39% which exceeds the minimum threshold of 20% of green space required by Edinburgh City Local Plan policy. The proposal will provide green space of 41% and this also complies with local plan policy. As the proposed houses sit within the larger site they will benefit from the open space associated with the whole development. Therefore, in this context future occupants will have an acceptable level of open space/greenspace.

The proposal will contribute an appropriate mix of unit sizes across the site and this complies with Policy Hou 2 (Housing Mix) and the Edinburgh Design Guidance. The unit sizes comply with the standards in the Edinburgh Design Guidance.

Noise:

The position of the houses within the larger housing development site will not be exposed to industrial or commercial noise. They will sit in a residential area and be characterised with residential noise levels.

The application site is set within a larger proposed development and will be surrounded by proposed residential units and is next to farm land with the A1 road beyond. The noise impact assessment for the overall site (15/04112/AMC) has demonstrated that road noise would not adversely impact the site.

Air Quality:

An air quality assessment was provided for the planning permission in principle (PPP) application. It took into account the potential cumulative impact from the housing site and other surrounding situations. The impact on air quality was considered at PPP stage and was found to be acceptable. A further assessment for the current proposal is not required.

Play Park:

The Play Action Plan 2011 - 2016 identifies that Newcraighall Public Park requires to be upgraded to "Good" standard. It sets the cost of this improvement as £50,000 and states that this would be improved by 2015. To date no improvements have been made to the Public Park. Parks and Greenspaces has requested a developer contribution to mitigate for the increased use of the play park due to the development of the proposed 37 houses. The amount required is £12,000. This takes account of the number of units proposed and the type and cost of the play equipment to bring the park up to "Good" standard.

The proposal will provide an acceptable level of amenity for future occupiers.

d) Listed buildings and archaeological remains

Listed Buildings:

The larger housing site in which the proposed 37 units will sit is next to Newcraighall Primary School and the former Parish Church which are both category C(s) listed buildings. The primary outlook of both buildings is onto Whitehill Street.

The current housing proposed is located more than 160 metres from the listed buildings and will not have a detrimental impact on the setting of the listed buildings and will not detract from their primary setting in Whitehill Street.

Archaeology:

A programme of archaeological investigation has been ongoing for the existing consent to an agreed brief. Although the majority of the main development area has been investigated, there is still some outstanding archaeological work to be completed across this application area. Therefore, it is recommended that a condition is used to ensure the completion of the programme of archaeological investigation for this area.

e) Sustainability

The proposal is classed as a local development and, therefore, is not required to be assessed against Part B of the sustainability standards. However, the proposed houses will be constructed to the same sustainability standards as those consented in permission 15/04112/AMC varied by 15/04112/VARY which meet the essential criteria for sustainable building and comply with the Edinburgh Design Guidance.

f) Other material considerations

Environmental Assessment

Contaminated Land

The applicant has submitted a Remediation Statement which is currently being assessed by Environmental Assessment. Until this has been completed Environmental Assessment recommends that the condition remains attached to ensure that contaminated land is fully addressed.

Construction Dust

The applicant has previously submitted details of a dust management plan which covers both application sites (i.e. 16/02696/FUL and 15/04112/AMC). This was deemed satisfactory and should be followed by the developer throughout the development phase.

The Coal Authority

The Coal Authority has advised that the application site falls within the defined Development High Risk Area. It also advised that records indicate that there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority has advised that it considers that the content and conclusions of the Report on Site Investigations (March 2015, prepared by Mason Evans Partnership Ltd) are sufficient for the purposes of the planning system and meet the requirements of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

The Coal Authority originally objected to the application and has withdrawn its objection on the basis of the additional information provided and the use of a condition or conditions prior to the commencement of development if the application were to be recommended for approval including: a scheme of intrusive site investigations; a report of findings arising from the intrusive site investigations; a scheme of treatment for the recorded mine entries; a scheme of remedial works; and the implementation of the remedial works.

The Coal Authority has also advised that in the event that the site investigations confirm that remedial works would be needed to treat any of the recorded mine entries beneath any parts of the site where built development is proposed, this should also ensure that the site layout is amended to avoid them and that any remedial works identified by the site investigation to consolidate any shallow mine workings are undertaken prior to commencement of the development.

Strategy and Investment (Affordable Housing)

Policy Hou 7 Affordable Housing requires a minimum of 25% homes of approved affordable tenures. Strategy and Investment has advised that in this case nine affordable units will be required to comply with the Affordable Housing Policy (Hou 7). A legal agreement will be required to secure the delivery of the affordable units.

Communities and Families

The education actions required to mitigate the impact of planned and anticipated housing development, including school land safeguards, have been established on a city-wide contribution zone basis. This requirement is set out in guidance on Developer Contributions and Affordable Housing (December 2015).

The proposed development is expected to generate primary school and secondary school pupils. A standard contribution towards 'Education infrastructure, land remediation and servicing' and 'Land purchase' is therefore required to mitigate the impact of the development.

This site falls within the Newcraighall area of the 'Castlebrae Education Contribution Zone' where the following education actions have been identified:

- new 11 class primary school and 40/40 (i.e. 40 spaces in the morning session and 40 spaces in the afternoon session) nursery (Brunstane) including 2ha of land to accommodate primary school i.e. site for the school, school site servicing and remediation; and
- increase secondary school capacity to accommodate 264 extra pupils (Castlebrae High School).

A standard pro-rata contribution towards the costs of delivering these actions has been established.

For the proposal a contribution of £754,914 is required for the education infrastructure, land remediation and servicing (to be index linked) and a contribution of £102,181 is required for the land purchase (no indexation). This gives a total developer contribution of £857,095.

The Developer Contribution and Affordable Housing guideline is being reviewed and a report will be considered at Planning Committee in December.

If the appropriate contribution is to be provided by the developer, Communities and Families does not object to the application. Therefore, an informative is recommended to ensure a legal agreement is in place to secure the developer contribution required to mitigate the impact on schools is secured.

Drainage

Flood Authority Issues

There are no flood authority issues. The flood authority is happy with the layout and satisfied that the drainage is in line with that proposed for the wider development site.

SEPA

SEPA has advised that it can withdraw its objection, which was based on lack of information. Based on the information provided, it commented on flood risk and on the impact on existing flow paths and flood water entering the site from neighbouring areas. SEPA has advised that it is imperative that the measures outlined in the Flood Risk Assessment are included in the site design. The measures recommended include that water is captured or diverted and included within the site drainage system or directed east to where the water flows at present. Therefore, an informative is recommended.

Therefore, it is recommended that an informative is used to advise the applicant of SEPA's advice.

Road Authority Issues

There are no road authority issues. A legal agreement has been signed in relation to the wider development site (application number 10/03506/PPP) for transport mitigation measures and it is not considered that further contributions are necessary.

Informatives are recommended relating to public access, access to parking area, deleterious materials, gates, hardstanding, disabled persons parking places and electric vehicle charging points.

East Lothian Council

East Lothian Council was consulted on the application but has not provided a consultation response. However, East Lothian Council did comment on the application for the larger site (15/04112/AMC) advising that it had no objection as long as the layout would enable a bus route to be created through the site in the future. The current application will have the same road layout including provision for a future bus route through the site to connect with any future development to the south in East Lothian Council's area.

The Local Development Plan as modified sets out an intention to connect through the site with the land allocated in the East Lothian Proposal Plan at Craighall. This is provided for in the East Lothian Proposed Plan within Proposed MH Craighall.

g) Equalities and human rights issues

The houses will be level access and will need to meet Building Standards for the internal layout regarding compliance with mobility /disability requirements. Affordable homes will be provided and this will help enable those unable to access a mortgage to secure a home.

h) public comments

No representations have been received.

Community Council

Craigmillar Community Council was consulted and did not submit comments.

Conclusion

The proposal is acceptable in this location and complies with the development plan. The layout, scale and design will provide well connected streets and are acceptable. The recommended conditions will ensure good quality materials are used and that the landscaping will become established. Existing neighbouring amenity will not be detrimentally affected and a good level of amenity will be provided for future occupiers. There will not be an adverse impact on the setting of the listed school and church. The impact on infrastructure can be mitigated through the requirement for developer contributions via a legal agreement and conditions. There are no expected equalities or human rights issues. There are no other material considerations which outweigh this conclusion. It is recommended that Committee approve this application.

Committee consideration is required as the Committee capped the number of units consented under the Planning Permission in Principle permission for the Newcraighall East housing Site (HSG 15).

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to the commencement of development:
 - The submission of a scheme of intrusive site investigations for the mine entries for approval;
 - The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;
 - The undertaking of both of those schemes of intrusive investigations;
 - The submission of a report of findings arising from both of the intrusive site investigations, including the results of any gas monitoring undertaken;
 - The submission for approval of a scheme of treatment for the recorded mine entries including any necessary foundations to ensure the long term stability of the dwellings;
 - The submission of a scheme of remedial works for the shallow coal workings for approval; and
 - The implementation of those remedial works.

2. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.

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

5. A 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.

Reasons:-

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

Informatives

It should be noted that:

1. A legal agreement is required to secure mitigation measures and developer contributions:

Children and Families:

- £754,914 index linked for education infrastructure, land remediation and servicing;
- £102,181 (not index linked) for the land purchase
- i.e. total of £857,095;

Play park:

- £12,000 to improve play facilities in Newcraighall Public Park; and

Affordable Housing - 25% (i.e. 9 residential units).

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. SEPA has advised that it is imperative that the measures outlined in the Flood Risk Assessment (by Kaya Consulting) are included in the site design.
4. The Dust Management Plan submitted for 15/04112/AMC is applicable, deemed satisfactory and should be followed by the developer.

5. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.
6.
 - a) Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
 - b) 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;
 - c) Any gate or doors must open inwards onto the property; and
 - d) Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012.
7. 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 Planning and 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 Planning and Transport.
8. Electric vehicle charging outlets should be considered for this development which includes:
 - o Dedicated parking spaces with charging facilities.
 - o Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been considered 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 is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 29 July 2016 and no letters of representations were received.

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**

The application site is a housing site (HSG 15) in Edinburgh City Local Plan and (HSG 27) in the Second Proposed Local Development Plan. A Transport Safeguard (Tra 7 & Tra 13) crosses the housing site.

The site is on the edge of the Green Belt and was formerly designated as Green Belt in the previous local plan (South East Edinburgh Local Plan) now superseded. An area of protected open space, i.e. Newcraighall Public Park, is adjacent.

Date registered 27 May 2016

Drawing numbers/Scheme 01 - 44,

Scheme 1

John Bury

Head of Planning & Transport
PLACE
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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

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

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

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

Policy Os 1 (Open Space Protection) sets criteria for assessing the loss of open space.

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

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

Relevant Non-Statutory Guidelines

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

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

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

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

Appendix 1

Application for Planning Permission 16/02696/FUL At Land 263 Metres South Of 104, Newcraighall Road, Edinburgh Erection of 37 Dwelling Houses.

Consultations

Archaeology response – dated 17 June 2016

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the erection of 37 dwelling houses.

As stated in my earlier responses to applications 10/03506/PPP & 15/04112/AMC, this site is known to contain a range of significant remains from prehistoric occupation though mainly relating to post-medieval and industrial mining activities. In response to conditions attached to these consents a programme of archaeological investigation has been ongoing by GUARD to an agreed brief. The results so far have provided evidence prehistoric occupation but significantly extensive evidence for mining across the whole site possibly dating back to the 17/18th centuries.

Although the majority of the main development area has been investigated there is still some outstanding archaeological work to be completed across this application area (strip/map/excavate and record). According it is recommended that the following condition is attached to this consent, if granted, to ensure the completion of the programme of archaeological investigation for this area.

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

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

Environmental Health and Scientific Services 27 July 2016

The application proposes 37 new residential properties on an area of undeveloped land known as Tranche 4. The larger development site is between Newcraighall Road (A6095) to the north and the A1 to the south with railway lines located to the west and east. The site is bounded by old railway embankments and residential properties to the north and east. Further residential properties are situated to the north-west adjacent to other commercial units and a primary school. Agricultural land and Queen Margaret University are situated approximately 300 metres to the south.

Noise

The original master-plan for the site advised that a number of commercial premises may be included within the application site. The uses may have included Class 10 and Class 11 premises. Some uses within Class 10 and Class 11 are not compatible within a predominantly residential area. Such premises require to be adequately conditioned and appropriately sited to be able to operate within a residential area without impacting upon residential amenity. This proposal is only for residential use therefore the above class uses do not need to be considered further in this consultation.

The application site is known as Tranche 4 and is set within the overall proposed development surround by proposed residential units apart from to the south where it is farm land with the A1 road beyond. The noise impact assessment for the overall site had demonstrated that road noise would not adversely impact the site.

Contaminated Land

The applicant has submitted a Remediation Statement which is currently being assessed by Environmental Assessment. Until this has been completed Environmental Assessment recommends that the condition remains attached to ensure that contaminated land is fully addressed.

Construction Dust

The applicant had submitted details of a dust management plan. This was deemed satisfactory and should be followed by the developer throughout the development phase.

Therefore in conclusion, Environmental Protection has no objections to the above conditions being discharged with the exception of the contaminated land condition.

Contaminated Land Condition

1. Prior to the commencement of construction works on site:

(a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning , either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

(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.

The Coal Authority – first response dated 20 July 2016

Thank you for your consultation letter of 14 July 2016 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: Fundamental Concern

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

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically both actual and probable shallow coal mine workings and recorded mine entries (shafts), the zones of influence of which extend into the site.

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

It is a requirement of the planning system that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development.

The Coal Authority Recommendation to the LPA

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

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

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

General Information for the Applicant

The Coal Mining Risk Assessment needs to interpret the coal mining risks and should be based on and add to up-to-date information of past coal mining activities in relation to the application site. Coal Mining Reports are available from www.groundstability.com or by telephoning 0845 762 6848.

This coal mining information should then be used to assess whether or not past mining activity poses any risk to the development proposal and, where necessary, propose mitigation measures to address any issues of land instability. This could include further intrusive investigation on site to ensure that the Local Planning Authority has sufficient information to determine the planning application.

The Coal Mining Risk Assessment should be prepared by a “competent body”. Links to the relevant professional institutions of competent bodies can be found at: <https://www.gov.uk/planning-applications-coal-mining-risk-assessments>

Guidance on how to produce a Coal Mining Risk Assessment and a template which the “competent body” can utilise is also contained at: <https://www.gov.uk/planning-applications-coal-mining-risk-assessments>

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority’s website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council’s website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

The Coal Authority – second response dated 9 September 2016

Thank you for your consultation letter of 29 August 2016 seeking the views of The Coal Authority on the additional information submitted in support of the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy & Industrial Strategy. 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

The application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically both actual and probable shallow coal mine workings and recorded mine entries (shafts), the zones of influence of which extend into the site.

The Coal Authority previously objected to this planning application in a letter to the LPA dated 20 July 2016. The objection was raised on the grounds that a Coal Mining Risk Assessment had not been submitted as part of the application.

The Coal Authority is therefore pleased to note that the applicant has now obtained appropriate and up-to-date coal mining information which has been used to inform the Report on Site Investigations (March 2015, prepared by Mason Evans Partnership Ltd), which now accompanies the planning application. Based on this review of existing mining information, and from the results of a preliminary intrusive site investigation, the Report correctly identifies the risks to the development posed by both historic recorded and unrecorded underground shallow coal mine workings. The Report also identifies the mine entries within the vicinity of the site, which may also pose a risk to both ground stability and public safety.

The Coal Authority welcomes the commitment to locate, investigate and treat the mine entries, which do not appear to have been stabilised to an appropriate standard. Consequently, and on the basis that the site investigations are proposed to extend to establish the exact situation with regard to both actual and probable shallow coal mine workings, The Coal Authority withdraws its objection to this planning application, subject to the LPA imposing a suitable condition.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Report on Site Investigations (March 2015, prepared by Mason Evans Partnership Ltd); that coal mining legacy potentially poses a risk to the proposed development and that further intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm that remedial works would be needed to treat any of the recorded mine entries beneath any parts of the site where built development is proposed, this should be conditioned to ensure that the site layout is amended to avoid them. The condition should also ensure that any remedial works identified by the site investigation to consolidate any shallow mine workings are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- * The submission of a scheme of intrusive site investigations for the mine entries for approval;*
- * The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;*
- * The undertaking of both of those schemes of intrusive site investigations;*
- * The submission of a report of findings arising from both of the intrusive site investigations, including the results of any gas monitoring undertaken;*
- * The submission for approval of a scheme of treatment for the recorded mine entries including any necessary foundations to ensure the long term stability of the dwellings;*
- * The submission of a scheme of remedial works for the shallow coal workings for approval;*
- * The implementation of those remedial works.*

The Coal Authority considers that the content and conclusions of the Report on Site Investigations (March 2015, prepared by Mason Evans Partnership Ltd) are sufficient for the purposes of the planning system and meet the requirements of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

General Information for the Applicant

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.

Communities and Families – response dated 29 August 2016

Location

Land 263 Metres South Of 104 Newcraighall Road

Proposal

Erection of 37 Dwelling Houses.

Application number

16/02696/FUL

Case Officer

Jackie McInnes

Applicant

Avant Homes (Scotland) And Others,

Assessment date

26.07.16

The education actions required to mitigate the impact of planned and anticipated housing development, including school land safeguards, have been established on a city-wide contribution zone basis. This requirement is set out in guidance on Developer Contributions and Affordable Housing (December 2015).

This site falls within the Newcraighall area of the 'Castlebrae Education Contribution Zone' where the following education actions have been identified:

CONTRIBUTION ZONE ACTIONS (Q1 2015)

Castlebrae - Newcraighall

Action

Cost at Q1 2015

New 11 class Primary School and 40/40 nursery (Brunstane)

£11,150,648

2ha land - Primary School Site

£3,000,000

School site servicing and remediation

£4,414,150

Increase secondary school capacity to accommodate 264 extra pupils (Castlebrae HS)
(Zone wide)

£8,473,238

A standard pro-rata contribution towards the costs of delivering these actions has been established.

The proposed development is expected to generate primary school and secondary school pupils. A standard contribution towards 'Education infrastructure, land remediation and servicing' and 'Land purchase' is therefore required to mitigate the impact of the development, as set out in the table below.

If the appropriate contribution is to be provided by the developer, Communities and Families does not object to the application.

Assessment based on:

37 houses

Education Infrastructure, land remediation and servicing

Contribution per unit

Flats

£4,210.11

Houses

£20,403.08

Total required contribution

£754,914

Note: To be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q1 2015 to the date of payment

Land purchase

Contribution per unit

Flats

£637.30

Houses

£2,761.65

Total required contribution

£102,181

Note: No indexation is to be applied to land purchase contribution.

Roads Authority issues – response dated 14 October 2016

No objections to the application subject to the following being included as conditions or informatives as appropriate (note – these are as stated in the memorandum dated 5 February 2016 in relation to application ref. 15/04112/AMC):

1. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;
2. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
3. 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;
4. Any gate or doors must open inwards onto the property;
5. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;
6. 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.

Electric vehicle charging outlets should be considered for this development which includes:

- * Dedicated parking spaces with charging facilities.
- * Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

Note:

A legal agreement has been signed in relation to the wider development, ref.10/03506/PPP and 15/04112/AMC. Further contributions or work are not considered necessary.

SEPA –first response dated 4 August 2016

We object to this planning application on the grounds of lack of information on flood risk. We will review this objection if the issues detailed in Section 1 below are adequately addressed.

1. Flood Risk

1.1 We object to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

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 wish to consider if this proposal falls within the scope of this Direction.

1.3 We have been asked to comment on this application for the erection of 37 dwellings at 104 Newcraighall Road in Edinburgh. The site has detailed permission for 176 dwellings (application 15/04112/AMC). Since this permission was granted, however, we have become aware that there is significant landraising of the site. This raising of land will have significant impacts on the existing surface water flow paths.

1.4 We acknowledge that this application is for a very small portion of the development site which has approval. We object at this stage, however, as there will be alteration to the existing surface water flow paths, as part of this application and also with the existing planning permission. The site will be raised substantially to allow surface water to route via gravity as detailed in the design and access statement submitted in support of 15/04112/AMC.

1.5 Review of the SEPA flood hazard surface water shows a significant portion of surface water storage on the site during the 1 in 200 year event. Our main concern is that raising the development will prevent any surface water which would currently flow onto the site will be diverted away from the site to neighbouring areas. The existing flow path is in a south west to north east direction based upon LiDAR information and this is shown on the surface water flow path by Quattro Consult, number 4058/SK-02. The areas at particularly risk from these alterations in flow path are the existing school and its neighbouring properties. As a result, we advise that an assessment is necessary to show pre and post development surface water flow paths (including runoff outwith the site boundary) and details on the proposed mitigation measures to ensure that the landraising will have a neutral impact on flood risk locally. This adheres to the risk framework in SPP which states that surface water drainage measures should have a neutral or better effect on the risk of flooding both on and off site, taking account of rainfall on the site and runoff from adjacent areas.

Caveats & Additional Information for Applicant

1.6 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.

1.7 We refer the applicant to the document "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).

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

1.8 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.

1.9 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 the City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from www.sepa.org.uk/planning/flood_risk.aspx.

2. Waste Management

2.1 A Paragraph 19 Waste Management Licence (WML) exemption application was submitted to SEPA by Advance Construction for the importation of waste soil and raising of land on the site. This was refused on the grounds of flood risk and land reclamation. A second Paragraph 19 application was submitted by Advance Construction for exactly the same activity at the same site. Again this was refused on the same grounds.

2.2 The importation of waste soil to the site requires consent under WML. This activity must be consistent with ensuring the attainment of the objectives mentioned in paragraph 6(1)(a) of Part I of Schedule 4 of WML Regulations (i.e. the 'relevant objectives'). Proposals to land raise in areas of flood risk are unlikely to be supported by SEPA as in terms of WML, it would not be seen as attainment of the Relevant Objectives.

Regulatory advice for the applicant

3. Regulatory requirements

3.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in the local SEPA office at:

Clearwater House , Heriot Watt Research Park, Avenue North, Riccarton, Edinburgh, EH14 4AP

Tel: 0131 449 7296

If you have any queries relating to this letter, please contact me by telephone on 0131 273 7334 or e-mail at planning.se@sepa.org.uk.

We understand that the issues we have raised are complex. We will be happy to meet, if you would find it useful to discuss these issues with an aim of finding a resolution that is satisfactory to all parties.

SEPA –second response dated 13 September 2016

Thank you for your consultation which SEPA received on 07 September 2016.

Advice for the planning authority

On the basis of information provided, we can withdraw our objection to planning application 16/02696/FUL on the grounds of lack of information on flood risk. (Please see our previous response of 04 August 2016, our reference PCS/147979.)

1. Flood Risk

1.1 The current application is for the erection of 37 dwellings at Newcraighall Road in Edinburgh. The site currently has detailed planning application, 15/04112/AMC, and although we did not provide detailed flood risk comments, a flood risk assessment (FRA) was submitted in support of the 2015 application.

1.2 The site will be raised significantly which will interfere with existing flow paths, particular flood water entering the site from neighbouring areas. The FRA by Kaya Consulting recommends that this water is captured or diverted and included within the site drainage system or directed east to where the water flows at present. We do not object to this proposed development but it is imperative that these measures are included within the site design to prevent an increase in flood risk to neighbouring areas.

Caveats & Additional Information for Applicant

1.3 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.

1.4 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 "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from www.sepa.org.uk/planning/flood_risk.aspx.

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*Clearwater House
Heriot Watt Research Park
Avenue North
Riccarton
Edinburgh
EH14 4AP*

Tel: 0131 449 7296

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our website planning pages.

Flood Authority issues

Flood Prevention are happy with the revised layout and have no further comment on this application. We would note that the drainage infrastructure for this development was previously designed and approved with a 20% allowance for climate change. This has been maintained for this application. It is only for this reason that that it is acceptable to include 20% climate change for this new application.

Now that SEPA have removed their objection to the scheme it can go forward for determination.

Affordable Housing

1. Introduction

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

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

** The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.*

** This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.*

2. Affordable Housing Provision

This application is for a development consisting of 37 homes and as such the AHP will apply. In terms of the AHP there will be a requirement for a minimum of 25% (9) homes of approved affordable tenures.

This application is part of an development of 213 homes for Newcraighall East. Planning permission was initially granted at Newcraighall East for 176 homes, (Ref:15/04112/AMC) and 44 affordable homes were agreed as part of the planning application. As a total of 213 homes will now be built across the development, a further nine affordable homes are now required and we request that the developer enters an early dialogue with the Council to identify a Registered Social Landlord (RSL) to take forward the affordable homes and deliver a well integrated and representative mix of affordable housing on site.

3. Summary

The applicant will be required to provide nine affordable homes on site as part of this application for 37 homes and these will be secured by a Section 75 Legal Agreement.

** The applicant is requested to enter into a dialogue with this department to identify a Registered Social Landlord (RSL) to deliver the affordable housing*

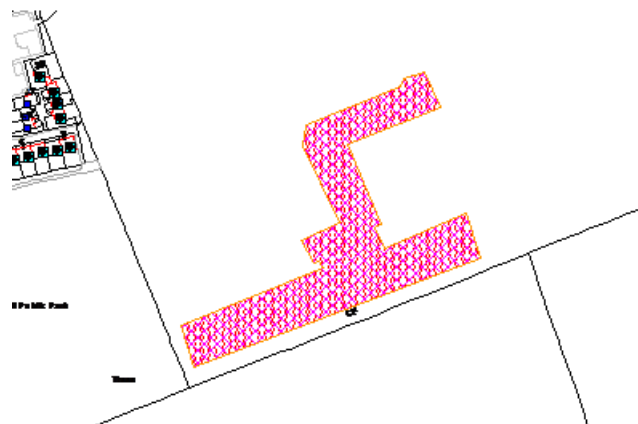
** The affordable housing will be required to be include a variety of house types and sizes to reflect the provision of homes across the wider site*

** In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as “tenure blind”*

** The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

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

Location Plan



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