

Development Management Sub-Committee Report

Wednesday 29 May 2024

**Application for Planning Permission
Land 70 Meters South West Of 2, Craighour Place, Moredun**

Proposal: The submission consists of new green space landscaping proposals to the existing open space and all associated site works at Moredunvale in Edinburgh.

**Item – Committee Decision
Application Number – 23/07440/FUL
Ward – B16 - Liberton/Gilmerton**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as the site is Council owned. 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 the details below.

Summary

The proposals will improve the appearance and usability of the area of public open space, resulting in community benefits.

The proposals would not preclude the future development of housing on the remainder of allocated housing site HSG 30 of which the application site forms an integral part of or undermine the LDP strategy of increasing the number of new homes being built in the City.

The proposals are compatible with policy priorities that include sustainability in terms of climate change mitigation and adaptation, restoration and enhancement of biodiversity and materials use.

There are no detrimental impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The site is a 3.95-hectare area of public amenity open space adjacent to the west and south of the four blocks of high-rise flats at Moredun. The site is irregular shaped. It is mostly short mown grass, with a few trees on it. On part of the northern part of the site there is an existing equipped children's play area. A number of public footpaths bisect the site, which footpaths are part of the network of public footpaths within the wider Moredun area. The site has a significant level change of some 29.5 metres, sloping downwards from south to north.

Adjacent to the immediate north west of the site the grassed open space continues, which open space has three grassed football pitches marked out on it, beyond which is Moredunvale Road and to the north and beyond that the Burdiehouse Burn, which runs west to east along the north side of the road. A public road bounds the site to the north, south and south west. Existing residential properties bound the site to the east. Moredunvale high rise flats bound the site to the north east.

The site forms the eastern and southern part of a circa 5-hectare area of public open space that is allocated in the LDP for housing development with a capacity of 180 residential units and open space improvements, known as site HSG 30 - Moredunvale Road. The LDP proposals map for allocated housing site HSG 30 delineates housing on the western and southern parts of site HSG 30, amounting to approximately half of the total area of site HSG 30. The proposals map delineates new and existing green space on the western part of site HSG 30.

Description of the Proposal

The proposal is to retain the site as green amenity open space and carry out engineering works comprising of earthworks/re-contouring of land, and the installation/erection of structures to form an amphitheatre and new equipped children's play area, and formation of new and replacement hard surfaces and footpaths.

Associated with the proposed landscaping works is the planting of trees and wild flower meadows. These soft landscaping works are not development and thus do not require planning permission.

The proposal **Supporting Information**

- Design and Access Statement
- Report on ecological appraisal and biodiversity net gain
- Flood Risk Assessment (FRA)
- Ground Investigation Report
- Arboricultural Impact Assessment & Method Statement
- Landscape Maintenance Strategy
- Surface Water Management Plan
- Pre-application Consultation Report
- Tree Condition Schedule

Relevant Site History

23/02513/SCR
Land 70 Meters South West Of 2 Craigour Place
Edinburgh
Request for Pre-app Screening Opinion.
EIA Not Required
2 August 2023

Other Relevant Site History

None.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Archaeology Services

SEPA

Environmental Protection

The Coal Authority

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

Publicity and Public Engagement

Date of Neighbour Notification: 29 December 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 0

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:

- NPF 4 Sustainable Places policies 1, 3, 6, 7
- NPF 4 Liveable Places policies 14,20, 21
- LDP Design Principles for New Development policies Des 1, Des 4, Des 7 and Des 8
- LDP Caring for the Environment Policies Env 8, Env 9, Env 12, Env 16, Env 18, Env 19, Env 21, Env 22
- LDP Housing and Community Facilities policies Hou 1.

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of several LPD design policies.

Principle of land use

The site is located within the urban area, as defined in the Edinburgh Local Development Plan. LDP Policy Hou 1 (Housing Development), states that priority will be given to the delivery of the housing land supply and relevant infrastructure. Site HSG 30, which the application site forms an integral part of, is allocated in the LDP for housing and open space improvements with a capacity of 180 units. Criteria a) of Hou 1 gives priority to the delivery of housing sites allocated in the plan.

The LDP proposals map for site HSG 30 delineates housing on the western and southern parts of the allocated site, equating to approximately half of the area of site HSG 30. The remaining half of site HSG 30, which is its western part, is delineated as new and existing green space. Table 4 of the LDP stipulates that proposals on the site must accord with the Moredunvale Development Principles, set out on page 77 of the LDP.

The proposal is for development associated with open space improvements on 3.95 hectares of the 5-hectare site comprising allocated site HSG 30. This equates to 79% of the total area of HSG 30. If the proposals the subject of this application are approved and the works carried out, the area of land remaining that could in the future potentially be developed for housing is 1.05 hectares. This area is less than that delineated for housing on the LDP proposals plan. There is no planning application before the planning authority for residential development on any part of allocated site HSG 30. If in the future the remaining 1.05 hectares of land were developed for the maximum number of units allocated, which is 180, the resultant building density would be some 171 units per hectare, which is a relatively high density. If housing proposals were to emerge and the remaining 1.05 hectares were not to be developed at this density and fewer than 180 dwellings were built on it, given the relatively small number of units allocated for HSG 30, this would not undermine the LDP strategy of increasing the number of new homes being built in the City. Therefore, if planning permission is granted for the proposals, the resultant area of land remaining for possible future housing, would not be a significant departure from LDP Policy Hou 1 (Housing Development). Consequently, there is not a requirement under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009, for the Planning Authority to notify Scottish Ministers of the planning application if the Council proposes to grant planning permission.

NPF 4 policy 20 2b) and 2e) supports development proposals for or incorporating new or enhanced blue and/or green infrastructure and that include effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

NPF 4 policy 21 d) supports proposals that encourage, promote, and facilitate spaces and opportunities for play, recreation, and sport.

LDP Policy ENV 18 (Open Space Protection) presumes against the loss of open space that contributes to the amenity of the surrounding area and the city.

Policy Env 19 (Protection of Outdoor Sports Facilities) presumes against the loss of existing outdoor sports facilities, including pitches.

The site is part of a publicly accessible amenity open space that is identified in the Council's Open Space 2021 - Edinburgh's Open Space Strategy, as existing open space on the city's green network. The proposed development will result in physical enhancements to the open space, including but not limited to new and improved footpath/cycle path connections, and new and improved play and recreational facilities. The proposals do not include a change of use of the open space, and they would not result in a net loss of useable open space. The application is accompanied by the applicant's intended post development 5-year management and maintenance plan for the upkeep of the landscaped areas.

The proposals accord with NPF 4 policies 20 and 21 and LDP policies Env 18 and Env 19.

The proposals are acceptable on the proviso that they do not conflict with the Moredunvale development Principles as set out in the LDP and this is assessed below:

Compliance with the Moredunvale Development Principles

Principle (i): Address the General Development Principles on transport and education for South East Edinburgh (as set out in paragraphs 126-128 of the LDP)

The application proposal does not conflict with principle (i), which would only apply to a future proposed residential development on the remaining part of site HSG 30 which is out with the application site.

Principle (ii): The finalised site capacity, design and layout should be informed by an adequate flood risk assessment.

The SEPA 200-year flood map for the area delineates Moredunvale Road, which is located off the site but adjacent to it and between it and the Burdiehouse Burn, to be at high risk of flooding. There is an area of medium flood risk beyond this, which encroaches into the application site at its northern tip only. A Flood Risk Assessment (FRA) has been submitted with the application and considers the risk of flooding, including from the nearby Burdiehouse Burn, to allocated housing site HSG 30 including the application site. The FRA concludes that the proposals the subject of this current application do not significantly alter the ground levels or the land use of the application site. Therefore, the proposed development will be no increased flood risk to either the application site or the remainder of site HSG 30. Therefore, there is no conflict with principle (ii).

The area of green space adjacent to the west of the application site, which is the remainder of site HSG 30 and where in the future housing could potentially be developed, is not identified on the SEPA 200-year flood map to be at risk of flooding.

Principle (iii): Land around the high-rise flats to be kept as green space.

The proposal includes retention of and improvements to the existing green open space adjacent to Moredun high rise flats.

Principle (iv): Opportunity to provide play space, allotments, and growing spaces as green space improvements.

The proposals include a new and improved children's playground and thus the play provision part of principle (iv) is met.

The second part of principle (iv) states that allotments and community grown spaces are not included in the proposals, however, no new ones are proposed in the application. Nevertheless, there are existing community growing spaces located adjacent to the blocks of flats. At the project design stage during the initial consultation period, the design team and steering group held a workshop to design a brief for the park including a 'shopping list' of elements to be included. These elements did not include additional community growing spaces or allotments. If there is future desire from the community for additional community growing space or allotments to be formed on part of the site, the current proposals would not preclude this. The absence from the current proposals of community growing spaces or allotments is not grounds to refuse the application.

Principle (v): Opportunity to create links to the wider green network.

The proposals include improved connections between existing green networks and local biodiversity sites in the wider area and thus principle (v) is met.

Principle (vi): Proposals should provide better pedestrian and cycle access between the site and the surrounding area.

The site is well connected in terms of both walking and cycle routes. It has excellent access to both the Burdiehouse Burn and Craigmillar Castle, and also has a direct connection with National Cycle Route 1. The existing path network on the site, whilst in reasonable condition does not take into account clear desire lines evident on site. Due to the topography, there is also limited pedestrian connectivity between the high rise flatted blocks and the park. The proposals include new and improved footpath and cycle path connections across the site taking account of clear desire lines evident on the site and connecting to existing footpath and cycle paths adjacent to the site. Therefore, principle (v) is met.

Principle (vii): Remediation work may be required to develop the site due to the history of coal and limestone mining.

The application is accompanied by an engineer's report on a ground investigation that recommends ground remediation and/or protective measures to be undertaken. Environmental Protection has no objection to the application subject to a condition being imposed on a grant of planning permission requiring the ground remediation and/or protective measures being carried out.

In a consultation response on the application the Coal Authority confirms that given that the site falls within the Coal Authority's defined Low Risk Area they have no comments to make.

Climate Mitigation and Adaptation

NPF4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The development has a neutral impact on climate change.

Biodiversity

NPF 4 Policy 3 (Biodiversity) seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

NPF4 Policy 6 seeks to protect and expand trees.

LDP policy Env 16 (Species Protection) presumes against development which would have an adverse impact on species protected under European or UK law.

The tree survey recorded a number of individual trees on the site and several groups of trees. No trees are proposed for removal to facilitate the proposed works. One tree has been identified as a dead tree and the arboricultural report recommends that it be removed on the basis of health and safety. The design ensures there are no proposed new pathways, play equipment or level changes within the Root Protection Area (RPA) of retained trees. The exception is in the case of one tree where a new pedestrian path passes within the RPA. A system of tree protection (feet fence Heras fencing) and temporary ground protection for the works close to trees, to ensure all remaining trees are adequately protected through the development process.

New tree planting is proposed including 190 heavy standard/advanced heavy standard/or semi mature trees. The proposed tree planting will enhance the appearance of the park.

A report on a preliminary ecological appraisal and biodiversity net gain report has been submitted with the application. It confirms that no evidence of bat roosts, otter or other protected species was recorded on the site during the survey. It makes recommendations to mitigate potential impact on biodiversity during periods of construction and also to enhance biodiversity, including, but not limited to, the installation on existing mature trees of bat boxes. An informative should be added to a grant of planning permission requiring that the recommendations made in the ecology appraisal and biodiversity net gain report be implemented.

The proposals comply with NPF 4 policies 1, 3 and 6.

Archaeology

The City Archaeologist informs that the site overlies two known archaeological sites - Moredun Mains Steading (pre-1850 and probable dating to the turn of the 19th century) and Moredun 'Old Limestone Quarries. The significant groundbreaking works associated with the proposed development may uncover significant archaeological artefacts and remains. It is therefore recommended that a programme of archaeological works is undertaken prior to / during development to fully excavate, record and analysis any significant remains that may be affected.

Subject to this recommended control, which could be secured by a condition on a grant of planning permission, the proposals comply with LDP policies, Env 8, Env 9 and NPF 4 policy 7o).

Flooding and drainage

Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would:

- a) increase a flood risk or be at risk of flooding itself
 - b) impede the flow of flood water or deprive a river system of flood water storage within the areas shown on the Proposals Map as areas of importance for flood management
 - c) be prejudicial to existing or planned flood defence systems.
- Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would:

- a) increase a flood risk or be at risk of flooding itself
- b) impede the flow of flood water or deprive a river system of flood water storage within the areas shown on the Proposals Map as areas of importance for flood management
- c) be prejudicial to existing or planned flood defence systems.

The impact of the proposals on flood risk is addressed above in the section on compliance with the Moredunvale Development Principle (iii).

A surface water management plan also accompanies the application. Proposed sustainable urban drainage (SUDs) includes new areas of rain gardens within the site and perforated pipes and water run off to vegetated areas. Additionally, it details surface water control measures to be employed during periods of construction. The proposed SUDs scheme is considered an acceptable drainage solution on this site.

The development will be required to go through a separate statutory regime in terms of connection to Scottish Water assets, including connecting to sewers.

Design, Quality and Place

It is considered that the proposals by virtue of their positioning, form, and materials, preserve or enhance the character and visual amenity of the area. Thereby, the proposals comply with LDP policies Des 1, Des 4 and Des 12.

NPF4 Policy 14 supports development proposals that are consistent with the six qualities of successful places. The proposed development is in accordance with the principles of being a healthy and connected place, sustainable, pleasant, and distinctive and therefore is in compliance with NPF4 policy 14.

LDP Policy Des 8 (Public Realm and Landscape Design) supports proposals where all external spaces, and features, including streets, footpaths, green spaces, and boundary treatments have been designed as an integral part of a scheme as whole. A landscaping plan has been provided and details proposed trees, shrubs, grassland, and wild flower meadow planting. Overall, the landscape design is high quality and is in compliance with Policy Des 8.

Conclusion in relation to the Development Plan

The proposals will improve the appearance and usability of the area of public open space, resulting in community benefits.

The proposals would not preclude the future development of housing on the remainder of allocated housing site HSG 30 of which the application site forms an integral part of or undermine the LDP strategy of increasing the number of new homes being built in the City.

The proposals are compatible with policy priorities that include sustainability in terms of climate change mitigation and adaptation, restoration and enhancement of biodiversity and materials use.

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

The following material planning considerations have been identified:

Emerging policy context

City Plan continues the allocation with a different proportionality of the site for the mix of works, updating the approach and reducing the housing area. A housing proposal on the part of site HSG 30 that is not included in this application site. Any future development of the remainder of the site would be considered within the context of City Plan 2030.

On 5 April 2024, the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

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

None received.

Conclusion in relation to identified material considerations.

There are no material planning considerations that indicate that the application should be refused.

Overall conclusion

The proposals will improve the appearance and usability of the area of public open space, resulting in community benefits.

The proposals would not preclude the future development of housing on the remainder of allocated housing site HSG 30 of which the application site forms an integral part of or undermine the LDP strategy of increasing the number of new homes being built in the City.

The proposals are compatible with policy priorities that include sustainability in terms of climate change mitigation and adaptation, restoration and enhancement of biodiversity and materials use.

There are no detrimental impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

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 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.

2. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication, public engagement & interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
3. Prior to the commencement of any works (including site clearance and construction works) A Landscape & Ecological Maintenance & Monitoring Plan shall be submitted for the prior written approval of the planning authority.
4. The approved soft landscaping scheme shall be fully implemented within the first planting season of the completion of the development. All planting carried out on site shall be maintained by the developer to the satisfaction of the Planning Authority for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme, as may be submitted to and approved in writing by the Planning Authority.

Reasons

1. To ensure that any potential contamination on the land is appropriately remediated so that the proposed use of it does not pose a risk to human health.
2. In order to safeguard the interests of archaeological heritage.

3. To ensure that all of the landscaping and biodiversity measures are implemented and managed appropriately to benefit biodiversity in the long term.

Informatives

1. 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.
2. 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.
3. The recommendations made in the Preliminary Ecological Appraisal report by Direct Ecology, dated 08/12/2023, should be implemented in full, including but not limited to, the erection at least five bat boxes (Kent Bat Box or similar) and ten bird boxes - indicative locations are shown within Appendix 2 of the Preliminary Ecological Appraisal. The developer should liaise with the planning authority about the product specifications of both bird and bat boxes; number of boxes to be installed; proposed location of boxes; and, when the works to install the boxes will take place.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 21 December 2023

Drawing Numbers/Scheme

01, 02, 03, 04, 05, 06, 07

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Adam Thomson, Planning Officer
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Appendix 1

Summary of Consultation Responses

NAME: Archaeology Services

COMMENT: No objection. A condition is recommended.

DATE:

NAME: SEPA

COMMENT: No objection.

DATE:

NAME: Environmental Protection

COMMENT: No objection. A condition is recommended.

DATE:

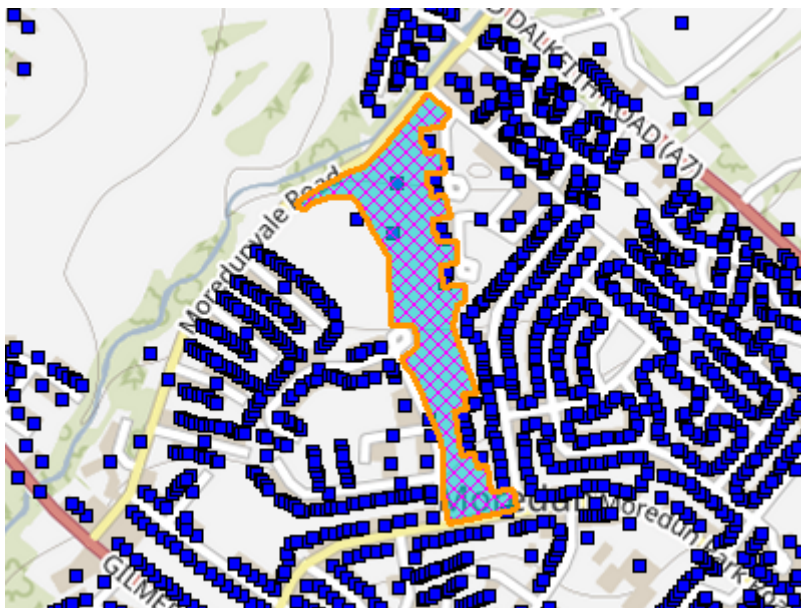
NAME: The Coal Authority

COMMENT: No objection.

DATE:

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

Location Plan



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