

Development Management Sub-Committee Report

Wednesday 26 April 2023

**Application for Planning Permission
land 292 metres west of 10, Gilmerton Station Road, Edinburgh.**

Proposal: Proposed residential development, including bike/bin stores, associated infrastructure, access, landscaping and engineering works.

**Item –
Application Number – 22/02912/FUL
Ward – B16 - Liberton/Gilmerton**

Reasons for Referral to Committee

The application is being referred to the Development Management Sub-Committee because 11 letters of objection to the proposals have been received. Consequently under the Council's scheme of delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

It is recommended that this application be **Granted Subject to Legal Agreement** subject to the details below.

Summary

The proposed development is within the urban area where residential development is acceptable in principle. The site can contribute to local living and 20 minute neighbourhoods with its range of affordable and private housing as well as a substantial area of open space. The proposed layout integrates with the existing residential developments and provides an attractive residential environment at this gateway edge site to the city. The proposals include a number of active travel connections as well as education and healthcare contributions. In terms of climate change the proposals incorporate sustainability measures. The proposal would create a substantial open space with quality landscaping which would be a biodiversity enhancement. Therefore it is considered that that proposals comply with the Development Plan policies of NPF4 and the LDP. There are no material considerations which indicate otherwise.

SECTION A – Application Background

Site Description

The 6.43 hectare site is currently greenfield land and SuDs area, within the south east of Edinburgh. It is roughly 'L' shaped and is bounded to the south-west by Lasswade Road and to the south-east by Gilmerton Station Road. To the north-east is the recently approved residential development (application number 21/06680/AMC) which is part of housing allocation LDP HSG 24. To the north-west is recently constructed residential development (application number 16/03895/PPP and 18/02540/AMC) and this current planning application site was previously included within the site boundaries of these applications.

The site slopes approximately 17m from north-west to south-east. There are no features of interest on the site. The south-west boundary is delineated by a post and wire fence with an existing vehicle farm gate access. The fence continues along the south-east boundary to Gilmerton Station Road. There is an existing bus stop on Lasswade Road near the site.

The site is approximately 1.6km from the existing local shops, leisure and healthcare facilities at Gracemount. There is also planning permission recently granted for phase one of a two-phase mixed-use development including a retail foodstore and small business units at 1-4 Gilmerton Station Road (application number 21/05498/AMC). The mixed use proposal also includes over two phases, class 1 retail, class 2 professional services, class 3 food and drink, class 4 to 6 business/industrial, class 7 hotel and class 11 Assembly and Leisure (application numbers 19/02122/PPP and 22/06390/FUL) . This is approximately 10 minutes' walk from the application site.

Description of The Proposal

Full planning permission is sought for residential development with associated infrastructure, access, landscaping and engineering works. The net site area is 4.4 hectares with the total being 6.4 hectares including adjacent roads, pavements and existing SUDS which will be extended to serve the proposed development.

152 residential units are proposed comprising 113 private dwellings including 22 two bedroom flats, 63 three bedroom houses, and 28 four bedroom houses.

The 39 units (25%) affordable housing units comprise 27 two bedroom flats, and 12 three bedroom houses.

The proposed topography will require groundworks to provide a more gentle slope and step free ramp access to dwellings. The 3-metre pedestrian and cycle path along the Gilmerton Station Road frontage will be continued along the sites frontage at Lasswade Road. There are also connections to the neighbouring residential areas to the north-west and north-east. Vehicle access will be approximately 250 metres north of the junction of Lasswade Road and Gilmerton Station Road.

The bike stores accommodate 2 cycles per flat with no more than 50% within two tier racks and at least 20% in Sheffield stands for non-standard bikes. Visitor cycle parking is available in Sheffield stands.

The parking provision of 152 spaces includes in-curtilage driveway parking, and communal parking areas. There are eight electric vehicle charging point in communal spaces and all in-curtilage driveway parking spaces will be provided with infrastructure to ensure that they are EV ready. There are also five accessible spaces and two motorcycle parking spaces within the communal areas.

Scheme 1

The proposals have been revised to increase the area of open space, improve the quality of the landscaping, ensure accessible connections to the nearby developments and quiet route 61 and the multiuser path along the site frontage. The car parking has been reduced as have the heights of the flatted blocks.

Supporting Information

The following statements were submitted to support the application:

- Affordable Housing Statement;
- Air Quality Impact Assessment;
- Archaeology Assessment;
- Coal Mining Report;
- Cultural Heritage Assessment;
- Drainage Strategy and Surface Water Report;
- Design and Access and Planning Statement;
- Ecology Assessment;
- Land and Visual Impact Assessment;
- Pre-application Consultation Report;
- Noise Impact Assessment;
- NPF4 Assessment;
- Sustainability Statement
- Site Investigations Report and
- Transport Assessment

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

Relevant Site History

16/03895/PPP
Land 292 Metres West Of 10
Gilmerton Station Road
Edinburgh

Residential development with associated infrastructure, landscaping and engineering works.

Granted

19 December 2017

18/02540/AMC
Land 292 Metres West Of 10
Gilmerton Station Road
Edinburgh

Application for Matters Specified in Conditions 1 and 2 of Planning Permission
16/03895/PPP for 335 residential units with associated infrastructure, landscaping and
engineering works.

Approved
14 March 2019

21/06302/PAN
Land 292 Metres West Of
10 Gilmerton Station Road
Edinburgh

Residential development, access, landscaping, engineering and associated works.
Pre-application Consultation approved.
15 December 2021

14/01446/FUL
Land 115 Metres Southeast Of 42
Gilmerton Dykes Road
Edinburgh

Residential development of 61 units with associated accesses, roads and landscaping.
Refused
17 June 2015

14/05145/PPP
Land 350 Metres North West Of 328
Lasswade Road
Edinburgh

Proposed residential development with associated infrastructure, landscaping and
engineering works.
Refused
22 May 2015

Other Relevant Site History

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Midlothian Council

Environmental Protection - Contaminated Land

Transport Officer

Structures and Flood Prevention

Scottish Water

Waste Services

SEPA

Coal Authority

Housing Management and Development - Affordable Housing

Communities and Families

Flood Planning

Coal Authority

Archaeology

Waste and Cleansing Services

Archaeology

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 7 February 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 11

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF4 Sustainable Places policies 1, 2, 3, 5, 12,13;
- NPF4 Liveable Places policies 14, 15, 16, 18, 20, 22, 23;
- LDP Design policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Des 8, Des 9;
- LDP Housing policies Hou1, Hou 2, Hou 3, Hou 4, Hou 6, Hou 10;
- LDP Transport policies Tra 2, Tra 3, Tra 4, Tra 8, Tra 9;
- LDP Delivery policies Del 1; and
- LDP Environment policies Env 21, Env 22.

The Gilmerton and South-East Site Brief development principles forms part of the LDP. The LDP Action Programme 2022 and the finalised 'Developer contributions and infrastructure delivery supplementary guidance' August 2018 are material considerations when considering delivery, housing and transport policies. The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of several LPD housing, design and transport policies.

Principle

The site is within the urban area where under policy Hou1 Housing Development (d) the delivery of housing is a priority, provided proposals are compatible with other policies in the plan. The Gilmerton and South-East Site Brief development principles with the LDP identifies this site as part of a long-term redevelopment opportunity along with the area to the north-west which has already been granted planning permission and is under construction.

NPF4 Policy 1 is an overarching policy that states when considering development proposals, significant weight will be given to the global climate and nature crises. The biodiversity enhancements are considered later. The proposed residential development, in the urban area and in line with the LDP strategy is consistent with the global climate challenge in principle.

In terms of NPF4 Policy 16 Quality Homes, an agreed timescale for build-out has been submitted and is acceptable. The proposal is consistent with the spatial strategy of the LDP. In terms of local living and 20minute neighbourhoods, this is discussed further below. Therefore, the principle of residential development is acceptable on this site, so long as other development plan policies are complied with.

Climate Mitigation and Adaption

NPF4 Policy 1 gives significant weight to the global climate and nature crisis to ensure it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of urban land for sustainable energy efficient residential development.

NPF4 Policy 2a) requires developments to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Policy 2b) requires proposals to be sited and designed to adapt to current and future risks from climate change.

The sustainability statement submitted states that the proposals would be energy efficient with photovoltaic panels located on the roof. Where possible the living spaces have been orientated south and large windows have been used to maximise solar gain. Electric Vehicle charging points will be available at specified locations.

In terms of water conservation, the water facilities would meet the technical standards and a SUDS system has been incorporated into the open space.

Refuse and recycling facilities have been provided to the communal flats and also to the rear gardens of all plots, to encourage waste recycling segregation and storage, in line with the waste hierarchy and NPF policy 12.

The proposed materials include timber construction with is FSC Labelled and building elements are to be an A or A+ rated in the BRE Green Guide to specification.

The proposed development is therefore appropriate in terms of sustainability as it involves the location of energy efficient housing on an accessible urban location. This will contribute to climate change mitigation in the short and long term. The proposal meets the current standards set out in the sustainability form and complies with NPF4 policy 2.

Local Living and 20-minute neighbourhoods

NPF4 Policy 15 requires proposals to create connected neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home preferably by using active travel, or sustainable transport options. The proposals include the continuation of the multi-user path along the frontage of Gilmerton Station Road which connects to Lasswade Road multi-user path. A toucan crossing can be secured by condition to facilitate access to the nearby quiet route 61. There are also three connections into the neighbouring site to the north-east and three connections (two including ramps and steps) to connect to the neighbouring residential area to the north west. There is also a bus stop on Lasswade Road and another bus shelter northbound could be secured, which are accessible from the development site.

The site is on the edge of the City but is within the urban area. There has been substantial new residential development within the vicinity of this site as part of LDP HSG 24 which also includes a new primary school and a number of shops. The recent planning permission for a food store and business units as phase 1 of the development at 1-4 Gilmerton Station Road is also within 20 minutes of this site by the multi-user path or the quiet route. There is a substantial 2-hectare open space and children's play area within phase 3 of HSG24 as well as the proposed development's open space along the Gilmerton Station Road site frontage. The proposals include a range of affordable and accessible housing options which is detailed further below. Overall, the proposed development complied with NPF4 Policy 15.

Design and Layout

NPF4 Policy 14 requires development proposals to be designed to improve the quality of an area and be consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable and adaptable. The LDP policies Des 1 - Des 9 ensure new development is of the highest quality, integrates with and respects the special character of the city and meets the needs of residents and other users. The Gilmerton and South-East Site Briefs - Development Principles within the LDP set out to change the character of Gilmerton Station Road through street design incorporating trees and verges and green network connections.

The proposed development integrates with the existing developments to the north with active travel connections and the multi-user pathway along the Gilmerton Site frontage. The site has a large area of open space fronting onto Gilmerton Station Road similar to the existing development at the other end of the street. Together with the previous developments this achieves the aim to change the character of Gilmerton Station Road to more of a residential street.

Policy Des 9 (Urban Edge Development) focuses on the quality of the urban edge at the edge of the City. The Landscape and Visual Impact Assessment submitted (LVIA) demonstrates that the impacts on the landscape setting are not significant. Given the height of the buildings, the sloping nature of the site, and proposed landscaping, the proposed development would be visible but viewed against the backdrop of the existing residential development. The landscaping proposed would strengthen the Green Belt boundary, connect the green network encouraging access to the countryside. Overall, it conserves the landscape setting of the city and complies with Policy Des 9.

The proposals are healthy with active travel routes and connections being overlooked providing natural surveillance as well as health opportunities.

The proposals are pleasant: a street frontage is provided to both Lasswade Road and along with the park, to Gilmerton Station Road. The maximum four storey height of the proposed buildings and their scale and proportions, along with similar materials and detailing also help with its positive impact on its surroundings when viewed in the wider townscape/landscape. As well as the main area of open space fronting Gilmerton Station Road there are three other public open spaces throughout the development. It is similar to the neighbouring developments in character and appearance.

The site is connected: there is only one vehicle access to the site but a number of active travel routes. Parking has been substantially reduced and is mainly limited to driveway or parking court areas. Due to the sloping site both steps and ramps have been provided to facilitate active travel connections to the north.

The site is distinctive - the open space includes SuDS, a range of aquatic plants, meadow areas, grasses, bulbs, shrubs, ground cover and amenity grassland. Formal hedges are provided along the street frontages delineating the public and private spaces. There would also be new woodland planting comprising 619 new hawthorn, elder and hazel. A further 198 individual trees are also proposed. This would help provide a defensible Green Belt boundary.

The site is sustainable as it is within the built-up area and with active travel and public transport routes to local centres and the city. Whilst the existing site is a greenfield which is no longer in agricultural use, the proposals include at least 36% of the site to be landscaped enhancing its biodiversity value. Facilities for refuse and recycling waste are also included for every property.

The site is adaptable - the maintenance of the public space is secured by factor and a maintenance schedule agreed. Despite being on a slope all properties can be front accessed without steps to ensure that they would be suitable as whole life dwellings.

The proposals are in accordance with the intent and outcomes of NPF4 Policy 14 and the LDP policies Des 1-5, Des 7-9 as well as the Gilmerton and South-East Site Briefs - Development Principles.

Quality Homes

NPF4 Policy 16 sets out to encourage the delivery of more high quality, affordable and sustainable homes across different tenures to meet the diverse housing needs of people. LDP Policies Hou1, Hou4 and Hou6 also focus on the mix, green space, density and affordable housing of proposals.

In terms of 16(f) the site is within the urban area and residential development is in line with the LDP spatial strategy and the NPF4 intentions of local living and 20 minute neighbourhoods. A build out timescale for the proposed housing has also been submitted. This states that there would be a three year build out programme with 62 units in year 1 (44 private and 18 affordable), 69 units in year 2 (48 private and 21 affordable) and the remaining 21 private units in year 3.

A Statement of Community Benefit has been submitted as required by 16(b). This proposal aids the delivery of the Council's housing land supply within the urban area - the priority location for new housing. 25% affordable housing will be provided. The proposal will support local infrastructure and facilities and services. The proposals consolidate the built form and create an attractive gateway to Edinburgh, at this urban edge location integrating with the surrounding housing and providing a clear and defensible Green Belt boundary. Further community benefits include the employment opportunities both short term and longer term. The proposals also increase the locally available expenditure to sustain local retail and services from the new residents. The developer also has a Community Fund Initiative to support the community whereby community groups and organisations can apply for donations to local community facilities. This is encouraged but cannot be controlled through the Planning system.

Affordable Housing

Policy 16(e) and LDP Hou 6 requires at least 25% affordable housing. The proposed development includes 25% affordable housing comprising 27 two bedrooomed flats and 12 three bedrooomed terraced town houses. This would be split between 70% social rent and 30% mid-market rent which would be secured through the legal agreement.

Policy 16(c) intends that a range of housing types are provided. The private housing consists of 22 two bedrooomed flats, 63 three bedrooomed terraced houses and 28 four bedrooomed detached houses. All proposed units meet the Edinburgh Design Guidance in terms of space standards. It is considered that this mix is acceptable and compatible with the surrounding area and in line with Policy 16 (c) and Hou 2 (Housing Mix).

Density

Policy Hou 4 (Housing Density) requires an appropriate density on the site having regard to the characteristics of the surrounding area and the need to create an attractive residential environment and safeguard living conditions within the development. The proposed density of 26 dwellings per hectare is considered acceptable given the substantial amount of open space being provided on site and the density of the surrounding area.

Residential Amenity

LDP Policy Des 5 (Development Design- Amenity) seeks to ensure that the amenity of neighbouring residents is not adversely affected by development and that future occupiers of residential properties have acceptable levels of amenity. The proposed residential use is compatible with the predominantly residential character of this area and will not lead to an unacceptable loss of amenity for any residential properties in the vicinity.

Existing Buildings Daylighting and Sunlight, Outlook and Privacy

The existing buildings are at an approximately 0.5m higher ground level and separated by Innes Road from the proposed new dwellings. There is at least 20m between the buildings. Therefore, it is considered that there would be no significant loss of daylight and sunlight. Whilst some of the existing dwellings front onto the proposed site, sufficient outlook and privacy would be retained to ensure adequate levels of residential amenity.

New Buildings - Daylighting and Sunlight, Outlook and Privacy

No skyline method information has been submitted for the adjacent flatted blocks. This shows that there would be adequate daylight to the new flats. Shadow plans for the Spring Equinox (21 March) have also been submitted for the communal areas to the flats. These illustrate that the amenity spaces will have potential sunlight for more than 2 hours during the spring equinox. This is in line with the Edinburgh Design Guidance. There is at least 18m between the adjacent flatted blocks and therefore it is considered that there is acceptable privacy and outlook levels for the future occupants of the new flats.

Communal/Private Outdoor Space

Policy Hou 3 (Private Green Space in Housing Development) sets out provisions for green space to meet the needs of future residents. A minimum of 20% of the total site area should be useable green space.

The proposed development includes a 1.7-hectare park fronting onto Gilmerton Station Road as well as three other green spaces within the proposed development and 10 sqm per flat of communal space around the flats and private gardens to all ground floor flats and houses. The proposed development has over 36% useable green space.

There is a concern that as this site was previously included in the planning permission in principle (application number 16/03895/PPP) as predominantly open space, this would result in less open space within the area, reducing the residential amenity and attractive residential environment for occupants of both developments. Cumulatively, the open space in the development to the northwest (by the same developer) and this proposal have 20% of the total site area as useable green space and complies with Policy Hou 3.

Noise

The residential properties are a minimum of 14 metres from Lasswade Road, 40 metres from Gilmerton Station Road and 229 metres from the City Bypass A720. A noise impact assessment has been submitted which has been reviewed by Environmental Protection. There are a number of measures proposed to reduce noise from road traffic across the development site including acoustic double glazing, acoustic vents and some acoustic barriers. A condition is attached to secure these measures in line with an updated noise impact assessment.

Health

NPF4 Policy 23 Health and Safety requires proposals to have a positive effect on health. This includes consideration of air quality, noise and suicide risk. The proposed development has been designed to integrate into the existing area, creating a quality place and complies with LDP design policy and guidance. The proposals include areas of open space landscaping and will extend existing multi-user paths and provide connections within the area supporting healthy lifestyles and exercise opportunities.

Policy Env 22 (Pollution and Air, Water and Soil Quality) states that planning permission will only be granted where there will be no significant adverse effects for health, the environment including air soil, water environment or on ground stability.

Air Quality

The Air Quality impact assessment (2022) has been reviewed by Environmental Protection who have concerns about the cumulative impacts of all developments in this area on the local air quality but accept the principle of residential use on this site has now been established. Whilst they would recommend refusal, it is considered reasonable that the applicant is required to mitigate the impacts by providing all driveways with electric vehicle charging points which must be installed and operational prior to the occupation of each unit. A further 1 in 6 electric vehicle charging points are to be available across the site. This is recommended as a condition.

Contaminated Land

A review of the Report on Site Investigations has been undertaken by the CEC Contaminated Land Officer. The 2018 report covered this application site as part of the previous planning permission in principle. A condition is recommended to ensure that this report is updated to include gas mitigation measures and any localised investigation works proposed.

Mining

The Coal Authority withdraws its previous objection as it is recommended two conditions which require further investigation and remediation of the coal mining legacy features on the site. A drawing is also required showing all the mine entries and no build zones. If that conflicts with the existing site layout, the applicant would need to submit a revised site layout plan as a variation.

Biodiversity

NPF4 Policy 3 requires that proposals for local development include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance.

An ecological assessment was submitted that noted that the land is abandoned farmland that has been disturbed and is either bare ground or presents short perennial or species-poor neutral grassland. There are no trees or buildings on site and the site does not support bats or other protected species. The loss of the current habitat would be a negligible adverse impact on biodiversity.

The proposals include 1390 square metres of woodland comprising 619 trees including native species - hawthorn, elder, hazel and privet. There would also be another 198 trees in the open spaces and streets. The property boundaries are delineated by hedges to the public realm totalling 7185 plants. The SuDs area would comprise 1970 aquatic plants. The landscaping plan shows that this open space would comprise wetland meadow, wildflower meadow, shrubs as well as bulb planting including bluebells, crocus and daffodils. A maintenance schedule has been clarified to be undertaken by a factor.

The houses have front and rear gardens, the ground floor flats have private gardens. Hedges delineate boundaries to the public realm. The biodiversity officer has assessed the proposals as a biodiversity enhancement and requires swift bricks to be included on all 2 or more storey buildings which could be secured by condition. Overall, this is a significant positive effect on biodiversity and a significant Biodiversity Net Gain and complies with NPF4 policy 3.

Soils

NPF4 The land is greenfield and SuDS which was previously farmland. It is identified in the LDP as a redevelopment opportunity and within the urban area. Around 36% of the site area will still be open space with enhanced landscaping. It is considered that given the proposals are compatible with the LDP strategy and enhance biodiversity it is in line with NPF4 policy 5.

Blue/Green Infrastructure

Policy NPF4 22 (Flood risk and Water Management) and LDP Env 21 (Flood Prevention) seek to ensure development proposals do not increase the risk of surface water flooding to others or itself be at risk. CEC Flood Prevention has assessed the surface water management strategy and drainage information submitted and have no objection. The applicant has stated that they will retain ownership of the SUDS until such time as it is adopted by Scottish Water.

Policy NPF20 (Blue and Green Infrastructure) is also relevant. The proposals seek to extend the existing SUDS area and integrate it into an area of open space with a variety of native species as set out below. It is considered that this multifunctional space is well integrated into the overall proposals and acceptable in terms of Policy NPF4 20.

Sustainable Transport

NPF4 Policy 13: Sustainable Transport requires development proposals to demonstrate that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies. This is detailed further in LDP policies Tra 1 - 4, and Tra 8 - 9.

A Transport Assessment has been submitted in support of the application which provides an assessment of the transport considerations associated with the proposal. The assessment states that the site is well located in terms of existing and future walking routes and local amenities, schools and public transport services. It also states that the proposed development will not have a detrimental impact on operational capacity or road safety of the surrounding network.

In terms of NPF4 Policy 13(b) The proposals include a multi-user path along the Gilmerton Street frontage linking with the existing path along Lasswade Road. It is considered reasonable to ensure that this is provided prior to occupation of any dwellings within the site. This would allow the path to be used by nearby residents as well as occupants of the site as soon as possible. There are also three connections (two including ramps and steps due to the site levels) provided to allow connections with the neighbouring residential areas. Cycle parking, including visitor cycle parking is provided in line with our guidance. Whilst for the affordable flats, the cycle provision and bin stores are in separate buildings, it is considered that this is acceptable as it allows the ground floors of these blocks to have natural surveillance over the streets and public open spaces nearby.

Bus services currently serve the site, however there is currently no northbound bus stop and shelter, and its provision would encourage people to use the bus service and improve the accessibility of the site. This will be secured through a planning condition.

In terms of Policy Tra 2 (Private Car Parking) the parking level is 100% which is similar to the neighbouring developments and in line with our current guidance. Accessible parking and electric vehicle charging spaces are also provided in excess of our guidance and city car club provision would be required to encourage car sharing.

Whilst the site is sloping, the design and layout has ensured that there are no steps to access dwellings or connections across the site. The connections northwards do have steps but also ramps to take into account the needs of all users. The design includes communal parking areas to the rear allowing the dwellings to provide frontages to the streets.

A travel plan framework has also been prepared to encourage travel by sustainable modes of transport for residents of the proposed development. It is considered reasonable to require the applicant to provide travel plans for all households within the development using this framework.

Therefore, it is considered that the proposals comply with NPF4 policy 13 and LDP policy Tra 1-4 and further assessment against Tra 8 is considered below.

Infrastructure

NPF4 Policy 18 supports development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs. Policy Del 1 and Tra8 also sets out that the overall cumulative impact of the proposed development should be taken into account. This is supported by the Action Programme 2023 and the Finalised Developer Contributions and Infrastructure Delivery Guidance.

Road Safety and infrastructure

The multi-user path link will be provided by the developer along the site frontage as set out above. A toucan crossing will be provided on Gilmerton Station Road to provide access to the cycle route 61. This links to the Action Programme 2023 TRAHSG23-4 and the final location will be agreed with Planning and Transport. This will be secured by condition.

The site is served by public transport facilities with a bus stop on Lasswade Road lying directly adjacent to the west boundary of the site. Whilst the southbound bus stop remains, the northbound bus stop needs to be reinstated. Therefore, it is considered that the proposed development should require the upgrade of the bus stop and bus shelter to improve the passenger environment and encourage bus use. This can be secured by a planning condition.

The site is within the LDP Transport Contribution Zones for Gilmerton Crossroads, Gilmerton Station Road/Drum Street and Lasswade Road/Lang Loan. The actions and costs are set out in the Action Programme 2023, although it is noted some are already completed. The cost per unit for the outstanding action is £568 which could be secured through the legal agreement.

City car club provision would also be required which can be secured through the legal agreement.

Education

The site is within the Liberton/Gracemount Education Contribution Zone. The requirement for additional education infrastructure is assessed on a cumulative basis with other known housing developments. The housing output assumptions from the latest housing land audit (December 2021) and Education Appraisal (September 2021) will be used to inform the evidence base to assess the cumulative impact of potential developments in the area.

Residential development is required to contribute towards the cost of delivering additional education accommodation to ensure the cumulative impact of new housing developments can be mitigated.

To mitigate the cumulative impact of development, the proposed development is therefore required to make a contribution per flat of £7745 and per house of £26,199 towards additional primary and secondary infrastructure including land contribution requirement.

Health

The site is within the South-East Contribution Zone for Health Care. The costs have been revised in the Action Programme 2023 and the total cost is now £13m. This requires a per household contribution of £4550 per unit.

Archaeology

There are no known archaeological implications regarding this application as it formed part of the wider planning application 16/03875/PPP which was subject to comprehensive programme of work and archaeological investigation already.

Conclusion in relation to the Development Plan

The proposed development is within the urban area where residential development is acceptable in principle. The site can contribute to local living and 20-minute neighbourhoods with its range of affordable and private housing as well as a substantial area of open space. The proposed layout integrates with the existing residential developments and provides an attractive residential environment at this gateway edge site to the city. The proposals include a number of active travel connections as well as education and healthcare contributions to mitigate its impact on the locality. In terms of climate change the proposals incorporate sustainability measures. The proposal would create a substantial open space with quality landscaping which would be a biodiversity enhancement. Therefore, it is considered that that proposals comply with the Development Plan policies of NPF4 and the LDP.

b) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. The plans now include ramps and step connections to neighbouring sites. The proposed layout has been designed so that there are no steps to access the front doors or pathways of any dwellings.

Public representations

A summary of the representations is provided below:

material considerations

- too close to quiet route 61- addressed in section (a) above.
- road safety conflicts, increased traffic and loss of car parking - addressed in section (a) above.
- need more active travel priorities, lack of buses and bus stops- addressed in section (a) above.
- loss of open space- addressed in section (a) above.
- lack of infrastructure and local services- addressed in section (a) above.
- old mining land- addressed in section (a) above.
- too high density and too much car parking for this location - addressed in section (a) above.

non-material considerations

- public consultation was prior to people moving into the area.

Conclusion in relation to identified material considerations

There are no material considerations which would justify a refusal of planning permission.

Overall conclusion

The proposed development is within the urban area where residential development is acceptable in principle. The site can contribute to local living and 20 minute neighbourhoods with its range of affordable and private housing as well as a substantial area of open space. The proposed layout integrates with the existing residential developments and provides an attractive residential environment at this gateway edge site to the city. The proposals include a number of active travel connections as well as education and healthcare contributions to mitigate its impact on the locality. In terms of climate change the proposals incorporate sustainability measures. The proposal would create a substantial open space with quality landscaping which would be a biodiversity enhancement. Therefore, it is considered that that proposals comply with the Development Plan policies of NPF4 and the LDP. There are no material considerations which would indicate otherwise.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

2. Prior to the occupation of any part of the development the developer will introduce a Toucan (signalised cycle) crossing on Gilmerton Station Road. The details and location of which to be agreed in advance by the planning authority.
3. Prior to the occupation of dwellings on site, the multi-user path along Gilmerton Station Road as shown in Drawing No. 68A Site Layout Plan - Entire Site shall be constructed and integrated into the existing multi-user path links along both Gilmerton Station Road and Lasswade Road.
4. Prior to the occupation of any part of the development the developer will introduce a bus stop and bus shelter northbound on Lasswade Road, the details and location of which to be agreed in advance by the planning authority.
5. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Planning Authority, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority

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 to the satisfaction of the Planning Authority.

6. No development shall take place until a scheme for protecting the residential development hereby approved from noise from the road noise (Lasswade Road, Gilmerton Station Road & City by Pass) has been submitted to and approved in writing by the Planning Authority; this should include an updated noise impact assessment with supporting drawings and elevations highlighting where and what specification of glazing, vents and acoustic barriers will be required; all works which form part of the approved scheme shall be completed to the satisfaction of the Planning Authority before any part of the development is occupied.
7. Prior to the commencement of works on site, the applicant is to provide a development layout drawing which clearly annotates all of the mine entries on, with all built development avoiding them and their respective zones of influence.

This drawing should be submitted for approval to the Planning Authority.

Once approved by the Coal Authority, the applicant must also submit a revised site layout plan as a variation to this planning permission, if required, to ensure that all build development avoids the mining entries and their respective zones of influence.

8. No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

9. All private driveways shall be served by at least a 32 - amp 7Kw electric vehicle charging socket. They shall be installed and operational in full prior to the development being occupied.

All remaining communal parking spaces highlighted on drawing 5E Proposed Site Plan, drawing number A(00)050 0 shall be served by a 7Kw (32amp) Type 2 electric vehicle charging sockets. These must be installed and operational in full prior to the development being occupied.

10. No part of the development shall be occupied until a draft Travel Plan setting out measures to promote walking, cycling and the use of public transport has been submitted to, and approved in writing by, the planning authority. A final Travel Plan shall be submitted for the planning authority's written approval within 12 months of the first residential unit being occupied. The plan shall be implemented in accordance with the approved details.

11. A detailed specification, including trade names where appropriate and sources, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

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

13. Swift bricks shall be installed on the rear elevations of the houses and flats. The proposed specification and locations shall be submitted to and approved in writing by the planning authority prior to construction works commencing on site.

Reasons:-

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In the interests of providing suitable pedestrian and cycle connections.
3. In the interests of providing suitable pedestrian and cycle connections.
4. In the interests of providing suitable public transport facilities.
5. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
6. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
7. In order to ensure the site is safe for the proposed use.
8. In the interests of sustainable transport and air quality mitigation measures.
9. To promote sustainable travel modes.
10. In order to enable the planning authority to consider this/these matter/s in detail.
11. In order to ensure that the approved landscaping works are properly established on site.
12. In order to safeguard protected species.

Informatives

It should be noted that:

1. Planning permission shall not be issued until a suitable legal agreement has been concluded to secure the following:

Affordable Housing

The proposed development is required to deliver 25% affordable housing in accordance with policy.

Transport

The proposed development is required to contribute to transport improvements in the Action Programme 2023 of £568 per unit.

Education

The proposed development is therefore required to make a contribution per flat of £7745 and per house of £26,199 towards additional primary and secondary infrastructure including land contribution requirement.

Health

The proposed development is therefore required to make a contribution per household of £4550 per unit.

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. 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.
3. As soon as practicable upon the completion of each phase 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.
4. The contaminated land report should also include gas mitigation measures and any localised investigation works proposed.
5. It is the builder/developer's responsibility to deal with any household waste produced on site until collections are agreed and in place.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 14 June 2022

Drawing Numbers/Scheme

1,2,3,4B,5E,6C, 9B, 11A, 12B, 13B, 14B, 15B,16B, 17B, 18C, 23B, 24C, 28B, 29B, 30B, 31C, 32A,34C, 35C, 36B, 39B, 40B, 41C, 42C, 43C, 44C, 45C,46C, 47C, 49D, 50B, 54C, 46B, 57A, 58B, 59B, 60B61A, 62B, 63B, 64A, 65, 66, 67, 68A, 69, 70, 71, 7273, 74

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Catriona Reece-Heal, Senior Planning Officer
E-mail: catriona.reece-heal@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Midlothian Council

COMMENT: Concern that this site uses land identified as public open space in previous planning consents which could lead to overdevelopment and insufficient public open space.

Concern about increase on road junctions in the locality and impact on public transport services. The transport improvements in the LDP at Gilmerton Crossroads and Gilmerton Station Road should be undertaken prior to occupation of this development.

Active travel network should also be developed further.

Street frontages improvements should be done prior to occupation.

DATE: 23 March 2023

NAME: Environmental Protection - Contaminated Land

COMMENT: The following condition is proposed:

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

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

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

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 to the satisfaction of the Planning Authority.

As the submitted information is dated 2018 the applicant should review in case the situation has changed and to establish if gas mitigation measures should be progressed.

DATE: 21 March 2023

NAME: Transport Officer

COMMENT: Need ramp connections as well as steps

DATE: 22 March 2023

NAME: Structures and Flood Prevention

COMMENT: Further information required.

DATE: 16 November 2023

NAME: Scottish Water

COMMENT: No objection.

DATE: 27 June 2022

NAME: Waste Services

COMMENT: A waste strategy is not yet agreed, however the applicant is working with Waste Services on this.

DATE: 29 June 2023

NAME: SEPA

COMMENT: This application is below the thresholds for which SEPA provide site specific advice.

DATE: 22 March 2023

NAME: Coal Authority

COMMENT: Objection as previous concerns have not been addressed. The application site falls within the defined Development High Risk Area.

The Coal Authority now notes the submitted information from Mason Evans Partnership Ltd, specifically in the form of the Consolidation of Abandoned Mineworkings Completion Report (November 2019) and the letter (dated 18 July 2022). However, on the basis that drawing P22/070/Wrk005 appears to show numerous plots either over or within close proximity of mine entries, the Coal Authority objects to this planning application. The applicant should therefore be required to provide a development layout drawing, which clearly annotates all of the mine entries on, with all built development avoiding them and their respective zones of influence. The Coal Authority may then be in a position to withdraw its objection and recommend a condition to ensure the implementation of any further necessary remedial works. we note that the Consolidation of Abandoned Mineworkings Completion Report (November 2019) confirms that mine entries 329667-009, 010, 011, 015 have all been treated and that mine entries 329667-012, 013 and 021 are outside the planning boundary. However, we remain unclear as to the situation with regard to mine entry 329667-023 and those mine entries located outside of the planning boundary should also be annotated on the plan, together with their respective zones of influence, with all proposed built development within the site avoiding. Therefore the Coal Authority maintains its objection.

DATE: 15 March 2023

NAME: Housing Management and Development - Affordable Housing

COMMENT: The applicant has proposed to provide 25% on site affordable housing and this will be secured by a Section 75 Legal Agreement. This approach which will assist in the delivery of a mixed sustainable community:

- o The applicant has submitted an "Affordable Housing Statement", setting out their approach.
- o The applicant has advised that the affordable housing will be a mix of social rent and mid-market rent.
- o The applicant has confirmed that they can provide a 70:30 split in favour of social rent for the affordable housing tenures.
- o This would provide 27 social rent homes and 12 mid-market rent homes.
- o The affordable housing proposes a mix of 2 bedroom flatted apartments and three bedroom terraced townhouses, this will offer an integrated mix of homes.
- o The applicant has entered into dialogue with Castle Rock Edinvar who are the proposed landlord for the affordable homes.
- o The applicant has advised that the affordable housing will be identical in appearance to the market housing units, an approach often described as "tenure blind".

- o The affordable homes should be designed and built to the RSL design standards and requirements.
- o The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

DATE: 15 March 2023

NAME: Communities and Families

COMMENT: To mitigate the cumulative impact of development that would be anticipated if this proposal and other sites progressed, the proposed development is therefore required to make a contribution towards the delivery of the following actions based on the established 'per house' and 'per flat' rates set out below.

Per unit infrastructure contribution requirement:

Primary Infrastructure Secondary Infrastructure

Additional Primary School Capacity Additional Secondary School Capacity

New 18 Class Primary School

4 PS Classes (St John Vianney RC PS) Additional SS places (Liberton / Gracemount HS)

Additional SS places (Holy Rood RC HS)

£3,766 per flat

£11,134 per house £3,262 per flat

£12,942 per house

Per unit land contribution requirement:

Primary Infrastructure

New Primary School Land

£717 per flat

£2,123 per house

If the appropriate infrastructure and land contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

Primary Infrastructure Secondary Infrastructure

£1,385,536 £1,510,128

Primary Land

£264,092

Note - 1. all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q1 2021 to the date of payment. No indexation applied to land costs.

Note - 2. The Education Authority has a statutory duty to provide school places. The Council will determine the appropriate means to address accommodation pressure across its learning estate, which may include prioritising baptised RC pupils or a statutory consultation to change catchment areas. Accordingly, contributions to increase the capacity of the learning estate should offer flexibility to be used as deemed appropriate by the Education Authority.

DATE: 31 October 2022

NAME: Flood Planning

COMMENT: No objection. The applicant should however confirm that Scottish Water will adopt the SuDS pond and basin, as proposed.

DATE: 28 March 2023

NAME: Coal Authority

COMMENT: Coal Authority is now able to withdraw its objection to the planning application. However, this is subject to a condition requiring the further investigation and remediation of the coal mining legacy features on the site (i.e. our standard condition) and the imposition of the condition you referred to in your email to me dated 16 March 2023 (13:14) - see below.

'Prior to the commencement of works on site, the applicant is to provide a development layout drawing which clearly annotates all of the mine entries on, with all built development avoiding them and their respective zones of influence. This drawing should be submitted for approval to the Planning Authority. Once approved by the Coal Authority, the applicant must also submit a revised site layout plan as a variation to this planning permission if required to ensure that all build development avoids the mining entries and their respective zones of influence.'

And standard condition:

1. No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

DATE: 30 March 2023

NAME: Archaeology

COMMENT: No objection.

DATE: 18 July 2022

NAME: Waste and Cleansing Services

COMMENT: A waste strategy and requirements for this development has been reached.

DATE: 11 April 2023

NAME: Archaeology

COMMENT: The site formed part of a wider planning application area covered by permission 16/03875/PPP subject to comprehensive programme of archaeological investigations undertaken by GUARD Archaeology (GUARD project 5247) between 2016

& 2019. Therefore, it has been concluded that there are no, known, archaeological implications regarding this application.

DATE: 18 July 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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