

Development Management Sub-Committee Report

Wednesday 25 October 2023

**Application for Planning Permission
Land 35 metres northwest of Dreghorn Loan, Edinburgh.**

Proposal: Erection of dwelling house.

**Item – Committee Decision
Application Number – 22/00235/FUL
Ward – B08 - Colinton/Fairmilehead**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee due the significance in terms of the wider public interest following amendments to the scheme of delegation.

Recommendation

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

Summary

The proposal will not have a negative impact on the setting of listed buildings. The proposal is acceptable in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal has regard to the desirability of preserving or enhancing the character and appearance of the conservation area. The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal broadly complies with the policy requirements of NPF4 and the Edinburgh Local Development Plan (LDP). An infringement of LDP Policy Tra 2 is acceptable in this instance.

The appearance of the proposed property in terms of both size and materials is reflective of surrounding properties and will make a positive contribution to the conservation area. The replanting of 14 trees will be a significant gain for the site itself, as well as the visual amenity of the wider area. Proposed planting will improve the habitat value of the site.

The proposal will not have a negative impact on the Special Landscape Area or Local Biodiversity Sites. The proposal will not result in a loss of neighbouring amenity. Future occupiers will have an acceptable level of amenity. The proposal will not increase the risk of surface water flooding or impact flood risk. The proposal makes provision for cycle parking. A healthcare contribution will be required, and it is recommended this should be secured through a Section 69 Agreement under the Local Government (Scotland) Act 1973.

There are no material planning considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The site sits within land belonging to the dwellinghouse at 63 Dreghorn Loan, also known as Laverockdale Cottage. This site extends to 0.34 hectares. Thirty-three trees are identified within, or adjacent to, the site, though previous tree removals and development within the site has left areas of bare earth. The site is dominated by rough grass.

The application site and the surrounding area has undergone significant change over the last decade following the consent of a 75 dwelling housing estate to the south of the site and the construction of a new road to the east. Significant areas of residential development are also located to the north and west of the site. To the east, beyond the newly constructed road an area of extensive woodland remains. The City Bypass is to the south of the site as is the Pentland Hills Regional Park.

The application site is situated within the Colinton Conservation Area. A number of Listed Buildings are located to the south, west and east of the site. This is addressed below.

Description of the Proposal

The proposal is for the construction of a detached house with one and two storey elements. The proposed plans show six bedrooms, and the dwelling will have a footprint of approximately 403 square metres. Proposed materials include the use red roofing tiles, timber soffits and fascias, white wet dash render, stone cills and alu-clad timber windows. Proposed velux windows are 'conservation style'. Proposed plans show garden ground covering an approximate area of 1304 square metres.

Access is to be taken from a newly formed driveway to the north-east of the site. The proposed driveway is to be formed from porous pavements. A three bay garage is proposed for car and bike parking, The proposal includes the removal of 12 trees in total, nine of which have been identified as dead, dying, or diseased. 14 trees are to be replanted.

Revised Scheme

The scheme was revised to reduce the extent of hardstanding, to show the use of porous pavements and to include the planting of a further two trees on site bringing the total to 14 from the original 12 proposed.

Supporting Information

- Tree Survey and Tree Protection Plan
- Surface Water Management Plan
- Sunpath Diagrams
- Plot Ratio and Privacy Diagrams

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

Relevant Site History

No relevant site history.

Other Relevant Site History

Site History

20.11.2020 - Case ongoing - Alleged unauthorised tree removal (case reference: 20/00717/EOPDEV).

30.09.2020 - Application Pending Consideration - Proposed erection of two dwelling houses at land adjacent to 63 Dreghorn Loan (application reference 20/04164/FUL).

11.08.2020 - Decision not to make a Tree Preservation Order - Early mature. 9 metres height. Holly TPO 2060. Large stem wounds. Low vigour and a sparse crown. - Removal, Elm TPO 2051 Dead tree. 25 centimetres diameter. Removal, Beech TPO 2065 One-sided crown only (crown to the east). Beech Bark Disease. – Removal (application reference: 20/02606/TCO).

30.08.2019 - Case closed - Alleged unauthorised creation of access and tree works (case reference: 19/00644/EOPDEV).

30.04.2018 - Decision not to make a Tree Preservation Order - Oak 2068 - Diseased Tree - to be removed, Oak 2067 - Growth on one side only - requires removal, Oak 2049 - Diseased Tree - to be removed, Oak 2066 - Tree to be de-crowned, Oak 2065 - Diseased tree - to be removed (application reference 18/00086/TPO).

29.01.2018 - Planning permission granted - Restoration of Listed Cottage with contemporary extension linked to main building with new vehicular access and landscaping works (17/01250/FUL).

24.05.2017 - Listed building consent granted - Restoration of Listed Cottage with contemporary extension linked to main building with new vehicular access and landscaping works (17/01260/LBC).

Adjacent Sites

26.10.2015 - Planning permission granted - Erection of dwellinghouse, access and landscaping (application reference 15/02192/FUL).

09.09.2014 - Planning permission granted - Erect new entrance feature to side entrance (application reference: 14/02828/FUL).

13.05.2014 - Planning permission varied - Minor variation to application ref; 13/02928/AMC. Proposed Partial Re-alignment of Access Road (application reference: 13/02928/VARY).

06.12.2013 - Planning permission granted - Residential development (including affordable housing provision) and associated open space tree planting, access road, enhancement of existing pedestrian routes and all ancillary (application reference: 13/02928/AMC).

01.05.2013 - Planning permission granted - Residential development (including affordable housing provision) and associated open space tree planting, access road, enhancement of existing pedestrian routes and all ancillary (application reference: 12/03823/AMC).

01.09.2011 - Appeal allowed - Residential development (including affordable housing provision) and associated open space, tree planting, access road, enhancement of existing pedestrian routes and all ancillary works (appeal reference: PPA-230-2041).

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Flood Planning

Transport Planning

Historic Environment Scotland

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

Publicity and Public Engagement

Date of Neighbour Notification: 1 February 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 4 February 2022

Site Notices Date(s): 1 February 2022

Number of Contributors: 11

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
 - (i) harming the listed building or its setting? or
 - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then 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 harm the listed building and its setting?

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Setting

The site formed part of the larger Polofields development located on the edge of the medieval Dreghorn Estate and military barracks since the early 20th century. The site is bounded to the south by the listed Laverockdale Cottage and lies adjacent to the A Listed Laverockdale House (LB49562, listed 14 July 1966).

The A Listed Laverockdale House, 66-68 Dreghorn Loan, also forms part of a B Listed grouping that includes 60 Dreghorn Loan. Both are situated to the west of the application site and are separated from it by a public footpath and existing clusters of trees. Trees in the south-west corner and northern tip of the application site are to be retained and two further trees are to be planted to strengthen this buffer. Given the degree of physical separation between the proposed application and the listed buildings and the significant level of buffering provided by existing trees, the proposal will have no impact on the setting of these buildings. HES was consulted on the application, due to the potential impact on the setting of an A Listed building. HES did not object to the proposed development.

The C Listed Laverockdale Cottage is located to the south of the proposed development. Laverockdale Cottage is separated from the proposed development site by a cluster of trees and existing vegetation. A tree survey provided by the applicant shows that nine trees within this cluster are either dead or in terminal decline with a life expectancy of less than 10 years. The application includes the replanting of trees within this cluster, protecting the visual amenity of this part of the site and ensuring a strong buffer remains in place between the listed building and the proposed new build house.

The application site currently serves as garden ground for Laverockdale Cottage. However, an assessment of plot ratios shows that the cottage will retain approximately 1481 square metres of amenity garden space. This is still one of the largest gardens in the immediate area. The proposed house will make use of materials such as red roofing tiles, timber soffits and fascias, white wet dash render and stone cills reflect materials used throughout the immediate area. The height of the proposed dwelling is limited to 1.5 storeys to the south, on the boundary closest to the listed building, this will allow effective screening of the proposed dwelling. The taller two storey element of the proposed dwelling is located further to the north of the site, ensuring a sufficient set back from the listed building.

The proposed development has been designed to respond to Laverockdale cottage and will have no impact on its setting given the physical separation between the buildings, the retention of a green buffer and the use of complementary, traditional materials. The City Archaeologist was consulted on a previous application on this site which proposed the construction of 2 detached, 2.5 storey houses. It was noted by the City Archaeologist that given previous development in the surrounding area associated with the Polofield development to the south, and the introduction of modern landscaping, that the proposed development of this site would be unlikely to have a significant archaeological impact nor significantly impact upon the setting of the listed cottage. Given this previous response, CEC Archaeology did not comment further on this application. Given the damage to the existing site which is dominated by bare earth and rough grass and the poor condition of a number of the existing trees, the introduction of new tree planting and an improvement to landscaping across the site will improve the general setting of Laverockdale Cottage.

Finally, the B Listed 61 Dreghorn Loan is located to the north-east of the site (reference: LB28660, designated December 19, 1979). There is a clear separation between the proposed development and the listed building with trees and a road between them. The design of the proposed development is in keeping with the wider area in terms of both materials and spatially. The proposed development will not impact the setting of 61 Dreghorn Loan.

Conclusion in relation to the listed building

The proposal will not have a negative impact on the setting of listed buildings. The proposal is acceptable in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals harm the character or appearance of the conservation area?

The application site is situated within the Colinton Conservation Area. The site is identified within the 'Rural Zone' of the Conservation Area and is adjacent to the 'Suburban Zone'. The Character appraisal notes the importance of gorge, woodland, watercourses, and fields that are incorporated in the Dell, Dreghorn Woods, the Water of Leith, and Spylaw Park. Prominent views to the Pentland Hills, across open fields are also identified, with path systems providing riverside access. The Suburban Zone is characterised by a higher density of buildings in smaller gardens of similar appearance and regular layout with rural features present.

There is a wide range of architectural styles and ages of buildings in this part of the conservation area. The immediate area surrounding the application site is characterised by low density development, with 1- 2.5 storey buildings set within relatively large areas of garden ground separated by existing trees. To the north, west and south of the site, the density of development significantly increases. To the south of the site the area is characterised by detached and semi detached residential houses associated with the development of the former polo fields site. To the north and west, the area is further characterised by higher density suburban development on Redford Avenue, Redford Drive, Bonaly Terrace and Bonaly Avenue.

The applicant has undertaken an analysis of buildings surrounding the application site which shows that existing properties take up between nine and 32 percent of their plots. The proposed development will take up 23.6 percent of the plot, demonstrating it is in keeping with the existing spatial character. The proposed use of red roofing tiles, timber soffits and fascias, white wet dash render and stone cills reflects materials used throughout the immediate area. The use of alu-clad timber windows also offers a high quality finish. A condition has been applied to ensure that the specifications of the proposed materials are appropriate. The appearance of the proposed property in terms of both size and materials is reflective of surrounding properties and will make a positive contribution to the conservation area.

The existing site is damaged and several trees on site are now dead or in terminal decline. The site is dominated by rough grass and areas of bare earth. The contribution of the site to the visual amenity of the conservation area as a whole and the immediate area in general is limited. The replanting of 14 trees across the boundary of the site will strengthen the green edge along Dreghorn Loan, contributing positively to the conservation area, enhancing the appearance of the site and maintaining the existing spatial character.

The Colinton Conservation Area Character Appraisal also identifies the importance of views of the Pentland Hills, particularly those provided across a number of open fields. In this instance, to the north of the site, views of the Pentland Hills to the south-west are extensively screened by existing trees, particularly when they are in leaf.

Panoramic views to the south, particularly from Laverockdale Cottage will remain unaffected. A number of public comments have identified the negative impact the loss of tree coverage has caused to the site and the conservation area. The replanting of 14 trees along the boundary will extensively screen views to the south-west, but in general will restore the appearance of the boundary, improving the appearance and character of the conservation area. The additional trees will provide extensive screening for the proposed development and on balance it is considered a new house in this location does not conflict with any of the key elements identified within the Colinton Conservation Area Character Appraisal.

Conclusion in relation to the conservation area

The proposal has regard to the desirability of preserving or enhancing the character and appearance of the conservation area. The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) 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 Place Policies 1, 2, 3, 4, 6, 7, 12 and 13
- NPF4 Liveable Place Policies 14, 15, 16, 18 and 22
- LDP Design policies Des 1, Des 3, Des 4, and Des 5
- LDP Environment policies Env 12 and Env 18
- LDP Housing policies Hou 1, Hou 3 and Hou 4
- LDP Transport policies Tra 2, and Tra 3

Principle

Policy 1 of the NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. It is to be applied together with the other policies in NPF 4 and its weight must be considered when considering the proposal in the context of the development plan and material considerations.

The application site is identified within the Urban Area in the Adopted Edinburgh Local Development Plan (LPD). Policy Hou 1 (Housing Development) of the LDP states that priority will be given to the delivery of the housing land supply and relevant infrastructure on suitable sites in the urban area, provided proposals are compatible with other policies in the plan. Compliance with the Development Plan is assessed below.

Historic Environment

NPF4 Policy 7 (Historic assets and places) requires that proposals with a potentially significant impact on historic assets or places should be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records. This policy only supports development proposals in conservation areas where they preserve or enhance the character and appearance of the conservation area and its setting.

This has been assessed in section a) and the proposals comply with NPF4 Policy 7.

Open Space

LDP Policy Env 18 (Open Space Protection) criterion a) will only support development on open space where the loss would not result in a significant impact on the quality or character of the local environment. The application site has been damaged from previous work and is dominated by rough grass. Public comments on the application note the damaging impact of previous tree removals. The proposal will see the planting of 14 trees, replacing dead, dying and damaged trees, resulting in an overall net gain of total trees on site. The proposal will strengthen the green edge on the north and northeast boundary, significantly improving the appearance of the site. The proposal will see active management of the garden ground, again improving the site. The design and spatial characteristics of the proposed dwelling have been considered in detail above. The design and layout of the proposed development is in keeping with the wider area and will make a positive contribution. The proposal complies with criterion a).

Criterion b) supports the loss of open space only where it is considered as a small part of a larger area of open space and there is a significant over-provision in the area. Criterion c) seeks to ensure that the loss of open space would not be detrimental to the wider network or biodiversity value. The application site has been separated from woodland to the east following the introduction of a new road to serve the housing estate to the south and its connection to the south is becoming fragmented due to previous removals and the death and poor condition of remaining trees. The proposed replanting of trees will strengthen the connection with trees to the south and ensure tree coverage of the site into the future. This will improve the habitat value of the site.

Although part of the site is designated as open space in the LDP, this seems to be linked with the previous designation of the area to the south as open space. The area to the south of the application site was previously an area of open grassland. However, planning permission in principle for the residential development of the area was granted on appeal in 2011 (case reference PPA-230-2041). The area has significantly changed in the interim. The current application site formed the northern entrance to the housing development to the south. The area of land in question is in private ownership, with no public access, it is currently an area of vacant land, with a driveway serving 63 Dreghorn Loan. Areas of open space are identified adjacent to the site with land to the south and the woodland to the east covering an area of approximately 439,808 square metres. The application site would account for 0.68% of this total and the development footprint of the proposal would cover 0.15% of this total. The area is also within a 10 minute walk of the Pentland Hills Regional Park, which stretches for approximately 20 miles. The construction of a house on this area of land will have no impact on public access to open space as the area of land is private garden ground and not accessible to the public. The proposal complies with criteria b) and c).

Criterion d) states that a loss of open space will only be supported where there is a benefit to allowing the development, including improvement to existing open space and criterion e) states that the development should be for a public purpose and the benefit outweighs the loss. In considering these criteria, it is important to recognise that the existing site serves no community purpose beyond its general visual contribution to the area. The site is private land with no public access. The replanting of trees on the site will improve the site and community benefit will be derived from the general improvement in the appearance of the site and therefore the improved contribution it will make to the area.

The proposal broadly complies with LDP Policy Env 18 (Open Space Protection).

Trees

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on protected trees, unless required for good arboricultural reasons. Where permission is granted, appropriate replacement planting will be required to offset the loss. NPF4 policy 6 (Forestry, woodland, and trees) sets out that development proposals that enhance, expand and improve woodland and tree cover will be supported.

A Tree Survey was commissioned by the applicant and identified 33 trees either within or adjacent to the application site. These trees are mainly concentrated within three distinct groups in the south-east corner of the site, the south-west corner, and the northern tip of the site. The trees in question comprise a range of species, age, and condition. Birch, holly, sycamore, and oak predominate and taken collectively these four species account for 76% of the trees identified.

Twenty-two of the 33 trees identified within the tree survey are identified as having a retention class of either U or C. A retention class of U indicates trees are unsuitable for retention and class C indicates a tree of inferior quality, displaying signs of serious health issues with a limited life expectancy and limited landscape value. Consequently, trees of this nature should not be viewed as a significant constraint to development.

The proposal includes the removal of 12 trees, focused in the south-east corner. Nine of the trees proposed for removal are category U trees that are dead or dying with significant defects or advanced disease. In all cases the life expectancy of the tree is less than 10 years. Three category C trees are proposed for removal to facilitate the development of the new house. These trees have been assessed as having a limited safe future life expectancy. CEC Arboricultural officers have visited the site and have indicated that the tree survey provided by the applicant is a robust document that accurately reflects the current state of the site. CEC Arboricultural officers have not objected to the loss of the category C trees as long as suitable replanting is agreed.

In this instance the applicant proposes the replanting of 14 trees, comprising a mix of oak, beech, field maple and silver birch. This will replace the nine dead or dying trees and the three category C trees proposed for removal and represents a net gain of trees on the site. Replanting will be focused in the south-east corner, but also covers gaps at the boundary of the whole site. New trees will be planted at 'standard' girths to provide immediate visual impact.

Given the generally poor condition of a number of the trees on site, the replacement of dead trees with new native trees will represent a significant gain in terms of biodiversity for the site itself and visual amenity of the wider area, as well as going some way to ensuring the long term future of tree coverage on the site.

The Council's arboriculturalist has identified that the soil on the site is significantly damaged and compacted, most likely due to the previous formation of an entrance path and driveway into the site to serve the existing Laverockdale Cottage. A condition has been included to ensure that any tree which dies on site within 5 years of completion must be replaced. Prior to initiation of development, it is recommended that a full landscape plan is provided to the Planning Authority and all landscaping and proposed planting must be in place prior to first occupation of the proposed dwelling.

In terms of tree retention, important tree clusters in the south-west corner and northern tip of the site are to be retained, this includes all category B trees and the one category A tree. The proposed development does not fall within the root protection area of any tree shown as retained. The tree survey provided by the applicant recommends the creation of a fenced tree protection area prior to any work commencing, in line with guidelines set out within British Standard 5837:2012. CEC Arboriculturalists have raised no concern regarding this recommendation. A condition is included requiring that prior to initiation that all protective fencing recommended in the tree survey submitted in June 2022 is installed.

Public comments have raised concern about the previous removal of trees, expressing concern that trees have been removed without consent and that previous applications for tree works may have misidentified trees and their condition.

The removal of four trees was consented through application 18/00086/TPO on the basis that the trees were dead or had a serious defect. CEC arboriculture officers have advised that the trees in question would have likely been directly impacted by the construction of a path through the site, consented as part of application 17/01250/FUL, which did not include any tree protection measures. This application did incorrectly identify all trees in question as oak trees when a previous tree survey which covers the site indicates that the trees were a mix of oak, beech and sycamore. However, the site was visited by a CEC arboriculturalist and the removal of four trees was consented. No replacement planting was requested as the removal of the trees as identified was not considered to raise amenity concerns in the context of the significant change in the site underway through previous consents.

Consent was also granted for the removal of a further three trees through application 20/02606/TCO and although the owner indicated they intended to plant replacement trees; CEC tree officers have indicated they cannot compel them to do so. Both CEC Enforcement and CEC arboriculturalists have reviewed previous consents and tree surveys and both departments have concluded that one tree, an oak tree tagged as tree 2066 has been removed without consent but that all other trees removed from the site did have consent.

In terms of enforcement action, it would only be possible to seek the replanting of one tree on site. Although the current applicant is not the owner of the site and was not involved in the removal of any trees, they have indicated they are willing to undertake replanting as part of this planning application.

The replanting of 14 trees will be a significant gain for the site itself, as well as the visual amenity of the wider area. The replacement of dead trees will secure the long-term future of tree coverage of the site. The 14 proposed trees represents an overall net gain of two trees for the site and will offset the loss of the one tree removed without previous consent.

With consideration of the above, the proposal complies with NPF4 Policy 6 (Forestry, woodland, and trees) and LDP Policy ENV 12 (Trees).

Special Landscape Area

The southern part of the application site falls within the Pentlands Special Landscape Area, designated within the LDP. NPF4 Policy 4 (Natural Places) part d) states that development within designated landscape areas in the LDP will only be supported where development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified. A Statement of Importance was prepared in relation to Special Landscape Areas across the Council area in 2010. In the case of the Pentlands designation, this does not account for changes to the area surrounding the application site associated with the consent of a housing estate through application 10/00697/PPP and subsequent AMC applications.

The section identifying important landscape characteristics makes limited reference to the northern section of the SLA in which the application site is situated. The Statement of Importance does reference a 'notable wedge of plantation, parkland and woodland extending into the urban area at Dreghorn'. It references the importance of views of the Pentland Hills and cultural, geological, and recreational value of the wider SLA. The Statement of Importance also identifies enhancement opportunity in the form of woodland regeneration at Dreghorn.

The proposed dwelling will not impact views of the Pentland Hills. Although the application site does not form part of Dreghorn Woods, it will increase tree coverage of the site, strengthening tree coverage in the area. This area of the SLA is residential in character and significantly differs from other parts of the SLA in terms of character. The proposed residential development is in keeping with this part of the SLA. The proposed development will not impact any cultural assets or any recreational use associated with the Pentlands SLA. The overall increase in tree coverage on site and the improvement in its appearance will benefit the SLA.

The proposal complies with NPF4 Policy 4 in this regard.

Biodiversity

NPF4 Policy 3 (Biodiversity) seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. NPF4 Policy 4 (Natural Places) seeks to protect, restore, and enhance natural assets making best use of nature-based solutions.

A small proportion of the southern part of the site is identified within the Redford Brae and Laverock Dale Local Biodiversity Site (LBS) and the Braid Burn Complex LBS. As noted above, this designation most likely reflects the status of surrounding land before it was developed for housing after 2013. Consultation has been undertaken with CEC Biodiversity, Landscape and Arboricultural Officers who have noted that the existing

application site has been damaged from previous clearing and construction and is dominated by areas of rough grass and damaged soil. Twenty-two of the 33 trees in or around the site have a retention Class of U (meaning they are dead or dying) or C indicating a limited life span and landscape value.

Given the limited amount of the site identified within the LBS and the poor condition of the site, it now has limited ecological value. Consequently, the focus has been on mitigation of further damage to the site and exploration of potential improvement. In this instance the proposal will retain all category B trees and the one Category A tree situated within clusters in the south-west and northern corners of the site. The replanting of 14 trees to the south-east of the site and across the boundary will improve appearance and ecological value of the area, as will improvements to the landscaping.

The proposal complies with NPF4 Policy 3 (Biodiversity) and Policy 4 (Natural Places).

Design

NPF4 Policy 14 (Design, quality, and place) supports development proposals that are designed to improve the quality of an area and are consistent with the six qualities of successful places.

LDP Policies Des 1 (Design Quality and Context), Des 3 (Development Design - Incorporating and Enhancing Potential Features) and Des 4 (Development Design - Impact on Setting) ensure that developments will create or contribute towards a sense of place, based upon positive characteristics of the surrounding area, and planning permission will not be granted for poor quality or inappropriate design that would damage the surrounding character of the area. LDP Policy Hou 4 (Housing Density) sets out requirements for proposals to have regard to the characteristics of the surrounding area, creating an attractive residential environment and safeguarding living conditions.

NPF4 Policy 15 (Local Living and 20 Minute Neighbourhoods) supports development that contributes to local living. Policy 16 (Quality Homes) Also supports development of small scale residential development within established settlement boundaries.

The Edinburgh Design Guidance (EDG) seeks to ensure that new developments will have a positive impact on their surroundings through height and form, scale and proportions, site layouts and materials utilised.

The application site is situated in an established residential area and is surrounded on all sides by existing dwellings, including a housing estate to the south and higher density housing to the north-east and west. Local shops and services are present in Colinton Village, a ten minute walk from the application site, meaning there is potential to access amenities by foot or on bike. A supermarket is situated at Colinton Mains Drive, which is an approximate 20 minute walk from the site. Though this distance is further than may be anticipated within a city centre site, the application site is within an established settlement, and this is comparable with neighbours. This is consistent with the principles of local living.

As set out in more detail above, the appearance of the proposed property in terms of both size and materials is reflective of surrounding properties and will make a positive contribution to the conservation area. The size of the property in relation to the plot is also consistent with the existing spatial character of the area.

The proposal is consistent with NPF4 Policy 14, Policy 15 and Policy 16. The proposal is consistent with LDP Policy Des 1, Des 3, Des 4 and Hou 4.

Climate mitigation

NPF4 Policy 2 a) (climate mitigation and adaption) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change. NPF 4 Policy 12 (Zero Waste) states that development proposals should seek to reduce, reuse, or recycle materials in line with the waste hierarchy.

The proposed new house has been designed using a 'Fabric First' approach to maximise energy efficiency. The building envelope will comprise a highly insulated timber frame inner leaf, with a blockwork external leaf to take the roughcast finish. The timber frame will be fitted out with airtightness membranes and taped and sealed junctions to ensure maximum airtightness and minimise heat loss.

All doors and windows will be triple glazed with an alu-clad maintenance free finish and windows have been positioned to maximise solar gain. Roof voids will be heavily insulated, and construction details will use accredited design details to reduce / avoid thermal bridging. The utilisation of a 'Fabric First' approach reduces the demand on energy consumption over the lifetime of the building.

Space for bins is identified on the site layout plan. The applicant will need to contact the Council's Waste and Cleaning Service to arrange a waste strategy.

NPF 4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) aims to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. Outcomes should maximise use of existing assets, minimise land take, contribute to nature recovery and productive green space, and regenerate to improve well-being and transform places.

Although the application does not relate to a brownfield site, it does relate to vacant, damaged garden ground. The proposal will significantly enhance green infrastructure across the site, improving the habitat value and visual appearance of the site. This will increase the positive contribution it makes to the surrounding area.

The proposal complies with NPF4 Policy 2 (Climate Mitigation and Adaptation), Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and Policy 12 (Zero Waste).

Amenity

With respect to privacy, overlooking, physical impact, overshadowing and loss of daylight or sunlight, the proposals have been assessed against requirements set out in

Edinburgh Design Guidance.

The window to window distance from the proposed development and 61 Dreghorn Loan is 37 metres. Likewise, the distance to 70 Dreghorn Loan is approximately 37 metres. 33 metres separates the proposed development and 68 Dreghorn Loan and there would be approximately 24 metres between the development and 60 Dreghorn Loan to the west. Given the significant distance between the proposed development and the significant tree coverage on all boundaries, which will be further strengthened by additional planting, there is no concern with regards to potential overlooking and no loss of neighbouring privacy. No windows serving habitable rooms are located on the south elevation of the proposed dwelling and there is therefore no potential loss of privacy for 63 Dreghorn Loan.

At these distances the proposal would also comply with the 25 degree daylight criterion outlined in guidance, meaning there will be no loss of daylight to neighbouring windows. The applicant has provided privacy and overshadowing diagrams showing that any overshadowing from the proposed development is limited to the garden ground of the development site and will therefore not impact neighbouring properties. The proposal will not result in any unreasonable loss to neighbouring amenity.

In terms of amenity for future occupiers, the proposed development will exceed the 91 square metres minimum floorspace requirement, recommended for residential development of this nature, set out in Edinburgh Design Guidance. The proposed layout shows habitable rooms are well served by windows and will have adequate levels of daylight. Future residents will have access to approximately 1300 square metres of private greenspace. Sunpath diagrams shows that the garden ground will receive direct sunlight to at least 50 percent of its area for more than two hours a day during the spring equinox. This complies with recommendations set out in guidance.

The proposal will not result in a loss of neighbouring amenity. Future occupiers will have an acceptable level of amenity. The proposal complies with LDP Policies Des 5 and Hou 3.

Flooding

The application site is not identified within a flood risk area in relation to river or surface water flooding. The applicant has provided a Surface Water Management Plan in support of this application. CEC Flooding has reviewed the Surface Water Management Plan and has indicated that this is acceptable, and that the proposal can proceed to determination. The proposal will not increase the risk of surface water flooding.

The proposal complies with NPF Policy 22 (Flood Risk and Water Management).

Transport

LDP Policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) cover matters related to parking provision. NPF4 Policy 13 (sustainable transport) requires proposals to demonstrate that the transport requirements generated have been considered in line with sustainable travel priorities.

Transport Planning note there are two car parking spaces on site at present serving 63 Dreghorn Loan, and that the same level of car parking would be acceptable for this development. The proposal includes a triple bay garage. A statement provided by the applicant's agent has noted that the applicant does not own three cars and that the garage will serve not only as a car parking space but also to store bikes, equipment needed for the maintenance of garden ground covering 1300 square metres, children's buggies and other equipment associated with a growing family. There is no on-street parking available adjacent to the house due to the design and layout of the road and the area is served by one bus route. A number of double garages are present in the area and there are examples of comparable driveways in the surrounding area. CEC Transport Planning was consulted on the scheme and offered no objection, though the potential to park cars in exceedance of the Parking Standards was noted.

Local shops and services are present in Colinton Village, a ten minute walk from the application site, meaning there is potential to access amenities by foot or on bike. A supermarket is situated at Colinton Mains Drive, which is an approximate 20 minute walk from the site. Though this distance is further than may be anticipated within a city centre site, the application site is within an established settlement, and this is comparable with neighbours.

The proposal complies with NPF4 Policy 13 and LDP Policy Tra 3. An infringement of LDP Policy Tra 2 is acceptable in this case.

Infrastructure

The application site is located within the Allermuir Healthcare Contribution Zone. A contribution of £526.26 per new dwelling is required to support the expansion of the medical practice at Craighouse. It is recommended this amount should be secured through a Section 69 Agreement under the Local Government (Scotland) Act 1973.

Subjection to conclusion of a suitable legal agreement to secure required healthcare contributions, the proposal complies with LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) and NPF4 Policy 18 (Infrastructure First).

Conclusion in relation to the Development Plan

The proposal broadly complies with the policy requirements of NPF4 and the Edinburgh Local Development Plan. An infringement of LDP Policy Tra 2 is acceptable in this instance.

The appearance of the proposed property in terms of both size and materials is reflective of surrounding properties and will make a positive contribution to the conservation area. The replanting of 14 trees will be a significant gain for the site itself, as well as the visual amenity of the wider area. Proposed planting will improve the habitat value of the site. The proposal will not have a negative impact on the Special Landscape Area or Local Biodiversity Sites. The proposal will not result in a loss of neighbouring amenity. Future occupiers will have an acceptable level of amenity. The proposal will not increase the risk of surface water flooding or impact flood risk. The proposal makes provision for cycle parking. A healthcare contribution will be required, and it is recommended this should be secured through a Section 69 Agreement under the Local Government (Scotland) Act 1973.

d) 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. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A total of 11 representations were received, all objecting to the proposed development.

A summary of the representations is provided below:

material considerations

- Impact on Conservation Area; this is addressed in section b).
- illegal removal of trees/loss of trees; this is addressed in section c).
- Impact on listed buildings; this is addressed in section a).
- Loss of privacy; this is addressed in section c).
- Overshadowing; this is addressed in section c).
- Impact on Special Landscape Area; this is addressed in section c).
- Impact on Local Biodiversity Site; this is addressed in section c).
- Height; this is addressed in section c).
- Road safety and parking; this is addressed in section c).
- Impact on views; this is addressed in section c).

non-material considerations

- Land ownership; this is not a planning matter.
- Precedent for adjacent woodlands; each application is assessed on its own merit.
- Light pollution; this is not a material planning consideration.

Conclusion in relation to identified material considerations.

There are no material considerations which indicate the proposal should be refused.

Overall conclusion

The proposal will not have a negative impact on the setting of listed buildings. The proposal is acceptable in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal has regard to the desirability of preserving or enhancing the character and appearance of the conservation area. The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal broadly complies with the policy requirements of NPF4 and the Edinburgh Local Development Plan (LDP). An infringement of LDP Policy Tra 2 is acceptable in this instance.

The appearance of the proposed property in terms of both size and materials is reflective of surrounding properties and will make a positive contribution to the conservation area. The replanting of 14 trees will be a significant gain for the site itself, as well as the visual amenity of the wider area. Proposed planting will improve the habitat value of the site. The proposal will not have a negative impact on the Special Landscape Area or Local Biodiversity Sites. The proposal will not result in a loss of neighbouring amenity. Future occupiers will have an acceptable level of amenity. The proposal will not increase the risk of surface water flooding or impact flood risk. The proposal makes provision for cycle parking. A healthcare contribution will be required, and it is recommended this should be secured through a Section 69 Agreement under the Local Government (Scotland) Act 1973.

There are no material planning considerations which outweigh this conclusion.

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. A detailed specification, including trade names where appropriate, 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.
3. All proposed work must be carried out in line with the tree protection plan set out in the tree survey accompanying this application, dated June 2022.
4. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments, tree removal, replacement tree planting and all other planting, shall be submitted to and approved in writing by the Planning Authority

before work is commenced on site.

5. Any trees or plants within the application site which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced with others of a size and species similar to the original, or in accordance with such other scheme as may be submitted to and approved in writing by the Planning Authority.
6. The approved landscaping scheme shall be fully implemented prior to first occupation of the development.

Reasons :-

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. To safeguard trees.
4. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
5. In order to ensure that the approved landscaping works are properly established on site.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

Informatives

It should be noted that:

1. The application site is located within the Allermuir Healthcare Contribution Zone. contribution of £526.26 per new dwelling is required to support the expansion of the medical practice at Craighouse. It is recommended this amount should be secured through a Section 69 Agreement under the Local Government (Scotland) Act 1973.
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 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 applicant should contact the City Council's Waste and Cleaning Service to arrange a waste strategy and then a minimum of 12 weeks prior to any waste collections being required and prior to the occupation of the development.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 21 January 2022

Drawing Numbers/Scheme

01, 02A, 03A, 04-08

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer
E-mail: christopher.sillick@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Flood Planning

COMMENT: No objection. The proposal can proceed to determination.

DATE: 15 May 2023

NAME: Transport Planning

COMMENT: No objections,

Cycle parking can be accommodated within garage. Measure to limit potential excess parking such as the introduction of planters to the courtyard would be recommended.

DATE: 31 March 2023

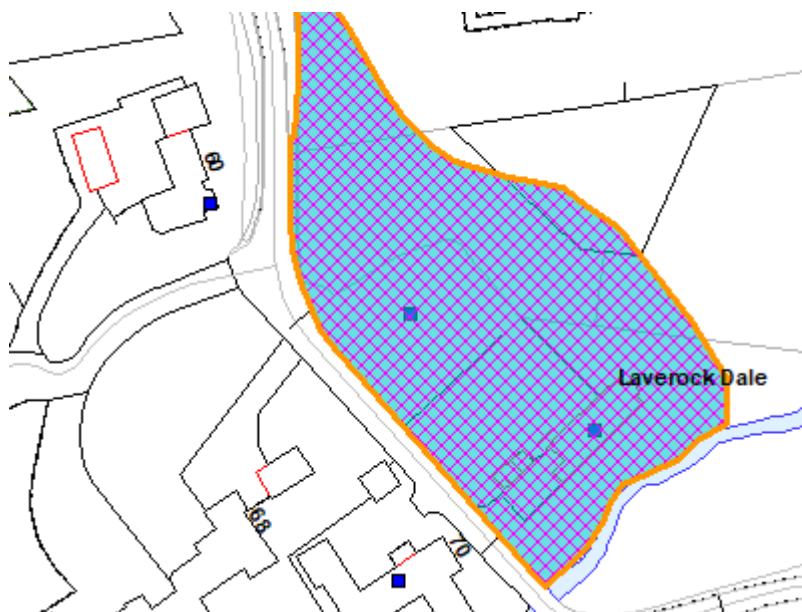
NAME: Historic Environment Scotland

COMMENT: No comment to make.

DATE: 7 September 2023

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

Location Plan



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