

# Development Management Sub Committee

Wednesday 19 April 2017

**Application for Planning Permission 16/04373/FUL  
At Land 213 Metres Southwest Of 22, The Wisp, Edinburgh  
Remix of Residential Development approval 13/02660/FUL,  
construction of 80 residential units and associated works (as  
amended).**

<b>Item number</b>	5.4
<b>Report number</b>	
<b>Wards</b>	A17 - Portobello/Craigmillar

## Summary

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The proposal is in accordance with the development plan. It also accords with the site-specific development principles included in the LDP site brief.

In addition, taken within the context of the extant permission for the site and the surrounding housing developments under construction at New Greendykes, this application is acceptable. The proposal is relatively similar to the development granted under the previous permission. Although this application is proposing extra units, it will provide additional affordable housing as well as making more efficient use of the land with the addition of nine units.

There are no objections to the development from consultees and issues raised can be addressed by conditions. The application complies with policy and a suitable legal agreement will secure appropriate education and transport infrastructure. Therefore, the development is acceptable and there are no material considerations which outweigh this conclusion.

## Outcome of previous Committee

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This application was previously considered by Committee on 22.02.2017.

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## Links

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[Policies and guidance for this application](#)

LDPP, LDES01, LDES02, LDES04, LDES03, LDES07, LDEL01, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA01, LTRA02, LTRA03, LTRA04, OTH, NSGD02,

# Report

## **Application for Planning Permission 16/04373/FUL At Land 213 Metres Southwest Of 22, The Wisp, Edinburgh Remix of Residential Development approval 13/02660/FUL, construction of 80 residential units and associated works (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site extends to approximately 2.3 hectares in area and is located adjacent to the New Greendykes development area.

The site slopes downwards in a northerly direction and there is a ground level difference of approximately 20 metres across the site. The site adjoins agricultural land on all sides with the exception of the north side, where there is a row of single storey traditional cottages and a timber yard.

In the wider area there are established housing areas at Niddrie/Craigmillar (north of the site) and Greendykes (west of the site), while the Edinburgh Bio-Quarter and Edinburgh Royal Infirmary are situated to the south west.

#### **2.2 Site History**

##### **The Site**

22 August 2013 - Planning permission was granted for the formation of new vehicular access road, footpath, cyclepath and associated landscaping to facilitate residential development associated with planning application reference 12/01109/AMC. (application reference: 12/03190/FUL).

17 February 2016 - Planning permission was granted at appeal for residential development (comprising 71 units) and associated works (application reference: 13/02660/FUL). This appeal (reference: 230-2129) was submitted for the non-determination of the planning application. Following a hearing by a Scottish Government reporter who allowed the appeal, and subsequent registration of the unilateral undertaking pertaining to the site, the planning permission was issued.

## **Land immediately adjacent to the application site**

22 July 2010 - Planning permission in principle for residential development (as amended) was granted (application reference: 07/01644/OUT).

31 January 2013 - Approval of matters specified in condition application was approved for residential development including detailed site layout plan showing position of buildings, roads, footpaths, parking areas, cycle parking, walls, fences, landscaping, details of existing and finished levels, flood attenuation details (matters listed in conditions 3, 5(i), (iii), (v) of planning consent 07/01644/OUT) (application reference: 12/01109/AMC).

## **Main report**

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

This application seeks full planning permission for a residential development with associated works. This application is a revised proposal from that which was allowed at appeal for 71 units (previous application reference: 13/02660/FUL; appeal reference: 230/2129). This 2013 application proposed 29 flats and 42 houses.

The application is for the erection of 80 units, comprising 32 flats and 48 houses. The flats are a mix of two and three bed apartments, and the houses comprise terraced, semi-detached and detached units. It is proposed that 25% of the units will be affordable.

The main change between this current application and the previous application is the inclusion of an additional storey on the flatted block on the frontage at The Wisp. Here, the flats increase from three storeys to four storeys. Additional housing units are located where terraced or semi-detached houses replace larger detached homes.

The houses are two storeys in height with pitched roofs. The flats are four storeys in height and also have pitched roofs.

Parking is proposed in the form of garages, on-street parking and driveways for the houses and on-street parking for the flats. Vehicular access is proposed from The Wisp, while a separate pedestrian footpath is proposed further to the north.

Open space for the development is provided in the form of private garden grounds for the houses and communal open space to the south of the flats. There is also a children's play park within the site, adjacent to the flats. Buffer planting is proposed on the northern and eastern boundaries.

At the western boundary of the site there is a green strip proposed to form a link from the areas of open space from the south to Hunter's Hall Park to the north. This green strip will form part of the Central Scotland Green Network.

### Supporting information

The following information was submitted in support of the application:

- Mining Report;

- Ground Investigation Report;
- Design and Access Statement;
- Sustainability Statement;
- Planning Statement, and;
- Drainage Design Report.

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

## **Scheme One**

The proposal comprised 83 units. The additional three units were located within the green strip on the west of the site.

### **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 acceptable impact of the development on the landscape;
- c) the development will have any adverse impact on any archaeological remains;
- d) the scale, design and materials of the proposed development is acceptable
- e) there is sufficient amenity for existing neighbours and future occupiers;
- f) the proposal will raise drainage, flooding, ground stability or contamination issues;
- g) the proposal will have any transport, access or road safety implications;
- h) the proposal will raise issues with education infrastructure;
- i) the proposal will meet sustainability criteria;

- j) the proposal will have any equalities or human rights impacts; and
- k) the comments raised by third parties have been addressed.

**a) The Principle of the Development**

The site is identified as housing proposal HSG 41 in the adopted Edinburgh Local Development Plan. Policy Hou 1 supports housing development on this site, and policy Hou 6 supports the requirement for at least 25% of the total number of homes proposed to be affordable. The site was removed from the green belt and identified for housing development in the LDP.

Therefore, the principle of housing development on this site is acceptable.

**b) Impact on the Landscape**

The proposal would be located on the lower parkland between South Wood and Hunters Hall Park. The Reporter in the appeal decision for this site (reference number: 230-2129) noted that the landscape and visual assessments demonstrate that there would be no significant landscape or visual impact from long viewpoints from the city to the north or from the south, east or west.

The greatest change at a local level would occur in views when approaching the site from the north. In this view, the four storey flats are prominent. However, when taken in context with the wider Greendykes development to the west, it will not affect the setting of the wider area.

A planted pedestrian and cycle corridor on the western boundary of the site is proposed, ranging in width from six to 30 metres, which will link the existing and proposed green space to the north and south. As part of the LDP, there are development principles included in the site brief for this site. A key principle is the design and maintenance of greenspace link on the western boundary of the site. A design and maintenance schedule was submitted in support of the application and shows that the area will be mainly grass with a beech hedge planting along the boundary. The maintenance of the area will be secured as part of a condition of the planning permission.

The Edinburgh Design Guidance states that green corridors should be at least 30 metres in width to allow for tree planting and the installation of footpaths/cycleways. However, in this instance, the site immediately abuts the Greendykes development, where a new footpath will be installed on a north/south axis at the boundary of this application site. While trees cannot be planted in this area due to the presence of Scottish Water infrastructure under the ground, the green corridor is still provided in the form of low level hedging. Therefore, the width of this green corridor is acceptable in terms of the LDP site brief and the Edinburgh Design Guidance in this instance and will allow adequate pedestrian movements on a north/south axis.

In conclusion, any impact on landscape character would be read in conjunction with the residential development under construction on the adjoining site at New Greendykes, and would not be unexpected or incongruous in this location. Views from the roads and surrounding areas would be minimally changed but would not be adversely affected due to the extent of existing and proposed development in the immediate vicinity of the appeal site. Therefore, the impact on landscape character and the visual impact of the proposal would be acceptable.

On this basis, the impact of the proposal on the local landscape, the character and setting of this part of Edinburgh and the existing and proposed greenspace network is acceptable.

### **c) Impact on Archaeological Remains**

This site is within an area of archaeological importance in terms of the medieval estates of Edmonstone and Niddrie Marischal, post-medieval to 19th century mining activity and possible prehistoric occupation. As such, it is a requirement that a phased programme of archaeological works be undertaken, the first phase being an evaluation and metal detecting survey. To date, only the initial trial trenching has occurred though not formally reported upon. Therefore, a suitable condition is recommended regarding archaeological works if consent was granted.

### **d) Scale, Design and Materials**

In terms of assessing the scale, design and materials of the proposal, LDP policies Des 1 (Design Quality and Context) and Des 4 (Development Design - Impact on Setting) are appropriate.

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 sense of place. The proposed mix of unit types and sizes will provide for a range of users and would contribute to the creation of a new place. In addition, the layout of the proposed development would contribute towards the existing quality and character of the immediate and wider environment by providing pedestrian permeability through the site towards the west, south and north.

Policy Des 4 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 Des 4, the scale of the proposal will change the character of the existing area as there are currently no developments of this scale along The Wisp. However, it is commensurate with the adjoining New Greendykes development to the immediate west of the site and once the area is fully developed, this proposal will sit comfortably in its surroundings. The flats within the site are not characteristic of the established residential area, namely the cottages to the north, however the proposal will maximise the use of the site in order to provide a good range of housing types in line with policy Hou 2 (Housing Mix). Therefore, although the scale will appear initially incongruous within its surroundings, it will relate better to the wider area once it is all fully developed. The addition of an extra storey on the flats fronting The Wisp does not give rise to any additional concerns in terms of wider views into the site due to this being the lowest part of the site.

With regards to the integration with the wider area, there are a series of paths connecting the site to the adjoining areas. There is a pathway/cycleway off the Wisp into the site, connecting to the pathway that leads to the parkland to the north, as well as connecting to the site within the New Greendykes development. This is in accordance with the LDP design principles and is acceptable.

In terms of materials, the developer is proposing to use Fyfestone block and white render on the external walls, with a grey roof tile. These materials will help create visual interest along The Wisp and are commensurate with those proposed within the new developments to the west.

Therefore, the scale, design and materials are acceptable.

### **e) Amenity for Existing and Future Residents**

In terms of amenity of existing residents, the closest residential properties affected by the proposals lie to the immediate north of the application site. There are no windows facing onto any existing properties with the exception of windows on the upper floor of the most northerly plot, and the windows on the upper floors of the flatted block, which face towards the front of the existing property to the north. However, there is sufficient distance between the properties to reduce any overlooking. In addition, by virtue of the orientation of the properties and distance between the existing and proposed housing, there would be no adverse impacts on daylight or sunlight of existing houses.

With regards to the amenity of future occupiers, each proposed residential unit has adequate garden ground and space for parking. There is sufficient distance between properties to negate any overlooking. Due to the existing ground levels, there are areas where retaining walls are required. These are included along the boundaries of the rear garden curtilages in order to allow the gardens to benefit from larger usable areas.

Overall, levels of amenity are acceptable for existing and new residents.

### **f) Drainage, Flooding, Ground Stability and Contamination**

#### **Drainage and Flooding**

The site is proposed to be drained into a newly-installed pipe to drain any greenfield run off from the land directly south of the development. The surface water system would be designed and installed as per Scottish Water Sewers for Scotland 2 and would be adopted by Scottish Water once the vesting process is completed. Surface water flow paths for the underground surface water storage tank are designed to accommodate a 1:200 storm event. It is proposed that two levels of SUDs treatments are installed for road run-off in the form of porous surfacing and filter drains/trenches. This is acceptable in principle.

The nearest major surface water feature to the site is the Magdalene burn located 160 metres to the north of the site. SEPA's flood map indicates that the extent of flooding associated with this watercourse is outwith the site boundary.



SEPA has no objections to the application on drainage or flood risk grounds. The overland flow routes and surface water management are unchanged from the previously granted planning application, and these show that there is no risk of flooding to existing neighbouring properties and would not result in flooding within the site.

Therefore the proposals are acceptable.

### **Ground Stability**

The Coal Authority has raised no objection subject to imposition of a condition that ensures appropriate ground investigations to take place prior to development commencing. The LDP design principles require the appropriate remediation of the site and this will be carried out prior to commencement of works on site.

### **Contamination**

A condition is recommended which requires the submission of a site investigation report.

### **g) Transport, Access and Road Safety**

The development is proposed on land that is bounded by The Wisp and lies adjacent to the alignment of the new proposed 'third access' road which will help serve the new housing at New Greendykes.

Transport has no objections to the proposals subject to a contribution towards a traffic regulation order for disabled parking spaces.

In assessing the proposals in relation to transport, access and road safety, the access is acceptable and the site raises no issues in terms of road safety.

### **h) Education Infrastructure**

This site falls within the 'Castlebrae Education Contribution Zone' of the LDP Action Programme and Development Contributions and Infrastructure Delivery Guidance. The impact of the proposed development on the identified education infrastructure actions and current delivery programme has been assessed, as set out in these documents. The Education Appraisal considered the impact of new housing sites allocated in the LDP, including the application site. Appropriate education infrastructure actions to mitigate the cumulative impact of development are identified in the Action Programme. In this case, additional classrooms are required at Castlevue Primary School, as well as an extension to the dining hall, and provision for additional secondary school capacity at Castlebrae Community High School. The required contribution will therefore be based on the established 'per house' and 'per flat' rate for the appropriate part of the Zone, and total £633,665 (indexed from Q1 2015).

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

### **i) Sustainability**

A Sustainability Statement was submitted in support of the application.

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

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 air source heat pumps.

The sustainability measures are therefore acceptable.

### **j) 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 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.

### **k) Representations**

The application was advertised on 23 September 2016 and one letter of objection was received from a local resident. The letter of representation raised the following material issues:

- Flooding (addressed in 3.3(f));
- Overlooking of existing neighbouring properties (addressed in 3.3(e); and
- Loss of green belt (addressed in 3.3(a)).

### **Conclusion**

The proposal is in accordance with the development plan. It also accords with the site-specific development principles included in the LDP site brief.

In addition, taken within the context of the extant permission for the site and the surrounding housing developments under construction at New Greendykes, this application is acceptable. The proposal is relatively similar to the development granted under the previous permission. Although this application is proposing extra units, it will provide additional affordable housing as well as making more efficient use of the land with the addition of nine units.

There are no objections to the development from consultees and issues raised can be addressed by conditions. The application complies with policy and a suitable legal agreement will secure appropriate education and transport infrastructure. Therefore, the development is acceptable and there are no material considerations which outweigh this conclusion.

### **Addendum to Assessment**

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

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

#### **Conditions:-**

1. No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting and analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
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. In addition, the site investigation should also investigate any potential risk posed by the coal mining legacy and that the 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.
  - 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. Full details of the location and design of the surface water drainage scheme to be installed within the application site shall be submitted for the approval of the planning authority, and for the avoidance of doubt the scheme shall comply with the Scottish Environmental Protection Agency's (SEPA) principles and contain a surface water management plan.

4. No development shall take place on site until the proposed remedial works as set out in the submitted Consolidation of Old Mineworkings Method Statement (Undated, prepared by NPL Environmental Ltd) are implemented.
5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development and maintained thereafter.

**Reasons:-**

1. In order to safeguard the interests of archaeological heritage.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses on the site.
3. In order to enable the planning authority to consider this matter in detail and to ensure the proper drainage of the site.
4. To ensure the site is appropriately remediated.
5. In order to ensure the implementation and maintenance of the landscaping within the site, including the green corridor on the west part of the site.

**Informatives**

It should be noted that:

1. LEGAL AGREEMENT

Consent shall not be issued until the applicant has entered into a legal agreement which sets out:

- 25% Affordable housing provision for the development;
  - Secure £633,665 (indexed from Q1 2015) towards alleviating education infrastructure pressures within the contribution zone;
  - Traffic regulation orders to provide disabled parking spaces. A contribution of £2,000 will be required to progress the necessary traffic order.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
  3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

4. 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.

## **Financial impact**

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### **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**

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

The application was advertised on 23 September 2016 and one letter of objection were received from a local resident.

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

## **Background reading/external references**

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

**Statutory Development  
Plan Provision**

The site is allocated for housing (Hsg 41) in the adopted Edinburgh Local Development Plan (LDP).

It was within the green belt in previous adopted local plans. However, following the successful appeal, the site was removed from the green belt and subsequently allocated for housing in the LDP.

**Date registered**

9 September 2016

**Drawing numbers/Scheme**

01, 02B, 03-25,

**David R. Leslie**

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**Links - Policies**

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**Relevant Policies:**

**Relevant policies of the Local Development Plan.**

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

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

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

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

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

## **Other Relevant policy guidance**

**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.



# Appendix 1

## **Application for Planning Permission 16/04373/FUL At Land 213 Metres Southwest Of 22, The Wisp, Edinburgh Remix of Residential Development approval 13/02660/FUL, construction of 80 residential units and associated works (as amended).**

### **Consultations**

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#### **Archaeology 20 September 2016**

*Further to your consultation request I would like to make the following comments and recommendations concerning this application for remix of residential development approval 13/02660; construction of 83 houses and associated works.*

*As stated in my response to the earlier 2013 application (13/02660/FUL), this site occurs within an archaeological importance in terms of our understanding of the development of the medieval estates of Edmonstone and Niddrie Marischal, post-medieval to 19th century mining activity and possible prehistoric occupation. The scale of this pre-industrial mining is only just to coming to light due to recent excavations carried out by GUARD on the adjacent development site and nearby Edmonstone, the late also providing evidence for early medieval settlement. In addition the results of the 201XXX archaeological evaluation undertaken by AOC on the site demonstrated that hitherto unrecorded mining activity may survive on site in the form of industrial waste deposits and also a large cut feature.*

*Based archaeological evidence this site has been identified as an area of archaeological significance. Accordingly this application must be considered under terms of the following Scottish Government policies Scottish Planning Policy (SPP), PAN 2/2011, HESPS 2016 and also under CEC's Edinburgh City Local Plan (2003) 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.*

*In light of the results of AOC's 2013 evaluation and work by GUARD on the adjacent development sites, the site is considered to be of local archaeological significance, principally in terms of mining heritage. Accordingly given the identified potential historic mining on this site, it is essential that programme of archaeological works (strip, map & record) is undertaken prior to development in order to fully excavate and recording any surviving archaeological remains occurring on this site. This will also include analysis of any mine remediation works carried out to determine depth and extent of mine workings. Additionally the programme of metal detecting survey has yet to be undertaken as to be carried out, required due to the record presence of WWI & WWII military activity in the area.*

*Accordingly it is recommended that the following condition is attached to consent if granted to ensure that this programme of archaeological works is undertaken either prior to or during construction.*

*'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, metal detecting survey, 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.*

### **SEPA 21 September 2016**

*I refer to the consultation with SEPA on the re-mix for land south west of 22 The Wisp.*

*I note that we initially objected to the earlier application (13/02660/FUL) but withdrew that objection once the applicant provided a Grouting Risk Assessment (our letter dated 19 June 2014).*

*I wanted to confirm with you that this application is simply for a revised layout to include more units within the same red line boundary.*

### **Coal Authority 04 October 2016**

you for your consultation letter of 19 September 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 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**

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 coal mining features and hazards which need to be considered in relation to the determination of this planning application.

In addition to the mining of coal seams at deep to moderate depths, The Coal Authority's records indicate that thick coal seams outcrop at or close to the surface of the site which may have been worked in the past and that historic unrecorded underground coal mining is likely to have taken place at shallow depth.

The Coal Authority withdrew its objection to the original planning application, 13/02660/FUL, subject to the inclusion of a condition or conditions on any planning permission granted which secured intrusive site investigation works in order to establish the presence or otherwise of shallow coal workings along with the undertaking, prior to the commencement of development, of any necessary remedial works in order to ensure the safety and stability of the development. This recommendation was based upon the content and conclusions of a Mining Risk Assessment (January 2014) submitted in support of the planning application.

Having reviewed the decision notice for planning permission 13/02660/FUL I note that Condition No.3 was imposed accordingly.

Notwithstanding the above, and in support of this remixed residential development scheme, The Coal Authority notes the submitted Mining Investigation Report (April 2014, prepared by Wardell Armstrong). On the basis that the Report confirms the undertaking of a comprehensive scheme of intrusive site investigation works, the results of which identify both crop workings and shallow unrecorded underground workings, the Report confirms that a drilling and grouting operation will be required in order to provide a stable platform for development.

On account of the above, and whilst there would be no requirement to reiterate the specific part of Condition No.3 from the original planning permission on any reissued consent, The Coal Authority considers that the imposition of a condition to ensure the undertaking of the proposed remedial measures as set in the Old Mineworkings Method Statement (Undated, prepared by NPL Environmental Ltd) would be warranted.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Mining Investigation Report (April 2014, prepared by Wardell Armstrong); that coal mining legacy poses a risk to the proposed development and that remedial works by grouting to treat the areas of shallow coal mine workings/crop workings to ensure the safety and stability of the proposed development should be undertaken prior to commencement of the development.

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

\* Implementation of the proposed remedial works as set out in the submitted Consolidation of Old Mineworkings Method Statement (Undated, prepared by NPL Environmental Ltd).

## **Communities and Families Education 13 December 2016**

### *General Approach to Contributions*

*The Council has assessed the impact of the growth set out in the Local Development Plan (LDP) through an Education Appraisal (Updated December 2016), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.*

*The Council's assessment has indicated that additional infrastructure will be required to accommodate the cumulative number of additional pupils from development. Education infrastructure 'actions' have been identified and are set out in the Action Programme and current Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery'.*

*Residential development is required to contribute towards the cost of education infrastructure to ensure that the cumulative impact of development can be mitigated. To ensure that the total cost of delivering the new education infrastructure is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established.*

#### *Assessment and Contribution Requirements*

*Assessment based on:*

*32 Flats*

*51 Houses*

*This site falls within Sub-Area C-2 of the 'Castlebrae Education Contribution Zone'.*

*The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme, as set out in the Action Programme and Supplementary Guidance.*

*The Education Appraisal considered the impact of new housing sites allocated in the LDP, including the application site. Appropriate education infrastructure actions to mitigate the cumulative impact of development are identified. The required contribution will therefore be based on the established 'per house' and 'per flat' rate for the appropriate part of the Zone, as set out below.*

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

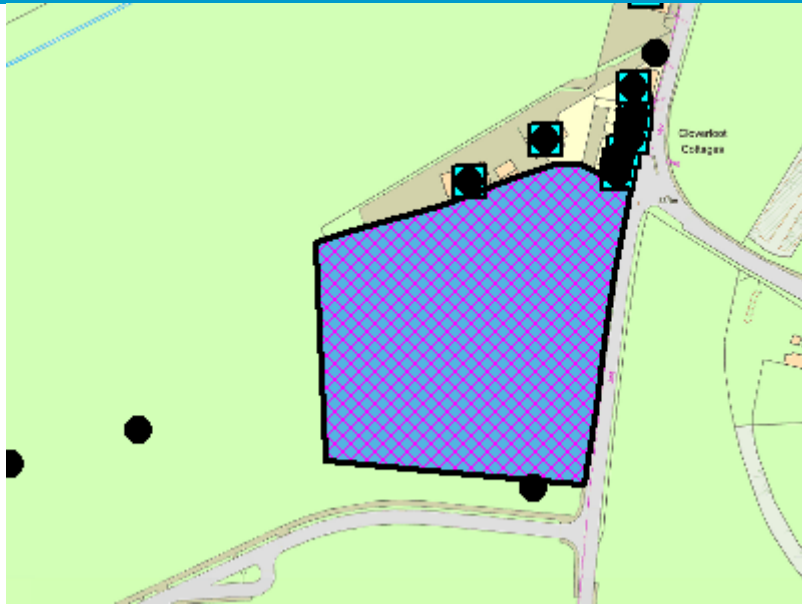
*Total infrastructure contribution required:*

*£633,665*

*Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q1 2015 to the date of payment.*

## Location Plan

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**END**