



Case reference	NA-EDB-051
Application details	Erection of mixed use development comprising residential flats, purpose built student accommodation, associated car parking, cycle parking, landscaping and infrastructure, change of use of existing car showroom to class 1 and class 2 uses (as amended)
Site address	553-555 Gorgie Road, Edinburgh
Applicant	Killane Developments Limited
Determining Authority	City of Edinburgh
Local Authority Area	
Reason(s) for notification	Category 2 (Objection by Government Agency) (SEPA)
Representations	1 plus letter from same objector under Water of Leith Conservation Trust title
Date notified to Ministers	31 August 2020
Date of recommendation	12 November 2020
Decision / recommendation	Call in

Description of Proposal and Site:

- The site is 553-555 Gorgie Road, a site of 0.52 hectares which contains a five-storey building known as ELS House. The upper four floors of ELS House are already used as offices and student accommodation. The ground floor is currently used as a car showroom. A warehouse building to the rear of ELS House is currently used as a motorcycle showroom and workshop.

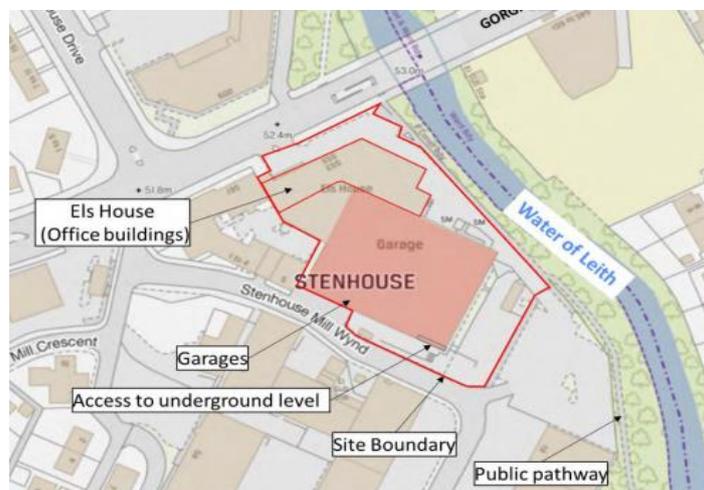


Figure 1: The site (figure taken from the flood risk assessment by Kaya Consulting Ltd)

- The application proposes the redevelopment of the ground floor of ELS House, in part for commercial purposes and in part for an entrance/amenity space for the proposed residential development. The warehouse buildings (with the exception of the basement) would be demolished, to be replaced by a 7-storey student accommodation block and a 5-storey residential accommodation block, with a central courtyard providing shared amenity space. Car and cycle parking, stores and internal amenity space for the student accommodation are proposed in the existing basement, which is also proposed to retain capacity to store flood water.
- The Water of Leith is adjacent to the site. The site is not protected by the Water of Leith Flood Protection Scheme.

EIA Development:

- The proposal fits the description of being an urban development project under 10(b) of the table in Schedule 2 of the EIA regulations, and being 0.52ha is above the screening threshold of 0.5ha. The Council has undertaken a screening opinion and concluded that EIA is required, and PAD considers this opinion is reasonable.

Consultations and Representations:

- SEPA objects on flood risk grounds, due to “general uncertainties in relation to the hydrology of the catchment and design flows” of the Water of Leith.
- 1 representation was received by the Council, objecting to the proposals in relation to the proposed height and density of the development, proximity to the Water of Leith, flood risk and impact on biodiversity.
- The Council’s Flooding team has no objection, following receipt of additional information.
- The Scottish Government’s Flood Risk Management (FRM) team recommends that the application should be called in. Their advice is detailed further below.

Assessment:

1. The City of Edinburgh Council is minded to grant planning permission for the proposed development against the advice of SEPA and has duly notified Scottish Ministers of the application.
2. A flood risk assessment (FRA) has been submitted, but SEPA has not provided specific comments on it, instead objecting on flood risk grounds due to “general uncertainties in relation to the hydrology of the [Water of Leith] catchment and design flows”.
3. Following the completion of Phases 1 and 2 of the Water of Leith (WoL) Flood Protection Scheme (FPS), the Council commissioned Arup to carry out a hydrological and hydraulic modelling study of the WoL, to better understand design flows in the complex catchment and the standard of protection provided by the FPS. Progress on this study has been subject to delays. SEPA is seeking to defer determination of the application until the outcome of the study is known. As a general principle, applications should be determined, and FRAs should be undertaken, on the basis of the best information available at the time – which at present does not include the Arup study findings. However, PAD considers that this particular case raises several significant issues in relation to flood risk that would benefit from further scrutiny by Ministers.

4. Notwithstanding SEPA's objection, the committee report stated that the submitted information related to flood risk was considered acceptable by the Council's Flood Prevention Team, and that the proposal accords with the flood risk policy of the LDP. The council considers the principle of development acceptable and broadly compliant with the LDP, and that the proposed scheme would create a sustainable mixed-use community.

5. The submitted FRA indicates that almost half of the site (the south eastern portion) is within the 200 year floodplain, and that floodwater is expected to pool in the basement to a depth of approx. 2 metres (see Figure 2 below). The submitted plans show that in addition to car parking, internal amenity space (including a gym, TV room and lounge area) for the student accommodation is proposed on the basement floor. It is unclear whether the Council fully considered the acceptability of this element of the proposals in terms of flood risk policy, as it was not mentioned in the committee report nor in the submitted FRA. SEPA's Land Use Vulnerability Guidance advises that student halls of residence are a "highly vulnerable use" in flood risk terms, and are generally unsuitable in areas of medium to high flood risk within built up areas, with a few exceptions which do not clearly apply here. The Scottish Government's Flood Risk Management team advises that the proposed use is more vulnerable than the existing use.



Figure 2: 200 year flood extent (figure taken from the FRA by Kaya Consulting Ltd.)

6. The submitted FRA proposes mitigation measures, including "no residential accommodation on the basement floor", and "no loss of floodplain storage of the basement". The Council is not proposing any conditions to require the implementation of these measures, and the SG Flood Risk Management Team considers this would not accord with Scottish Planning Policy. Of particular significance is the lack of a proposed condition to ensure that there is no loss of floodplain storage of the basement. This could leave open the possibility that future owner/occupants could carry out internal work (e.g. installation of barriers or partitions) within the basement without needing the consent of the planning authority

but leading to loss of floodplain storage, potentially increasing the probability of flooding elsewhere. This would potentially be contrary to a policy principle of SPP that the planning system should promote flood avoidance by (amongst other things) safeguarding flood storage capacity.

7. For the reasons set out above, this case raises issues that would benefit from further scrutiny by Scottish Ministers and an appointed Reporter. A Reporter would also be able to assess the proposals in the light of the Arup study outputs and any further advice from SEPA, if available.

Recommendation

8. Call in the application.