

Development Management Sub-Committee Report

Wednesday 29 May 2024

**Application for Approval of Matters Specified in Conds.
Land at Greendykes South Site, Greendykes Road, Edinburgh.**

**Proposal: Application for approval of matters specified in condition 1, 2,3 a b c, 4 i-v and 12a relating to Application No. 13/02694/FUL -
Erection of 130 dwellinghouses, with roads associated infrastructure and landscaping (as amended).**

**Item – Committee Decision
Application Number – 23/02681/AMC
Ward – B17 - Portobello/Craigmillar**

Reasons for Referral to Committee

In accordance with the Council Scheme of Delegation, the application has been referred for determination by the Development Management Sub-committee as more than 20 objections raising material planning considerations have been received from third parties and the recommendation is to approve.

Recommendation

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

Summary

The proposals broadly accord with the requirements of conditions 1, 2, 3, 4 and 12a of planning permission in principle 13/02694/FUL and the relevant policies of the Development Plan. There are no compelling material considerations for not approving them subject to the referral to Scottish Ministers.

SECTION A – Application Background

Site Description

The site extends to 3.6 hectares (approx.). It was previously used for agricultural purposes and is generally level. The site is bounded by Little France Park to the west/southwest, a line of trees and Greendykes Road to the north / northeast and the Niddrie Burn to the south.

The site is allocated by the Edinburgh Local Development Plan 2016 (LDP) for housing (HSG18) and benefits from planning permission in principle (PPP) under 13/02694/FUL. That PPP corresponds with the boundary of HSG18, and the site is the final undeveloped phase. LDP housing allocations HSG16 and HSG17 sit to the northeast of Greendykes Road, and both are also largely completed.

A Local Nature Conservation Site extends into the site at its halfway point (approx.). Desire paths and a Council installed temporary active travel route cross the site. Right of Way LC91 applies to the latter and is referred to as the northwest strand. The southeast strand is more informal and runs through the site at its halfway point (approx.). The Niddrie Burn, which sits outwith the site to the southeast, is an Area of Importance for Flood Management and a Local Nature Conservation Site in part.

Description of the Proposals

The approval of the matters specified in conditions 1, 2, 3, 4 and 12a (AMC) of PPP 13/02694/FUL is sought in relation to the erection of 130 residential units (106 dwellinghouses and 24 flats). Condition 1 relates to sustainability and compliance with the Craigmillar Urban Design Framework. Conditions 2 and 3 relate to flood attenuation and SuDS measures. Condition 4 relates to the detail of the development and condition 12a relates to protected species.

The 106 dwellinghouses will be provided through a mixture of detached, semi-detached and terraced properties (35 two-bed, 66 three-bed and 5 four-bed). The 24 flats will be provided in a single block (2 one-bed and 22 two-bed). All buildings are a mixture of red and buff brick with concrete tile roofs and solar PV arrays.

130 car parking spaces are to be provided on street, by driveways or through courts. Cycle parking and refuse / recycling collection are in-curtilage for the dwellinghouses. For the block of flats, refuse / recycling and 48 cycle parking spaces via seven Sheffield stands, 15 two-tier racks and four vertical racks will be provided within an integral store. Six Sheffield stands for visitors are also proposed. Cycle parking for the dwellinghouses will be provided within curtilage.

Scheme 2

The application was amended prior to this recommendation. Changes include:

- alterations to the siting and orientation of dwellinghouses;
- safeguarding the long-term use of both Right of Way LC91 strands;
- increasing and broadening the range of cycle parking for the block of flats as well as introducing visitor provision;
- amending the layout of the refuse / recycling store for the block of flats and related collection matters;
- reducing car parking and introducing electric vehicle charging points (EVCPs);
- safeguarding links to desire paths within Little France Park;
- introducing further surface water management measures;
- various soft landscaping amendments including the introduction of intervening trees to runs of on-street car parking and site boundaries; and
- safeguarding the boundary between the site and a tarmacadamed former garage site to the east that was historically subject to possible residential redevelopment (planning permission 14/02649/FUL).

Supporting Information

The following documentation was considered in the making of this recommendation:

- Bat Roost Surveys;
- Ecologist Letter;
- Flood Risk Assessment;
- Material Schedule;
- Landscape and Ecology Management Plan and Otter Protection Plan;
- Preliminary Ecological Appraisal;
- Site Investigation Report;
- Statement of Community Benefit;
- Statement of Compliance with Condition 1b;
- Suds and Drainage Strategy Report;
- Sustainability Form S1 and
- Tree Survey.

These are available to view on the Councils planning portal. The Site Investigation Report has no relevance to the applied for conditions with these matters separately addressed by condition 5 of PPP 13/02694/FUL.

Relevant Site History

07/01644/OUT
Land At
Greendykes Road
Edinburgh

Outline residential (as amended)
Granted
22 July 2010

08/02474/FUL
Land Adjacent To
Greendykes Road
Edinburgh

Restoration of Niddrie Burn, involving excavation of river corridor + associated engineering works.
Granted
23 August 2010

12/01109/AMC
Land At
Greendykes Road
Edinburgh

Residential development including detailed site layout plan showing position of buildings, roads, footpaths, parking areas, cycle parking, walls, fences, landscaping, details of existing and finished levels, flood attenuation details (matters listed in conditions 3, 5(i), (iii), (v) of planning consent 07/01644/OUT).

Approved
26 October 2012

13/02694/FUL
Land At
Greendykes Road
Edinburgh

Section 42 to extend the timeframe by 10 years as outlined in condition 1 of consent 07/01644/OUT.

Granted
2 August 2018

18/02164/FUL
Land At
Greendykes Road
Edinburgh

Application to vary condition 8 of planning permission 12/01109/AMC to construct a foot bridge and associated works over the Niddrie Burn. Condition 8 of the aforementioned consent requires the construction of a road bridge.

Granted
28 August 2018

Other Relevant Site History

12/03665/AMC
Land at Greendykes Road Edinburgh
Greendykes Masterplan Area AH2 - Residential Development (Affordable Housing - 122 Units). (Amended to 126 units)

Granted
21 February 2013

13/01151/AMC
Land at Greendykes Road Edinburgh
Approval of matters specified in conditions of application 07/01644/OUT in respect of condition 1a finalising layout, elevations, and landscaping treatments.

Approved
7 November 2013

13/01342/FUL

Land at Greendykes Road Edinburgh

Residential development comprising 145 private residential units, part of Greendykes Masterplan Site Areas C and D associated with planning application reference

12/01109/AMC

Granted

21 September 2017

13/02660/FUL

Land 213 Metres Southwest of 22 The Wisp Edinburgh

Residential development (comprising 72 units) and associated works.

Refused (Appeal PPA-230-2129 Allowed)

17 February 2016

14/02649/FUL

Land 275 Metres South West Of 14 Greendykes Road Edinburgh

Erection of 10 two bedroom houses in two terraces, to Passivhaus standard, with associated parking and landscaping.

Granted

31 October 2014

14/03292/AMC

Land at Greendykes Road Edinburgh

Approval of Matters Specified in Conditions (5i, ii, iii and v) for detailed site layout plan incl. finished ground + floor levels, floor plans/elevations of each dwelling type + detailed landscape layout associated with 160 Unit Residential Development on land adjacent to Greendykes Road (Site I + J) comprising 108 terraced/semi detached +

detached houses + 52 flats.

Approved

12 November 2014

15/01995/AMC

Land at Site F Greendykes Road Edinburgh

Erection of 62 residential units comprising of 2 storey dwellings - this application relates to final site design, elevation treatments and landscaping design. (as amended)

Approved

29 October 2015

16/03848/PPP

Land at Greendykes South Site Greendykes Road Edinburgh

Proposed residential development, potential retail/commercial uses, open spaces and associated infrastructure.

Granted

23 December 2016

16/04145/AMC

Land at Greendykes Road Edinburgh

Approval of matters specified in conditions for the siting, design, landscaping and infrastructure in relation to the erection of 165 dwellings (87 houses and 78 flats) including provision of affordable housing (Site G and Site AH3).

Approved

15 November 2016

18/01004/AMC

Land at Greendykes South Site Greendykes Road Edinburgh

Approval of matters specified in conditions (ref: 16/03848/PPP) as per condition three and condition six (as amended).

Approved

17 September 2018

19/01357/AMC

Land at Greendykes Road Edinburgh

Approval of matters specified in conditions 2, 3, 4 a b c and 5 I-v of planning permission 07/01644/OUT for the siting , design, landscaping and infrastructure in relation to the erection of 166 dwellings.(as amended)

Approved

6 May 2021

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Flood Prevention

Parks and Greenspace

Scottish Environment Protection Agency

Scottish Water

Transport Planning

Waste and Cleansing Services

Environmental Protection

NatureScot

ScotWays

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

Publicity and Public Engagement

Date of Neighbour Notification: 3 July 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 7 July 2023

Site Notices Date(s): Not Applicable

Number of Contributors: 46

Section B - Assessment

Determining Issues

This report will first determine whether this AMC application been submitted timeously in terms of the related PPP.

The 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) and the 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 AMC was submitted timeously to PPP 13/02694/FUL

PPP 13/02694/FUL was subject to a direction stating: *"Application for the approval of matters specified in conditions shall be made before 22 July 2023, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal"*.

This AMC was received on the 21 June 2023 and no earlier such applications to PPP 13/02694/FUL have been refused.

Conclusion in relation to the timeousness of the AMC

The AMC was submitted timeously to PPP 13/02694/FUL.

b) The proposals accord with the requirements of conditions 1, 2, 3, 4 and 12a of PPP 13/02694/FUL and the relevant policies of the Development Plan

The relevant Development Plan policies are:

- NPF4 Sustainable Places Policies 1, 2, 3, 4, 5, 6, 12 and 13;
- NPF4 Liveable Places Policies 14, 15, 19, 20, 22 and 23;
- NPF4 Productive Places Policy 25;
- LDP Design Policies 1, 2, 3, 4, 5, 7, 8 and 10;
- LDP Environment Policies 12, 15, 21 and 22;
- LDP Housing Policies 2, 3 and 4;
- LDP Transport Policies 2, 3, 4 and 9; and
- LDP Resources and Services Policy 6.

The non-statutory Edinburgh Design Guidance and Craigmillar Urban Design Framework are relevant in the consideration of the application.

Condition 1 of PPP 13/02694/FUL

Condition 1 states: *"(a) Any AMC application shall be accompanied by a detailed sustainability statement, which shall fully consider the proposed development in relation to the Edinburgh Standards for Sustainable Building, or any equivalent approved standards at the time of submission.*

(b) All AMC applications shall comply with the design and landscaping principles contained within the Craigmillar Urban Design Framework".

The purpose of this condition is to promote sustainable development. The equivalent to the now superseded Edinburgh Standards for Sustainable Building is the Edinburgh Design Guidance and Sustainability Form S1 was provided. The Statement of Compliance with Condition 1b demonstrates that the proposals accord with the design and landscaping principles contained within the Craigmillar Urban Design Framework.

The balance is tipped in favour of the proposals when significant weight is given to the global climate and nature crises. Lifecycle greenhouse gas emissions will be minimised through the incorporation of solar PV panels, and buildings will benefit from solar gain in addition to having to meet the efficiency requirements of Building Standards. Although there are minor concerns regarding the level of car parking (condition 4), there is a generous inclusion of EVCPs and travel by more sustainable means has been suitably promoted. The proposals are adaptable to climate change (condition 2).

The ecological reports confirm that there are no notable species within or immediately outwith the site. Although birds are present, the site has low value for breeding birds and the applicants will be aware of their obligations under the Wildlife and Countryside Act 1981. The proposed soft landscaping, in addition to the retention of the more notable woodland groups and formation of 'wetland' type areas, constitute an enhancement of biodiversity for a site with little to no ecological value at present.

Whilst the proposals will increase tree cover, a number of non-statutorily protected specimens are to be removed. The Tree Survey defines six groupings, and all are graded Category B2 which means they are recognised for 'mainly landscape qualities' rather than 'mainly arboricultural qualities'. Grouping G1 and G2 to Greendykes Road are generally to be retained as is G3 to their south. G5, comprised of four trees, and G6, comprised of 10 trees, are to be removed as is G4 which is an unquantified *"minor linear group comprising sporadic Hawthorn specimens"*.

The trees to be removed are not deemed worthy of retention when the significant weight that must be given to the delivery of housing on an LDP allocated site is applied. Compensation is generous and the Groupings that are most important to local visual amenity (G1 and G2) are to be retained. It is clear that seeking retention of those within the site would significantly reduce the number of houses that could be provided. The removal of G5 will affect the Local Nature Conservation Site but this is largely due to the need of enhanced flood mitigation measures (condition 2) and it is accepted that the site is of little to no ecological value. In addition, the 'water feature' element of this impacted part of the Local Nature Conservation Site will generally remain.

The proposals will not have an unacceptable impact on the natural environment as the land is an LDP allocated site that was historically used for agricultural purposes. The principal reason for its current more 'naturalised' than a typical agricultural field appearance is inaction, and the site has no material environmental, economic or social purpose at present. There will be minimal soil disturbance owing to the lack of significant change to ground levels.

A Statement of Community of Benefit was provided, and the proposals have the potential to create local jobs from construction related activities. Waste generated from operation is likely to be typical for proposals of this nature. Although a waste strategy has yet to be agreed with Waste and Cleansing Services, a number of changes to the layout have been made and it is reasonable to have outstanding matters finalised through their relevant consenting procedures.

The proposals broadly accord with the requirements of condition 1 of PPP 13/02694/FUL, NPF4 Policies 1, 2, 3, 4, 5, 6, 12, 19 and 25, and LDP Policies Env 12, Env 15 and Env 22.

Condition 2 of PPP 13/02694/FUL

Condition 2 states: *"Prior to the submission of any AMC application, details of flood attenuation measures shall be submitted to and approved by the planning authority. Development shall not commence until the approved measures have been implemented to a stage sufficient to prevent the risk of flooding, as agreed by the applicants and SEPA, and confirmed in writing to the planning authority"*.

The purpose of this condition is to ensure that the proposals will not increase the risk of flooding or itself be at risk. The proposals are deemed to constitute the *"redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use"*. The Flood Risk Assessment (FRA) and Suds and Drainage Strategy Report (SDSR) combine to demonstrate that the finished floor level of buildings will be above the flood risk level and safe access / egress will be maintained in the event of flooding.

Flood Prevention raise no objection, but they note that responsibility for the SuDS basin has not yet been confirmed and that the first 5mm of rainfall is not being managed at a plot level. The former is subject to a separate consenting mechanism that typically follows the planning stage, and it is deemed reasonable to have this finalised outwith the scope of this application. The latter is a recommendation from non-statutory guidance and although this is not proposed, it is deemed to be a minor infringement and its non-inclusion will not mean that the site will increase the risk of flooding or itself be at risk ('the policy test').

The proposals will not result in a net loss of the green infrastructure network as the site has no material amenity or recreational purpose at present and compensatory soft landscaping is generous and more 'useable'. There will also not be a net loss for the blue infrastructure network with enhanced, fully functional and integrated SuDS measures being incorporated (when compared to existing). The proposals are to connect to the public water / wastewater network and Scottish Water have confirmed capacity.

SEPA have objected to the proposals as they *"are unable to properly assess the flood risk at the site without an adequate FRA which includes site specific modelling"*. The condition places the duty for approving the flood attention measures solely on the Council. The condition then requires the applicants and SEPA to agree when these approved measures have been implemented to a *"stage sufficient to prevent the risk of flooding"*, who will then confirm in writing to the Council this has been done.

The Council have accepted the flood mitigation measures as acceptable, outwith the as stated minor infringements of guidance, but SEPA have requested further site-specific modelling in order to *"provide a more detailed view of the flood risk at the site"*. SEPA's remit for the flood mitigation measures is post implementation only but it was deemed prudent to seek their views prior if they have an after-determination remit. As SEPA's remit is clearly set by the condition and since the Council have accepted the flood mitigation measures, it would not be reasonable to delay the determination of this application any further (the opportunity of meeting SEPA's request was afforded to the applicants but this was declined). SEPA have objected as a statutory consultee and therefore the application requires to be referred to Scottish Ministers for consideration on whether the application should be called in for determination.

The proposals broadly accord with the requirements of condition 2 of PPP 13/02694/FUL, NPF4 Policies 20 and 22, and LDP Policies Env 21 and RS6.

Condition 3 of PPP 13/02694/FUL

Condition 3 states *"(a) Prior to the submission of any AMC application, or any detailed planning application relating to any part of the site, the applicants shall submit for the approval of the Head of Planning and Building Standards an integrated SUDS strategy for the entire site. The SUDS strategy shall fully illustrate compatibility with and, if appropriate, linkage to the Niddrie Burn River Restoration.*

(b) No AMC application, or detailed planning applications, shall be considered until the measures contained within the aforementioned SUDS strategy have been approved by the Head of Planning and Building Standards.

(c) Any subsequent reserved matters or detailed planning applications shall fully comply with the approved SUDS strategy".

The purpose of condition 3a was to ensure a coordinated SuDS strategy for the entire site of PPP 13/02694/FUL. This has now largely been implemented through previous AMCs to 07/01644/OUT then PPP 13/02694/FUL. The purpose of condition 3b was to restrict the submission of any AMCs until the site-wide SuDS strategy had been approved. Only condition 1c remains of relevance and the proposals are generally in accordance with the principles of the site-wide SuDS strategy, whilst nothing that this final undeveloped phase is relatively detached from others within the site of PPP 13/02694/FUL. The proposals will not increase a flood risk and the site is not at risk of flooding (condition 2).

The proposals broadly accord with the requirements of condition 3 of PPP 13/02694/FUL, NPF4 Policies 20 and 22, and LDP Policies Env 21 and RS6.

Condition 4 of PPP 13/02694/FUL

Condition 4 states: *"Before any work on the site is commenced, details of the undernoted matters shall be submitted to and approved in writing by the planning authority:*

- i. a detailed site layout plan showing the position of all buildings, roads, footpaths, parking areas, cycle parking, (distinguishing, where appropriate, between private and public spaces), walls and fences and landscaping;*
- ii. plans and elevations of each dwelling type showing their dimensions, and type and colour of external materials;*
- iii. a landscaping plan showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;*
- iv. details of the phasing of development;*
- v. details of existing and finished ground levels, and finished floor levels, in relation to a fixed datum, preferably ordnance datum.*

All reserved matters applications shall comply with current design criteria as laid out in the Craigmillar Urban Design Framework, or as amended at the time of submission".

i. Site layout plan

The site layout is in accordance with the overarching principles that have been set by previous AMCs to 07/01644/OUT then PPP 13/02694/FUL, and the Craigmillar Urban Design Framework. There are some differences between what was originally envisaged for the site and what is now proposed such as the in the position of buildings, the replacement of a road bridge over the Niddrie Burn with one for active travel only and the safeguarding of Right of Way LC91; none of these raise any material planning concerns and are acceptable. The site layout is similar in character, appearance and density to what has been approved elsewhere within LDP housing allocations HSG16, 17 and 18 and compatibility with what has come before is deemed to be the most sensible approach for this final undeveloped phase of PPP 13/02694/FUL. It is generally consistent with the six qualities of successful places and they will have a positive impact on the surroundings and contribute towards a sense of place by the sustainable development of previously used and LDP allocated land.

The site has little to no features that are worthy of retention except for Right of Way LC91 and trees (condition 1). Each strand of Right of Way LC91 is to be safeguarded in the long-term and connect to desire paths and more formal active travel routes outwith the site. ScotWays raise no objection subject to a drawing showing where the southeast strand of Right of Way LC91 continues to the northeast. This is not a proportionate request as it is outwith the site but for noting, it is assumed it continues through the tarmacadamed former garage site. They also requested conditions relating to keeping one of the two strands open during construction and the obtaining of formal diversion orders for Right of Way LC91. Due to the interest in ensuring that the route is not severed during construction a condition is proposed that requires further details of a temporary diversion route during the course of construction to be submitted and agreed. Provision will also be required for a Stopping Up Order under Section 208 of the Town and Country Planning (Scotland) Act 1997.

The proposals are generally in line with local living principles as future occupiers will be within reasonable walking / wheeling distance of the Craigmillar Local Centre, bus stops on Pringle Drive / Greendykes Road and established playparks nearby. Although it would be difficult to conclude that the proposals are "*ambitious in terms of low/no car parking*" (NPF4 Policy 13e), the level, design and location of car parking generally accords with the aims of the Edinburgh Design Guidance. Where infringements are noted such as in the lack of non-standard cycle provision for the store and car parking forward of curtilages, they are deemed minor. For the former, it is likely that the visitor cycle parking will be suitable for use by non-standard bikes and the adverse visual amenity effects associated with the later will be mitigated by intervening tree planting.

The number of car parking spaces is likely to result in additional traffic, but the surrounding road network appears capable of accommodating a relatively minor increase overall and reasonable options for travel by more sustainable means are readily available for future occupiers. A minor discrepancy has been noted between the drawings for the block of flats and that for the refuse / recycling and cycle store, but this can be suitably addressed by condition. Transport Planning raised no objection subject to conditions and/or informatives.

There are no material residential amenity concerns for future occupiers as the level of internal and external space, including communal greenspace provision, is satisfactory and all buildings will benefit from adequate levels of natural light, privacy and immediate outlook. Similarly, there are no residential amenity concerns for neighbouring developments as they are also predominantly housing and sufficiently separated. The possible development of the tarmacadamed former garage site has been safeguarded by soft landscaping and the reorientation of housing.

The site layout broadly accords with the requirements of condition 4i of PPP 13/02694/FUL, NPF4 Policies 13, 14, 15 and 23, and LDP Policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Hou 3, Hou 4, Tra 2, Tra 3, Tra 4 and Tra 9.

ii. Plans and elevations of each dwelling type

The dwellinghouses and block of flats are similar in character and appearance to what has been approved by other AMCs to PPP 13/02694/FUL and compatibility with what has come before is deemed to be the most sensible approach for this final undeveloped phase. They are in accordance with the Craigmillar Urban Design Framework and will meet a range of housing needs including those of *"families, older people and people with special needs"*. The design of dwellings are also deemed to be consistent with the six qualities of successful places.

The plans and elevations of each dwelling type broadly accords with the requirements of condition 4ii of PPP 13/02694/FUL, NPF4 Policy 14 and LDP Policy Hou 2.

iii. Landscaping plan

The location and type of landscaping is in accordance with the overarching principles that have been set by previous AMCs to 07/01644/OUT then PPP 13/02694/FUL, and the Craigmillar Urban Design Framework. There are some differences between what was originally envisaged for the site and what is now proposed such as the need of further flood mitigation measures and the safeguarding of Right of Way LC91; neither raises any material planning concerns and are acceptable. The landscaping is similar to what has been approved elsewhere within LDP housing allocations HSG16, 17 and 18 and compatibility with what has come before is deemed to be the most sensible approach for this final undeveloped phase of PPP 13/02694/FUL. A sufficiently attractive frontage will be provided to the Niddrie Burn, as well as Little France Park, and better access to each is proposed. The maintenance and establishment scheme is appropriate but timeous implementation is necessary by condition.

The location and type of landscaping broadly accords with the requirements of condition 4iii of PPP 13/02694/FUL, NPF4 Policy 20 and LDP Policies Des 8 and Des 10.

iv. Phasing

This condition has no relevance to this AMC since it relates to the final undeveloped phase of PPP 13/02694/FUL. It would be unreasonable for the Council to control the phasing of development for a single site.

The phasing accords with the requirements of condition 4iv and there are no relevant Development Plan policies.

v. Ground and finished floor levels

Proposed ground levels, outwith works relating to the flood mitigation measures, are similar to existing and the finished floor level of buildings will be above the flood risk level; neither raises any material planning concerns and is acceptable.

The ground and finished floor levels broadly accord with the requirements of condition 4v of PPP 13/02694/FUL, NPF4 Policies 20 and 22 and LDP Policy Env 21.

Condition 12a of PPP 13/02694/FUL

Condition 12a states: *"Prior to the submission of any AMC application, the applicants shall provide written confirmation that a Landscape and Habitat Management Plan and Environmental Management Plan, which shall include Protected Species Plan and Bat Method Statement (following appropriate surveys) has been agreed with Scottish Natural Heritage"*.

NatureScot, formerly Scottish Natural Heritage, have confirmed that their planning role has changed since this condition was first attached to 07/01644/OUT. They no longer comment on or give pre-planning consent agreement to Landscape and Habitat Management Plans or Environmental Management Plans unless the development is of a national interest or a place priority; neither applies in this case. The requirements of this condition are effectively redundant as there is no way for the applicants to meet them. However, it is evident that the site has little to no ecological value (condition 1) and the applicants own duty with respect to protected species will continue to apply.

The proposals as they relate to condition 12a of PPP 13/02694/FUL are acceptable as they cannot be met.

Conclusion in relation to conditions 1, 2, 3, 4 and 12a of PPP 13/02694/FUL and the relevant policies of the Development Plan

The proposals broadly accord with the requirements of conditions 1, 2, 3, 4 and 12a of PPP 13/02694/FUL, NPF4 Policies 1, 2, 3, 4, 5, 6, 12, 13, 14, 15, 19, 20, 22, 23 and 25 and LDP Policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Des 8, Des 10, Env 12, Env 15, Env 21, Env 22, Hou 2, Hou 3, Hou 4, Tra 2, Tra 3, Tra 4, Tra 9 and RS 6.

c) There are any compelling material considerations for not approving the proposals

The following have been identified as material considerations.

Emerging policy context

On 5 April 2024, the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 (CP2030) 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 CP2030. 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 CP2030 until the proposed modifications have been fully considered.

Equalities and human rights

Due regard has been given to Section 149 of the Equality Act 2010 and human rights; no materially detrimental impacts have been identified.

Public representations

46 letters of representation were received. 41 are in objection, two are in support and three maintain a neutral position. The Gilmerton / Inch Community Council (GICC) provided comments to Scheme 1 on a non-statutory basis but did not respond to a Scheme 2 consultation. Their comments gave no clear indication of support or objection, and it has been considered as maintaining a neutral position. No response to either was received from the Craigmillar Community Council. Matters raised by representors and the GICC have been summarised below and addressed within Section b) unless specifically highlighted.

Material considerations raised by objectors

- Inappropriate design, siting, layout and density;
- Impact on existing routes through the site;
- Impact on biodiversity;
- Lack of car parking and increase in traffic;
- Lack of amenities (e.g. playpark);
- Loss of natural light for neighbouring residents;
- Loss of trees; and
- Surface water and flood risk concerns.

Non-material considerations raised by objectors

- Alleged reputation of the applicant;
- Concerns regarding the neighbour notification process*;
- Impact on Fields in Trust status and Local Nature Reserve;
- Impact on private views;
- Lack of commercial developments within the site;
- Loss or reduction in extent of Little France Park;
- Loss of greenspace;
- Non-compliance with the Little France Park Development Plan;
- Non-compliance with the Edinburgh Living Landscape Initiative and
- Principle of development.

Material considerations raised by those maintaining a neutral position

- Impact on biodiversity; and
- Lack of amenities (e.g. playpark).

Non-material considerations raised by those maintaining a neutral position

- Concerns regarding the neighbour notification process;
- Lack of commercial developments within the site; and
- Loss of greenspace.

Material considerations raised by supporters

- Impact on existing routes through the site; and
- Loss of trees.

Non-material considerations raised by supporters

- Impact on existing routes within Little France Park.

*The neighbour notification process was reviewed and no issues were identified. Ensuring the physical delivery of notifications is outwith the control of the Council but it may also be the case that the representors property falls outwith the statutory boundary.

Conclusion in relation to identified material considerations.

None of the identified matters constitute compelling material considerations for not approving the proposals.

d) Overall conclusion

The proposals broadly accord with the requirements of conditions 1, 2, 3, 4 and 12a of planning permission in principle 13/02694/FUL and the relevant policies of the Development Plan. There are no compelling material considerations for not approving them subject to the referral to Scottish Ministers.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of the planning permission in principle, whichever is the later.
2. The refuse and cycle store as shown on drawing 14, 'Ground Floor Plan of Flat Block' (no reference), and 17, 'Second Floor Plan of Flat Block' (no reference), are not approved and drawing 13C, 'Bin & Cycle Store' (GAH1/06/01 Rev C) takes precedence over the arrangement and appearance as shown on the former two drawings.
3. The soft landscaping scheme as approved by drawings 43A, 'Landscape Proposals (Sheet 1 of 5)' (reference: 143.129.01a), 44A, 'Landscape Proposals (Sheet 2 of 5)' (reference: 143.129.02a), 45A, 'Landscape Proposals (Sheet 3 of 5)' (reference: 143.129.03a), 46A, 'Landscape Proposals (Sheet 4 of 5)' (reference: 143.129.04a) and 47A 'Landscape Proposals (Sheet 4 of 5)' (reference: 143.129.05a) shall be fully implemented within six months of completion of the development and any plant stock which fails to survive for whatever reason within five years from implementation shall be replaced.

4. Prior to the commencement of development, details of the proposed temporary rerouting of Right of Way LC91 during construction shall be submitted to and agreed in writing by the Planning Authority then implemented throughout the construction phase.

Reasons :-

1. In order to ensure applications for the approval of the matters specified in conditions are made timeously and in accordance with Section 41 (1) (c) of The Town and Country Planning (Scotland) Act 1997.
2. In recognition of minor discrepancies between the drawings and in order to ensure adequate cycle and refuse and recycling arrangements.
3. In order to ensure that the approved landscaping works are properly established on site.
4. In order to ensure that adequate access arrangements are in place during construction.

Informatives

It should be noted that:

1. Notwithstanding the approved drawings areas marked as private car parking cannot be controlled through the planning process. Further consideration of this matter would be addressed through the Roads Construction Consent process.
2. The applicant should be aware of the proximity of existing residential property and the potential impact of construction work on residents. Membership of the Considerate Constructors Scheme is recommended.
3. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if they wish the bays to be enforced under this legislation. A contribution of approximately £3,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking place markings and layout must comply with regulations or and Building Standards.
4. The applicant should note that new road names may be required for the development, and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.
5. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

6. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.
7. The applicant should note that:
 - a. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent.
 - b. The extent of adoptable roads, including the realigned right of way LC91, footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed and as indicated on submitted Persimmon Homes East Scotland Ltd. drawing Ref.GE(HJ)-02-01 Rev.0.
 - c. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification.
 - d. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.
 - e. Adoptable areas are expected to include all areas from back edge of footway to back edge of footway and will include any parking spaces adjacent to the carriageway. The applicant must note that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
 - f. Commencement of building works or construction of roads without Road Construction Consent may constitute an offence.
 - g. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
8. The applicant should consider the provision of car club vehicles in the area. Contributions towards the costs of the necessary order and vehicles would be required.
9. A stopping up order under Section 208 of the Town and Country Planning (Scotland) Act 1997 will be required to enable right of way LC91 to be re-routed through the development.
10. The applicant will be required to provide electric vehicle charging points in line with the Building (Scotland) Regulations Domestic Technical Handbook, April 2024.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 28 June 2023

Drawing Numbers/Scheme

01, 02A, 03, 04C, 05C, 06C, 07C, 08C, 09C, 10-12, 13C, 14-42, 43A, 44A, 45A, 46A, 47A, 48A, 49A, 50C, 51C,

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Graham Fraser, Assistant Planning Officer
E-mail: graham.fraser@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Flood Prevention

COMMENT: No objection but further information requested

DATE: 23 April 2024

NAME: Parks and Greenspace

COMMENT: No response

DATE:

NAME: Scottish Environment Protection Agency

COMMENT: Objection (maintained as of the 12 February 2024)

DATE: 11 August 2023

NAME: Scottish Water

COMMENT: No objection

DATE: 17 August 2023

NAME: Transport Planning

COMMENT: No objection subject to conditions and / or informatives

DATE: 20 May 2024

NAME: Waste and Cleansing Services

COMMENT: No objection but further information requested

DATE:

NAME: Environmental Protection

COMMENT: No objection

DATE: 2 October 2023

NAME: NatureScot

COMMENT: No objection

DATE: 22 August 2023

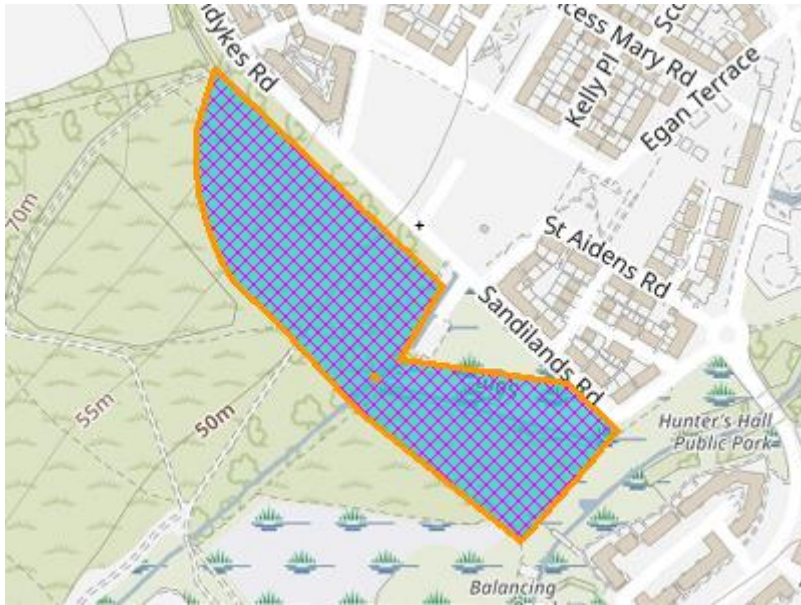
NAME: ScotWays

COMMENT: Objection (removed subject to conditions as of 12 October 2023)

DATE: 6 September 2023

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

Location Plan



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