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| Case reference   | NA-EDB-045  |
| Application details  | Demolition of existing commercial buildings and erection of 52 residential flats (as amended units reduced to 49 residential flats) |
| Site address   | 70, 72 Newhaven Road, Edinburgh   |
| Applicant<br>Determining Authority<br>Local Authority Area | Queensberry Properties Ltd<br>The City of Edinburgh Council   |
| Reason(s) for notification                                 | Category 2 (Objection by SEPA)  |
| Representations  | 6 plus Leith Central Community Council  |
| Date notified to Ministers<br>Date of recommendation       | 4 September 2018 but not fully documented until 5 September 2018<br>25 September 2018   |
| Decision / recommendation                                  | Clear   |

### Description of Proposal and Site:

- Planning Permission (17/01183/FUL) is being sought for the demolition of existing commercial buildings and erection of 49 residential flats at Newhaven Road, Bonnington, Edinburgh.
- The site (figure 1) is roughly triangular in shape and has an area of 0.45 hectares. It is bound by Newhaven Road to the west with housing beyond. To the north is the Water of Leith and to the south there are light industrial buildings. New housing is being constructed to the south east of the site.
- The site currently accommodates a former industrial site and is known as Bonnington Mills. The site comprises a collection of industrial buildings of two storey cottages and a number of three storey workshops, offices, studios, commercial units and a large car park to the east that extends to the Water of Leith walkway. All of the buildings are currently vacant. The bridge to the north west of the site is Category B listed.
- The site is not identified as housing within the 2016 Edinburgh LDP

### EIA Development:

- As the development is below the threshold for Environmental Impact Assessment, it did not need to be screened. However, the application was supported by a

number of supporting statements, including an ecology report, a bat assessment and an archaeology assessment.



Figure 1 - Site Context (adapted from developer submission)

## Consultations and Representations:

### SEPA

- The Scottish Environmental Protection Agency object on the grounds that it may place buildings and persons at flood risk, contrary to Scottish Planning Policy (SPP)

### Council's Flooding Team

- The committee report highlights that the flooding risk has been assessed by the Council's Flooding Team who have no objection to the proposal, as they consider the flooding arrangements for the site to be acceptable.

### Scottish Government Flooding Policy Team

- Following notification to Scottish Ministers, the Scottish Government Flooding Policy Team were consulted and consider that the proposed development does not raise any issues of national importance that would warrant its call in by Scottish Ministers.

### Leith Central Community Council (LCCC)

- LCCC submitted representations to the application stating that it had no issue with the principle of housing in this location but raised a number of concerns, which included flooding issues.
- Following notification to Scottish Ministers, LCCC have since written to the Chief Planner highlighting that they believe this application should be called in given the inconsistencies and unresolved issues between SEPA and the Council's Flooding Team.

## Other

- Six objections were received for this application. The committee report highlights that none of these objections were concerned with flooding.

## Assessment:

1. As SEPA object on flood risk grounds, the application has been notified to Ministers to ascertain whether there any issues of national importance which warrant them calling in the application for their own determination.
2. The site is located adjacent to the Water of Leith and benefits from the Water of Leith Flood Protection Scheme (WLFPS). In August 2017, SEPA published Planning Information Note 4 which sets out SEPA's position for development that occurs behind a flood protection scheme. The guidance highlights that, where development will result in a land use change to a highly vulnerable use, such as residential, SEPA requires that the development should be protected to a 1 in 200 year standard, including an appropriate allowance for climate change.
3. SEPA in their objection do acknowledge that the site is afforded some level of protection by the WLFPS. However, they raise concerns that the climate change allowance of the WLFPS may not be sufficient, and therefore object to the principle of residential development on the site.
4. In the response dated 2 August on the Council's portal, the Council's Flooding Team commented that the WLFPS provides defence to a 1 in 200 year flood event with a 12% allowance for climate change and that the development has been designed for a 1 in 200 year flood event with a 30% allowance for climate change.
5. The Council in their committee report also highlight that SEPA in their initial objection stated that should the Council be minded to approve the application, they recommend a number of flood prevention measures. The Council state that the applicant has amended the proposals to meet these requirements and the Council's Flooding Team are satisfied that the proposed mitigation is acceptable. However, when SEPA were reconsulted, they acknowledged these amendments but maintained their objection as the proposal is still at risk to flooding.
6. SPP states that areas with medium to high flood risk, in built up areas may be suitable for residential development, provided that flood protection measures to the appropriate standard already exist and are maintained, are under construction or are a planned measure in a current flood risk management plan.
7. The Scottish Government Flood Policy Team (FPT) highlight that the development is not contrary to SPP as it is a behind a flood protection scheme which the Council say provides defence to a 1 in 200 year event with a 12% allowance for climate change.
8. The FPT highlight that the WLFPS does not include a climate change allowance of 20%, which is what SEPA deem to be required to meet the projected increase

in flood risk in future years. However, the FPT also highlight that the development does include mitigation measures which the Council's Flooding Team have deemed adequate and that the development is designed for a 1 in 200 year flood event with a 30% allowance for climate change.

9. As a result, whilst the FPT do note SEPA's concerns about the uncertainties associated with the standard of protection, they are of the view that the Council have appropriately assessed the issue of flooding at the site and that the proposed mitigation measures are satisfactory.
10. In light of the above information, it is not considered that this proposal raises any issues of national importance to warrant intervention by Scottish Ministers.

**Decision/Recommendation:**

- It is recommended that this application be cleared back to The City of Edinburgh Council.