

# Development Management Sub Committee

**Wednesday 17 March 2021**

**Application for Planning Permission 21/00284/FUL  
at Land 447 Metres Northeast Of , 545 Old Dalkeith Road,  
Edinburgh.**

**Proposed residential development Section 42 Application to  
vary condition 8 (noise reduction measures) and delete  
conditions 6 (surface water drainage scheme) and 10  
(landowner agreements) of planning permission in principle  
14/01057/PPP.**

**Item number**

**Report number**

**Wards**

B17 - Portobello/Craigmillar

## Summary

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This is an application under section 42 of the Town and Country Planning (Scotland) Act 1997 that seeks a new permission to develop the land without complying with the conditions of the previous permission. A decision of grant would result in a new planning permission in principle for a 'residential development, ancillary uses and associated development'.

Planning permission in principle 14/01057/PPP was approved on appeal (PPA-230-2131) by Scottish Ministers. A 'residential development' was approved in detail by 18/00508/AMC and is extant. The period for making applications for the approval of matters specified in the conditions of 14/01057/PPP (PPA-230-2131) has expired.

The proposal is located in the South East Wedge South: Edmonstone Local Development Plan Housing Allocation (HSG 40) where the principle of residential development is acceptable. The amendments to condition 8 and deletion of condition 6 and condition 10 of 14/01057/PPP (PPA-230-2131) will not impede the implementation of a scheme to protect the residential amenity of future occupiers from road traffic and helicopter noise nor prevent the securing of proper drainage for the application site. A decision of grant would be subject to the conclusion of a section 75 legal agreement or modification of the existing legal agreement.

The proposal is considered to comply with the Development Plan and there are no material considerations which should outweigh this conclusion.

## Links

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### [Policies and guidance for this application](#)

LDPP, LDEL01, LDES05, LDES09, LEN03, LEN09, LEN12, LEN16, LEN18, LEN21, LEN22, LHOU01, LHOU06, LTRA02, LTRA03, LTRA09, SUPP, SGDC, SGBIOF, NSG, NSHAFF,

# Report

## **Application for Planning Permission 21/00284/FUL at Land 447 Metres Northeast Of , 545 Old Dalkeith Road, Edinburgh.**

### **Proposed residential development Section 42 Application to vary condition 8 (noise reduction measures) and delete conditions 6 (surface water drainage scheme) and 10 (landowner agreements) of planning permission in principle 14/01057/PPP.**

## **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 application site, covering approximately 27 hectares, is situated within the grounds of the historic Edmonstone Estate to the southeast of the city between the areas of Greendykes and Moredun. It is bounded to the south by Old Dalkeith Road (the A7). To the east is The Wisp, which makes the boundary with Midlothian Council. East of The Wisp is the settlement of Danderhall. Open space forming part of the Green Belt defines the northern boundary and to the west are the Eight Acre Field and Walled Garden developments, then the Edinburgh BioQuarter (EBQ).

The application site is currently comprising parkland with a scattering of widely-spaced out trees of varying ages. A cluster of denser woodland sits to the western boundary adjacent to the former site of Edmonstone House. Vegetation types across the application site include:

- Ornamental woodland extending from the south into the site providing a robust natural buffer between the development and the EBQ;
- A series of tree belts, which add structure and enclose the site from adjacent open spaces; and
- Recent woodland planting, which is located along the southern and eastern boundary of the site along Old Dalkeith Road and The Wisp.

The application site is the South East Wedge South: Edmonstone Local Development Plan (LDP) Housing Allocation (HSG 40). It is also located in a Special Landscape Area (Edmonstone House) and a Local Nature Conservation Site. All trees are covered by a Tree Preservation Order (TPO) (reference No.1542008). Trees within the woodland cluster to the western boundary are also Inventory Ancient Woodland and Heritage trees.

Edmonstone House was demolished in the 1950s but the Policy woodland, gate houses, walled garden, boundary walls and Ha-Has, as well as ruins of the former stable block, remain. The eastern and southern boundaries of the application site are defined by a stone wall which varies between 1.5 metres and 2 metres in height. It is in a good condition overall, although there are some areas along The Wisp where it is in a state of disrepair. The Edmonstone House East Gates and Lodge are Category B listed (reference 49519, listed 7 October 2003). The Edmonstone House South Gates and Lodge are also Category B listed (ref 49518, listed 7 October 2003). Both Lodges are currently in a derelict state, with the South being in a ruinous condition. Home Farm, a prehistoric field enclosure, lies to the north outwith the application site and is a Scheduled Monument (reference SM6038, date listed 10 June 1994).

Access for vehicles and pedestrians is currently taken from The Wisp and Old Dalkeith Road at the South and East Lodges.

## 2.2 Site History

23 April 2015 - Planning permission granted for ground stabilisation works (application reference: 14/01166/FUL)

3 July 2015 - Appeal against non-determination of application number 14/01057/PPP for a residential development at land 447 metres northeast of 545 Old Dalkeith Road, Edinburgh allowed by Scottish Ministers (DPEA appeal reference PPA-230-2131). Condition 1 required the approval of matters specified in conditions (AMC) applications to be in accordance with the timescales of section 59 of the 1997 Act, or a period of three years to 3 July 2018.

5 February 2018 - Tree Preservation Order Exemption Granted in respect of TPO 164: Cedar of Lebanon tag number 336 - fell to ground level (application reference: 18/00310/TPO)

4 September 2018 - Application for the Approval of Matters Specified in Conditions 1 and 6 of Planning Permission in Principle 14/01057/PPP (Appeal Reference PPA-230-2131) granted for a residential development, ancillary uses and associated development on land 447 Metres Northeast of 545 Old Dalkeith Road Edinburgh (application reference 18/00508/AMC). This application remains extant due to the provisions contained in the Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2020. A notification of initiation of development in respect of 14/01057/PPP and 18/00508/AMC was submitted on the 15 June 2020.

1 October 2018 - Application granted for the Modification of the existing Legal Agreement (application reference: 18/02853/OBL)

21 December 2018 - Planning permission granted for the variation to Condition 1 attached to planning permission 18/00508/AMC to change to - *"Prior to the occupation of any residential dwellings hereby approved, the signalised junction of The Wisp with Old Dalkeith Road shall be upgraded to include a system of control by Microprocessor Optimised Vehicle Actuation or such other alternative system as may be agreed, together with carriageway widening etc. all generally as shown on Transport Planning Ltd sketch number TP430/SK/001 dated October 2017."* (application reference:

18/09481/FUL). A notification of initiation of development in respect of planning permission 18/09481/FUL was submitted on the 15 June 2020.

6 October 2020 - Application granted for the Modification or Discharge of Planning Obligations (application reference: 20/03385/OBL)

7 December 2020 - Planning permission granted for, relative to planning permission 18/00508/AMC, amend approved layout to remove houses and incorporate larger SUDS facility and associated landscaping in north-west part of the site (application reference: 20/04168/FUL)

## **Main report**

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### **3.1 Description of the Proposal**

This is an application under section 42 of the Town and Country Planning (Scotland) Act 1997 for the variation of condition 8 and the deletion of condition 6 and condition 10 of planning permission in principle 14/01057/PPP.

It is proposed to retain the wording of condition 8 but replace *"No development shall take place"* with *"No part of the residential development hereby approved shall be occupied"*, in relation to the condition which reads:

*"No development shall take place until a scheme for protecting all bedrooms and living rooms of the residential development against road traffic and helicopter noise has been submitted and approved by the Planning Authority. The scheme will be designed in accordance with BS8233:1999 'Sound Insulation and Noise Reduction for Buildings - Code of Practice' to attain the following internal noise levels:*

- 1. Bedrooms - 30dB LAeq, T and 45dB LAfmax*
- 2. Living Rooms - 35 dB LAeq, D*
- 3. T - Night-time 8 hours between 2300 - 0700*
- 4. D - Daytime 16 hours between 0700 - 2300*

*The agreed scheme must be implemented in full prior to any residential properties being occupied".*

It is proposed to delete condition 6 which requires *"That the site development layout and phasing plan to be submitted as part of the application required under condition 1 above shall include full details of the location and design of the surface water drainage scheme to be installed within the application site and 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"*.

It is proposed to delete condition 10 which requires that *"No house construction shall commence on the site until the developer has landowner agreements in place to allow surface water connection from the site to the Niddrie Burn in accordance with SEPA requirements."*

The application is submitted to allow the submission of further AMC applications to facilitate development of this allocated housing site.

A Planning Statement was submitted in support and this is available to view on the Planning Portal.

### **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 principle;
- b) the amendments to the conditions of 14/01057/PPP (PPA-230-2131) is acceptable;
- c) there are any other material planning considerations and
- d) the report has addressed all material considerations raised by Community Councils and letters of representation.

#### **a) Principle of the Proposal**

LDP Policy Hou 1a) gives priority to the delivery of the housing land supply and relevant infrastructure on allocated sites

The relevant development plans by which 14/01057/PPP (PPA-230-2131) was principally assessed were the South East Scotland Strategic Development Plan and the now superseded Edinburgh City Local Plan. The current 2016 LDP was a material consideration but only proposed and not in force. The appeal site in respect of 14/01057/PPP (PPA-230-2131) was not allocated for housing and was located in the Green Belt.

The approval of 14/01057/PPP (PPA-230-2131) saw the appeal site, which is identical in respect of its boundary to that for the current proposal, become a LDP Housing Allocation (HSG 40). 18/00508/AMC is extant and the commencement of development allows the permission to be implemented; this is a material consideration with significant weight.

The proposal seeks a new permission for a residential development on land allocated for residential development and is acceptable in principle.

## **b) Amendments to Condition 6, 8 and 10 of 14/01057/PPP (PPA-230-2131)**

### Condition 8

Condition 8 aims to protect the residential amenity of future occupiers and states *"No development shall take place until a scheme for protecting all bedrooms and living rooms of the residential development against road traffic and helicopter noise has been submitted and approved by the Planning Authority. The scheme will be designed in accordance with BS8233:1999 'Sound Insulation and Noise Reduction for Buildings - Code of Practice' to attain the following internal noise levels:*

1. *Bedrooms - 30dB LAeq, T and 45dB LAfmax*
2. *Living Rooms - 35 dB LAeq, D*
3. *T - Night-time 8 hours between 2300 – 0700*
4. *D - Daytime 16 hours between 0700 – 2300*

*The agreed scheme must be implemented in full prior to any residential properties being occupied".*

It is proposed to retain the wording of condition 8 but replace *"No development shall take place"* with *"No part of the residential development hereby approved shall be occupied"*.

The wording as proposed effectively changes the point in time for which the scheme to protect residential amenity is required to be approved by the Planning Authority from prior to development to prior to occupation. The Noise Impact Assessment submitted in support of 14/01057/PPP (PPA-230-2131) advised that road traffic and helicopter noise associated with the Edinburgh Royal Infirmary may impact on residential amenity. The Scottish Government Reporter, in their appeal decision for 14/01057/PPP (PPA-230-2131), noted the comments from CEC Environmental Protection which considered that noise from these sources would not be an issue if appropriate façade design and glazing measures are implemented.

There can be no detrimental impact on residential amenity until there are residents to be impacted and the change in timing as proposed will still allow the Planning Authority to ensure that a scheme is timeously implemented. As British Standard (BS) 8233:1999 'Sound Insulation and Noise Reduction for Buildings - Code of Practice' has been superseded by BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings', it is reasonable for the scheme to be designed in accordance with this updated BS.

The proposed amendment to condition 8 is acceptable.

## Condition 6

Condition 6 aims to ensure the proper drainage of the application site and states: "*That the site development layout and phasing plan to be submitted as part of the application required under condition 1 above shall include full details of the location and design of the surface water drainage scheme to be installed within the application site and 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*". It is proposed to delete this condition.

The applicant advises that surface water is proposed to drain to three SuDS basins approved by planning permission 20/04168/FUL. The SuDS basins are located within and to the northwest of the application site.

The three SuDS basins are intended to replace the surface water drainage arrangements which were approved in detail by 18/00508/AMC and distributed throughout this development. Whilst the proposed relocation is acceptable for a new planning permission in principle, the Planning Authority will still require full details of how surface water will be directed to the three SuDS basins approved by 20/04168/FUL and confirmation that they are suitable in respect of flooding, storage, siting and overland flow routes. Condition 1 of this decision is intended to secure the proper drainage of the application site in relation to the submission of further AMC applications.

The proposed deletion of condition 6 is acceptable.

## Condition 10

Condition 10 also aims to ensure the proper drainage of the application site and states "*No house construction shall commence on the site until the developer has landowner agreements in place to allow surface water connection from the site to the Niddrie Burn in accordance with SEPA requirements*". It is proposed to delete this condition.

The Planning Authority received confirmation that the necessary legal agreements between respective parties, which does not include CEC, are in place to allow a surface water connection from the application site to the Niddrie Burn.

The proposed deletion of condition 10 is acceptable.

## **c) Other Material Planning Considerations**

A section 42 application seeks a new permission to develop the land without complying with the conditions of the previous permission. Regulation (2) states that the Planning Authority can only consider the issue of which conditions should be attached to the new permission and it has two options; to grant subject to different conditions (including no conditions) or refuse if it is considered that the original conditions should stand.

A decision of grant would create a new planning permission in principle only and the detailed design, siting, and layout of a future 'residential development' would be subject to AMC applications. Accordingly, the potential impacts of the development on aspects such as trees and the natural environment, the historic environment, vehicular access and traffic and neighbour amenity cannot be assessed at this stage as this falls outwith the considerations of a section 42 application made in respect of a planning in principle. Ensuring mitigation of these potential impacts can however, and for the avoidance of doubt, be secured by conditions to a decision of grant and a section 75 legal agreement given that they are known from the assessment undertaken in respect of 14/01057/PPP (PPA-230-2131) and the extant permissions 18/00508/AMC and 20/04168/FUL.

#### Other Conditions of 14/01057/PPP (PPA-230-2131)

Whilst investigations and work has been undertaken in respect of 14/01057/PPP (PPA-230-2131), there are outstanding matters relating to the development of the application site as a whole and the Planning Authority will attach all conditions, varied where necessary and unless assessed in Paragraph 3.3b) of this report, to ensure that any issues and concerns identified under the original permission are addressed in full.

#### Developer Contributions

Consent granted under section 42 of the 1997 Act is a new permission and capable of separate implementation. Annex I, Paragraph 2d) of Circular 3/2013: Development Management Procedures states *"Planning authorities will wish to note the following in relation to Section 42 applications: The need to secure any section 75 legal obligation (or other agreement) to the new permission, where it is intended this should still apply"*.

LDP Policy Del 1 requires contributions to the provision of infrastructure to mitigate the impact of development. The Edinburgh LDP Action Programme (February 2020) sets out how the infrastructure and services required to support the growth of the city will be delivered and if these will be by a section 75 agreement. The section 75 legal agreement in respect of 14/01057/PPP (PPA-230-2131) has been modified by 18/02853/OBL and 20/03385/OBL. The current obligations applying to the development of the application site are outlined as follows.

#### *Affordable Housing*

Clause 3 relates to the timing and level of affordable housing and can be summarised as the requirement for 25% of the total residential units to meet the definition of affordable housing units. Tenure type, location, design standards and contracts must all be agreed with CEC.

#### *Education*

Clause 4 relates to the timing and level of contributions towards the Liberton / Gracemount Education Zone and can be summarised as follows:

- i) a 'Education Flat Contribution' of £1,577 per flatted dwelling; and
- ii) a 'Education House Contribution' of £9,093 per dwelling house.

The first payment is due prior to the completion of the 100th residential unit.

### *Transport*

Clause 5 relates to the timing and level of contributions for transport network improvements and can be summarised as follows:

- i) the improvement of traffic signals at The Wisp/Old Dalkeith Road;
- ii) the construction of a two-metre wide footway linking the northern access road (Tweedsmuir Drive) within the development to Edmonstone Road;
- iii) the provision of a cycle track linking the development to Ferniehill Road;
- iv) £6,000 for designating disabled parking spaces, waiting and loading restrictions and a 20mph speed limit within the development; and
- v) £2,000 for implementing a 30mph on The Wisp and the associated amendment of road signs and marking to CEC and Midlothian Council.

Design and layout approval and payment where applicable are all required prior to the date of first occupation.

### *Estate Management Strategy*

Clause 6 requires adherence with the principles, works and requirements of the "Edmonstone Estate Management Strategy (Revision 0)" prepared by Ian White Associates and approved by the Council on 23 April 2015. The aim of the strategy is the restoration and management of the designed landscape and any associated features of relevance.

### *Conclusion*

The applicant is seeking to modify the existing section 75 legal agreement so that parts of the land within the application site can be developed in isolation to the others in respect of the need for education contributions. The first payment is due prior to the completion of the 100th residential unit which would be incompatible if the land were to be parcelled to multiple developers. There is no change to the financial contributions but issues concerning appropriate delivery of contributions will need to be addressed through a new planning obligation or modification of planning obligation to ensure timeous delivery for the different parcels of land being brought forward.

As a decision of grant would result in a new permission, the Planning Authority is able to assess whether further developer contributions are necessary against the current Development Plan. The Roads Authority confirm that the application site falls wholly within the Sherriffhall Contribution Zone and partly within the Gilmerton Crossroads Contribution Zone. The LDP Action Programme does not identify any costs for Sherriffhall but the Roads Authority advise that the latter should attract a per residential unit obligation of £586.83 towards the Gilmerton Crossroads.

The Edinburgh LDP Action Programme notes that costs associated with the Gilmerton Crossroads have been secured by section 75 legal agreements in respect of the Gilmerton Station Road and The Drum LDP Housing Allocations (HSG 24 and HSG 25). Respective payments of £519,838 and £153,565 have been received and therefore no further developer contributions towards the Gilmerton Crossroads are required.

Given that a decision to grant the section 42 application would result in a new permission which is similar in nature to 14/01057/PPP (PPA-230-2131) and the extant 18/00508/AMC, it would not be justified to seek additional developer contributions against The Edinburgh LDP Action Programme.

#### **d) Community Councils and Letters of Representation**

##### **Material Comments - Objection:**

- Flood risk and surface water - assessed in section 3.3b);
- Impact on local facilities and services - assessed in section 3.3c);
- Building on disused historic mines - mitigation measures have been identified by site investigations in respect of the extant 18/00508/AMC and implementation is secured by condition;
- Impact on the Tram extension - no alterations to the existing road network is proposed.

##### **Non-material Comments**

A decision of grant would create a new planning permission in principle only and the detailed design, siting, and layout of a future 'residential development' would be subject to applications for the approval of matters specified in conditions. Assessment and any necessary mitigation in respect of the matters raised by representations below can be identified and implemented under a subsequent AMC or AMCs unless otherwise expanded upon:

- Inappropriate design, layout, massing, density and appearance;
- Impact on neighbour amenity from loss of daylight, sunlight, overlooking, privacy, noise and smell;
- Impact on listed buildings and the historic environment;
- Loss of trees and greenspace and impact on habitat and species;
- Inadequate parking and increase of vehicular traffic.

##### **Conclusion**

This is an application under section 42 of the Town and Country Planning (Scotland) Act 1997 that seeks a new permission to develop the land without complying with the conditions of the previous permission. A decision of grant would result in a new planning permission in principle for a 'residential development, ancillary uses and associated development'.

Planning permission in principle 14/01057/PPP was approved on appeal (PPA-230-2131) by Scottish Ministers. A 'residential development' was approved in detail by 18/00508/AMC and is extant. The period for making applications for the approval of matters specified in the conditions of 14/01057/PPP (PPA-230-2131) has expired.

The proposal is located in the South East Wedge South: Edmonstone Local Development Plan Housing Allocation (HSG 40) where the principle of residential development is acceptable. The amendments to condition 8 and deletion of condition 6 and condition 10 of 14/01057/PPP (PPA-230-2131) will not impede the implementation of a scheme to protect the residential amenity of future occupiers from road traffic and helicopter noise nor prevent the securing of proper drainage for the application site. A decision of grant would be subject to the conclusion of a section 75 legal agreement or modification of the existing legal agreement.

The proposal is considered to comply with the Development Plan and there are no material considerations which should outweigh this conclusion.

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

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

#### **Conditions :-**

1. No development shall commence until the written approval of the Planning Authority has been given in respect of the following matters:
  - (a) a site development layout and phasing plan showing a phased implementation programme for built development, road and footpath provision, open space provision, tree and shrub planting and woodland management, and this plan shall also detail the siting, design and height of development, including the design of all external features and glazing specifications (including acoustic capabilities);
  - (b) design and configuration of public and open spaces, all external materials and finishes and details of any seating, fencing and play equipment;
  - (c) car and cycle parking, access, road layouts and alignment, including a Stage 2 Quality Audit, classification of streets, and servicing areas;
  - (d) footpaths and cycle routes;
  - (e) waste management and recycling facilities;
  - (f) surface water and drainage arrangements accompanied by a Surface Water Management Plan;
  - (g) existing and finished ground levels in relation to Ordnance Datum;

(h) full details of sustainability measures in accordance with Edinburgh Standards for Sustainable Building;

;

- (i) hard and soft landscaping details, including:
  - a) walls, fences, gates and any other boundary treatments;
  - b) the type and location of new trees, shrubs and hedges;
  - c) the type and location of any trees to be felled and removed from the site;
  - d) a schedule of plants to comprise species, plant size and proposed number/density;
  - e) programme of completion and subsequent management and maintenance;
  - f) existing and proposed services such as cables, pipelines, substations;
  - g) other artefacts and structures such as street furniture, including lighting columns and fittings, and play equipment and,
  - h) details of phasing of these works in relation to implementation and phasing of housing.

2. No part of the residential development hereby approved shall be occupied until a scheme for protecting all bedrooms and living rooms of the residential development against road traffic and helicopter noise has been submitted and approved by the Planning Authority. The scheme will be designed in accordance with BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings to attain the following internal noise levels:

1. Bedrooms - 30dB LAeq, T and 45dB LAfmax
2. Living Rooms - 35 dB LAeq, D
3. T - Night-time 8 hours between 2300 – 0700
4. D - Daytime 16 hours between 0700 – 2300

The agreed scheme must be implemented in full prior to any residential properties being occupied.

3. As soon as possible after each of the phases of the development approved under condition 1(a) above is completed (except for the last or final phase, in respect of which notice shall be given under section 27B(1) of the Act) the person who has completed any phase shall give written notice of the completion of that phase to the Planning Authority.
4. No work shall begin until the written approval of the Planning Authority has been given to the details and programming of remedial and/or protective measures required in terms of items (a) and (b) below, and the development shall be carried out in accordance with that written approval.

(a) a site survey (including intrusive investigation where necessary) shall 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 should be undertaken to bring the risks to an acceptable level in relation to the development and,

- (b) a Method Statement and implementation programme for the identification, control and safe removal of any invasive species present on the site including Giant Hogweed (*Heracleum mantegazzianum*).
5. No development shall take place on the site until the developer has secured the implementation of a programme of archaeological work (excavation, analysis and reporting, publication, public engagement and interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
  6. The trees on site shall be protected during the entire ground stabilisation operations period by the erection of a protective barrier in accordance with Figure 2 of British Standard 5837:2012 - 'Trees in relation to design, Demolition and Construction - Recommendations'. The barrier will be no closer to any tree than the distance specified in Clause 4.6 of BS5837:2012.
  7. No development shall take place until the remedial measures identified in the submitted Report on Site Investigations have been carried out. The mining entries should be grouted and capped. Documentary evidence to certify that the approved measures have been carried out is to be submitted to and approved by the Planning Authority, in consultation with the Coal Authority and SEPA, prior to the commencement of construction works on site.
  8. The relevant ecology mitigation measures outlined in sections 9.80 - 9.109 of Volume 1: Environmental Statement - Main Text of the Environmental Statement by Waterman Energy, Environment and Design Limited (Date of publication October 2013 / Document Reference: EED13695-100-R-1-1-1-ES) submitted in support of 14/01057/PPP (PPA-230-2131) shall be implemented and adhered to.

**Reasons: -**

1. To enable the Planning Authority to consider these matters in detail.
2. In order to protect the amenity of the occupiers of the development.
3. To accord with section 27B(2) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006.
4. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses on the site.
5. In order to safeguard the interests of archaeological heritage
6. In order to safeguard protected trees.
7. In the interests of public safety.
8. In order to protect the amenity of the occupiers of the development.

## **Informatives**

It should be noted that:

1. A suitable legal agreement will be required to cover the following matters:

### Estate Management Strategy

The adherence with the Estate Management Strategy titled "Edmonstone Estate Management Strategy (Revision 0)" prepared by Ian White Associates and approved by The City of Edinburgh Council on 23 April 2015.

### Transport

- i) The implementation of improvements to the traffic signals at The Wisp / Old Dalkeith Road.
- ii) The provision of a 2m wide footway linking the northern access road to Edmonstone Road.
- iii) The provision of a cycle track linking the Development to Ferniehill Road.
- iv) The contribution of £6,000 for designating disabled parking spaces, waiting and loading restrictions and a 20mph speed limit within the development.
- v) The contribution of £2,000 for implementing a 30mph speed limit on The Wisp and the associated amendment of road signs and marking.

### Affordable Housing

The provision of 25% of the total residential units as affordable housing units.

### Education

The contribution of £1,577 per flatted dwelling and £9,093 per dwelling house towards the provision of additional primary and secondary classroom accommodation for schools which serve the application site within Liberton / Gracemount Contribution Zone.

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

2.
  - a) Application for the approval of matters specified in conditions must be made before the expiration of 1 year from the date of the grant of planning permission in principle, unless an earlier application for such an approval has been refused or an appeal against such a refusal has been dismissed, in which case application for approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
  - b) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

## **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:**

The application has been assessed and has no impact in terms of equalities or human rights.

## **Sustainability impact**

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### **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**

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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**

Neighbour notification was carried out on the 26 January 2021 and the application appeared on the weekly list of the 1 February 2021. The neighbour notification period expired on the 16 February 2021.

Nine comments in objection were received. A summary of considerations raised is provided in 3.3d).

## **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](#)
- [Scottish Planning Policy](#)

## **Statutory Development**

### **Plan Provision**

The application site is located in the South East Wedge South: Edmonstone Local Development Plan Housing Allocation (HSG 40), the Edmonstone House Special Landscape Area and a Local Nature Conservation Site. A Tree Preservation Order (TPO 164) applies to the application site.

### **Date registered**

26 January 2021

### **Drawing numbers/Scheme**

01A,

Scheme 1

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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## **Links - Policies**

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### **Relevant Policies:**

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

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

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP 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.

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

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

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

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 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

Draft Developer Contributions and Infrastructure Delivery SG sets out the approach to infrastructure provision and improvements associated with development.

The Edinburgh BioQuarter and South East Wedge Parkland Supplementary Guidance sets principles against which proposals will be assessed.

### **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** - on affordable housing gives guidance on the situations where developers will be required to provide affordable housing.



# Appendix 1

**Application for Planning Permission 21/00284/FUL at Land 447 Metres Northeast Of , 545 Old Dalkeith Road, Edinburgh**  
**Proposed residential development Section 42 Application to vary condition 8 (noise reduction measures) and delete conditions 6 (surface water drainage scheme) and 10 (landowner agreements) of planning permission in principle 14/01057/PPP.**

## **Consultations**

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**Craigmillar Community Council** - No response

**City of Edinburgh Council Environmental Protection** - No response

**City of Edinburgh Council Flood Prevention** (23 February 2021) - No objection subject to a condition

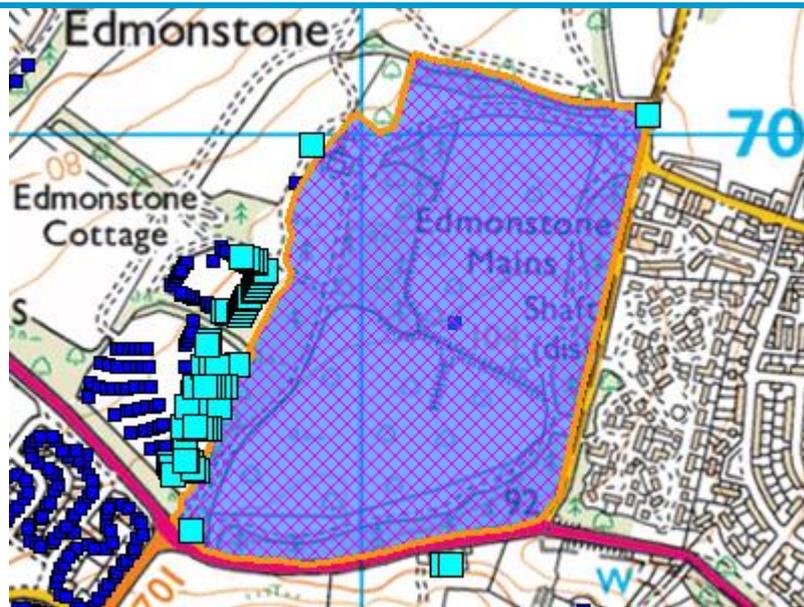
**City of Edinburgh Council as Roads Authority** (26 February 2021) - No objection

*A legal agreement has been entered into for the outline planning permission for this site (Ref.14/01057/PPP). Since that time, the Council has published the Developer Contributions & Infrastructure Delivery Supplementary Guidance 2018. The site lies within two transport contribution zone, see below:*

- *Gilmerton contribution zone - the above proposed development is for up to 368 residential units. Therefore a contribution of up to £215,953 would be sought (£586.83 per unit);*
- *Sheriffhall contribution zone - no costs have been identified for this infrastructure.*

## Location Plan

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