

**Planning Permission 12/01624/FUL  
at  
Land At Edmonstone Estate  
Old Dalkeith Road  
Edinburgh**

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**Development Management Sub-Committee  
of the Planning Committee**

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**DEPARTURE FROM THE DEVELOPMENT PLAN**

The development proposed by this application is a departure from the development plan.

The proposals do not comply with the Development Plan in terms of green belt policy and housing policy. The development would also undermine the status of the site as a candidate Special Landscape Area and is not a suitable location in terms of the Council's own essential sustainability criteria. There are no compelling reasons for departing from policy.

**1 Purpose of report**

To consider application 12/01624/FUL, submitted by Sheratan Ltd.. The application is for: **Residential development with associated roads and landscaping.**

It is recommended that this application be **Refused** by Committee.

**2 The Site and the Proposal**

**Site description**

The site extends to 9.128 ha and forms part of the Edmonstone Estate which is a designed landscape on the Edmonstone ridge.

The estate contains grazing land, mature woodland, gate houses, a walled garden, ha-has and derelict stables. The former Edmonstone House was demolished in the 1950s.

The trees are covered by a Tree Preservation Order (TPO) confirmed in July 2008 (reference No.1542008).

Access to the estate is via both Old Dalkeith Road and The Wisp. The gate houses and gatepiers are Category B listed (LB reference 03/05116/B, dated 07 October 2003).

The current site contains the former walled garden and grazing land. It also extends to include the junction of Old Dalkeith Road and Ferniehill Road at the gatehouse on Old Dalkeith Road.

To the south of the site is housing, to the west is agricultural land that is allocated for BioQuarter extension (ECLP – Bus 1b), to the east is the site of the former house that has consent for a private hospital and to the north is agricultural land that is allocated for South East Wedge Parkland (ECLP – OSR 4).

## **Site History**

The application site has extant outline consents for a care home and a care village. These developments were approved as an exception to green belt policy on grounds that the proposals would contribute to a campus of care facilities within the established landscape framework of the Edmonstone Estate and close to the existing medical facilities provided by the Edinburgh Royal Infirmary. These consents are subject to a legal agreement to limit occupation for persons requiring care or supported living to ensure that they are retained for the purposes they were approved for and not changed to general housing at some point in the future.

The chronological order of the relevant planning history at the Edmonstone Estate is as follows:

14 February 2008 - outline planning permission for an 80 bed private hospital on the site of the former house, granted subject of a legal agreement to secure the reinstatement of the designed landscape including use of the policies as a country park and transport contributions (04/03551/OUT).

27 July 2010 - outline planning permission for a residential care village on the field to the south of the hospital site, granted subject of a legal agreement to secure a landscape strategy and transport contributions (08/00934/OUT).

27 July 2010 - outline planning permission for the erection of a care home in the walled garden, granted subject of a legal agreement to secure a landscape strategy and transport contributions (08/00936/OUT).

6 May 2011 - Proposal of Application Notice for mixed use development comprising retail food store (class1), hotel (class 7) and up to 200 residential units with associated development including car parking, landscaping, junction alterations and internal access roads (11/01471/PAN).

8 November 2011 - full planning permission granted to form access road to serve private hospital, care home, care village (11/02143/FUL).

15 February 2012 - Proposal of Application Notice for mixed use development (11/01471/PAN) withdrawn at the request of the applicant.

6 June 2012 - Section 42 application to extend the outline hospital consent for a further 3 years, approved subject to a legal agreement to deliver the landscape restoration and remaining transport matters in accordance with the original hospital consent (12/00764/FUL).

### **Pre-Application Process**

In accordance with The Planning etc (Scotland) Act 2006, a Proposal of Application Notice was submitted and registered on 8 December 2011. Copies of the notice were also issued to:

- Craigmillar Community Council;
- Danderhall and District Community Council;
- Portobello and Craigmillar Neighbourhood Partnership;
- Liberton and Gilmerton Neighbourhood Partnership;
- All relevant ward councillors;
- Dalkeith Councillors;
- Kenny MacAskill MSP; and
- Sheila Gilmore MP.

Three community consultation events were held in February 2012. Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards Online Services.

The proposals were submitted to the Urban Design Panel on 22 February 2012. Full details of the response can be found in the Consultations section.

### **Description Of The Proposal**

#### **Current Scheme - Scheme 2**

Full planning permission is being sought to develop the site to provide 110 residential units, comprising a mix of private and affordable homes, with associated hard and soft landscaping and roads.

#### **Eight Acre Field**

A total of 63 new two-storey residential units would be constructed within the Eight Acre Field , comprising a mix of semi-detached and detached properties providing 3, 4 and 5 bedrooms, each with their own private garden. Each

residential unit would have dedicated parking, mostly by way of private garages, driveways, and appropriate visitor parking would also be provided.

#### Walled Garden

A total of 47 residential units, including 28 affordable units, would be constructed within the Walled Garden, comprising a mix of 1, 2 and 3 bedroom flats/houses and including 7 disabled access flats. Each residential unit within the Walled Garden would have dedicated parking and access to private garden space. Secure communal cycle stores and bin storage areas would be provided in four separate locations within the garden.

#### Schedule of Accommodation

Area of Site	Accommodation Type	Number of units
Eight Acre Field	3 bedroom	32
	4 bedroom	10
	5 bedroom	21
Walled Garden	1 bedroom	16
	2 bedroom	16
	3 bedroom	15
Total Units		110

#### Access, Car Parking and Public Transport

##### Road Vehicles

Access would be via a 5.5m wide two-way road connecting the site with the Wisp to the northeast. This road has existing full planning consent (Ref: 11/02143/FUL). No significant alteration to the design of the access road, as consented, is proposed.

Internal access roads would be constructed to adoptable standard, for adoption, and would incorporate sections of shared surfaces and contrasting materials. Road widths within the site would vary between 6.0m, 5.5m and 3.7m.

##### Pedestrians and Cyclists

The proposals include a network of paths, suitable for both pedestrians and cyclists, which connect the new residential areas within the site both to each other and to the existing network of paths within the wider Edmonstone Estate and surrounding area.

It is also proposed that new residents would be provided with a 'Travel Pack' to promote sustainable and healthy transport choices. This would include walking and cycling maps of the area, public transport timetables and information on 'active travel' and its associated health benefits.

##### Car Parking

The proposals include for car parking for residential dwellings at a ratio of 1 per dwelling for flatted units and 2 per dwelling for housing units. Visitor parking would also be provided at a ratio of 20% of total car parking spaces. Car parking would be provided by a mix of private driveways, garages and

'on-street' parking bays. Two parking would also be provided for the City Car Club.

#### Public Realm and Landscaping

The site is covered by the Edmonstone Estate Management Strategy, which was approved as part of the consented private hospital development (Ref: 04/03551/OUT). The key aims of the Strategy are 'the restoration and management of the designed landscape including the woodland policies, boundary walls, walled garden features, ha-ha's, former stables, and other structures of importance within the designed landscape'.

A revised edition of the Estate Management Strategy, which takes into account the proposed development, is submitted separately with the planning application.

The landscape strategy focuses on the provision of 'publicly accessible' space and includes the creation of a central landscaped area within the Walled Garden and a series of linked open spaces through the centre of the Eight Acre Field. Some 60% of the total site area will be publicly accessible open space.

#### Proposed Drainage Infrastructure

Sustainable Drainage Systems (SuDS) would be used in areas of roads, shared surfaces and on private plots (individual residential units). The surface water from these areas would be discharged to either a detention basin to the north of the Walled Garden or an additional detention basin the north of the Eight Acre Field. The proposal is that surface water would then discharge via a gravity sewer either into the Niddrie Burn or adjacent un-named watercourse that flows east to The Wisp and to the south of the Fort Kinnaird Retail Development.

#### **Scheme 1**

The original scheme was for 114 residential units. It was amended when issues were raised in relation to the following: the siting of two residential units in the middle of the walled garden; access for bin stores in the walled garden; the width of the tree belt next to Old Dalkeith Road; and pedestrian access between the site and Old Dalkeith Road. This has resulted in the loss of 4 residential units from the scheme.

#### **Supporting Statements**

Environmental Impact Assessment;  
Planning Statement;  
Design and Access Statement;  
Transport Statement;  
Flood Risk Assessment;  
Drainage Strategy Drawings;  
Review of Environmental Site Conditions Report;  
Estate Management Strategy;  
Landscape Design Statement;

Report on Marketing of Sites for Care Home and Care Village;  
Sustainability Statement;  
Public Consultation Statement; and  
Effect on Education Service.

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

### **3. Officer's Assessment and Recommendation**

#### **Determining Issues**

Do the proposals comply with the development plan?

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

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

#### **ASSESSMENT**

To address these determining issues, the Committee needs to consider whether:

- a) the principle of the development is acceptable in terms of whether there are compelling reasons to override the presumption against housing development in the Green Belt;
- b) the proposals will harm the character or appearance of this part of the Green Belt;
- c) the proposals will protect ecological interests of this Local Nature Conservation Site;
- d) the scale, design and materials of the proposed development is acceptable;
- e) the proposed development raises any access or road safety issues;
- f) the proposed development will safeguard residential amenity and offer an acceptable living environment for future residents;
- g) the proposals will meet sustainability criteria; and
- h) there are any other material considerations.

#### **a) Principle**

The proposed development will be located on greenfield land within the Edinburgh Green Belt.

The Development Plan for the site comprises the Edinburgh and Lothians Structure Plan (ELSP) and the Edinburgh City Local Plan (ECLP). ELSP Policy ENV2, HOU 8 and ECLP Policy Env 10 have a strong presumption against development in the green belt. Exceptions exist where development is

necessary for the purposes of agriculture, horticulture, forestry and countryside recreation.

Notwithstanding the presumption against general housing in the green belt, Paragraph 163 of Scottish Planning Policy (SPP) outlines that it may still be considered appropriate either as a national priority or to meet an established need if no other suitable site is available. The applicant has provided a supporting statement to address these matters.

## Five year housing land supply

The provision of a generous supply of housing land and, more specifically, the maintenance of a five-year housing land supply at all times underpin national planning policy requirements. Policy HOU 10 of the structure plan requires that the Lothian councils will maintain an effective five year housing land supply. Policy HOU 10 states that where a council's contribution to the effective five year supply falls below 90% of its expected contribution, and the shortfall in the Lothian-wide supply is also more than 10%, that council will bring forward additional land. The 2009 housing land monitor states the Lothian-wide shortfall to be 54%.

The applicant has stated that, as the Council's effective housing land supply does not meet the requirements of the SPP or Policy HOU10 of the ELSP, the application site should be brought forward and planning permission granted even though the site is located within the green belt. However, Policy HOU 10 of the Structure Plan states that the land to meet a housing land supply shortfall should be found in the Core Development Areas (CDAs) as identified within the ELSP.

The applicant has sought to argue that the application site is within a core development area, the South East Wedge, principally relying on paragraph 2.35 of the Structure Plan to suggest this. However, whilst the Structure Plan identifies the South East Wedge as an existing commitment from the 1994 Structure Plan, (paragraph 3.5), it is not identified as one of the fifteen core development areas defined in paragraphs 2.35 to 2.48. Therefore, the application site is not located within a core development area, and should not be brought forward under the terms of policy HOU 10. Paragraph 3.17 of the Structure Plan also highlights that the South-East Wedge should also be excluded for new allocations as its capacity has already been appraised and it is the subject of comprehensive proposals.

In addition, work is well advanced on the preparation of the new local development plan. All land with development potential within South East Edinburgh has been assessed to meet housing requirements for the emerging Local Development Plan, including land for 1000 units within the South East Edinburgh Strategic Development Area which includes the application site. This assessment concludes that there are other more suitable locations to meet housing needs in the area.

**In summary, the housing land need in South East Edinburgh and across the City is being met through the new Local Development Plan and does not require the development of this site to meet targets.**

## Principle of development

The applicant has claimed that the principle of development on the site has been established by previous planning consents for a care home and care village (08/00936/OUT) and (08/00934/OUT).

However the care home and care village were approved as an exception to green belt policy for the following reasons:

- the proposed development met a specific need for healthcare facilities in accordance with 'a City for All Ages - Edinburgh's Joint Plan for Older People 2007 -2010'; and
- the location offered the ability to create a campus of care facilities with opportunities for joint working between the various healthcare uses, including the adjacent private hospital and the ERI.

The circumstances which justified the previous development were particular to those cases. This is reflected by the fact that the future use and occupation of the care home and care facility is tightly controlled by a legal agreement to prevent the use of the site for general housing on the back of that consent.

It should also be noted that since the previous decisions the site has also been identified as a candidate Special Landscape Area (see section b below).

**In summary, the previous consent was for a very specialised use and does not establish a precedent for development of general housing in the Green Belt.**

#### Effectiveness

The applicants claim that the site is capable of being effective (i.e. can be provided within the next five years). The applicants are particularly keen to stress that they have the financial means to facilitate the early development of the site which other developers are unable to offer. This includes measures such as:

- forward funding infrastructure including roads, sewers and utilities;
- offering funding arrangements to assist house builders when bank funding may not be available; and
- providing affordable mid-market housing without recourse to public funding.

It should be noted that the applicants are prepared to fund the infrastructure and construction of all the houses in the walled garden of which 28 (25%) will be provided at affordable rents and managed by Hillcrest Housing Association. The applicants have also had preliminary discussions with a Hillcrest Housing Association with a view to them managing the balance of the 47 houses. The Association has confirmed that it would welcome these arrangements. The Council's Affordable Housing Officer also welcomes the arrangement but will require that the applicant enter into an appropriate legal agreement to deliver on the commitments made if planning permission were to be granted.

While the above measure will assist in bringing forward new housing starts, a key test of a site's effectiveness is whether there is the necessary infrastructure to support the development. The advice in the Planning Advice Note 2/2010 Affordable Housing and Housing Land Audits is that "the site

should be free of infrastructure constraints, or any required infrastructure can be provided realistically by the developer or another party to allow development.”

The consultations have revealed concerns in terms of education infrastructure provision.

Children and Families highlight that the LDP will identify new housing sites and set out the infrastructure needed to deliver these proposals. In this regard, Children and Families is undertaking work in conjunction with Planning to assess the strategic housing sites and determine how best to deliver the educational requirements and to consider funding mechanism to deliver the required infrastructure. This work requires taking an overview of the strategic housing sites and the expected cumulative impact of housing development and pupil generation upon schools in the area, rather than treat each site in isolation.

On this basis, Children and Families consider it would be premature to identify what education contributions and/or land safeguards may be required from an individual site that lies in the green belt until publication of the LDP which is timetabled for publication in 2013. Furthermore the applicant's supporting statement, 'Effect on Education Service', has not altered this view.

In conclusion, it is premature to conclude that there is the education infrastructure available to accommodate this housing development. Moreover this constraint would outweigh the benefits that the scheme is seeking to offer in terms of the early development of the site for affordable and other housing.

**In summary, the site is not effective due to current infrastructure constraints.**

Overall, there are no compelling reasons to override the strong policy presumption against development in the Green Belt. The housing need in South East Edinburgh is being met through the new Local Development Plan. The previous consent does not establish any sort of precedent for development of general housing in the Green Belt and the site is not effective due to current infrastructure constraints. The proposed development is therefore, contrary to policies ENV 2 and HOU 8 of the Structure Plan and policy Env 10 of the ECLP.

**b) Landscape Considerations**

The Edmonstone Estate is important to the landscape setting of the city by providing a clear defensible Green Belt boundary. In particular, the Edmonstone ridge and policy woodlands provide a backdrop and containment for the Edinburgh Royal Infirmary / BioQuarter sites in the views from the north, and visual separation of these developments from neighbouring Danderhall.

The estate is also an important landscape feature in its own right. The 2007 Edinburgh Survey of Gardens and Designed Landscapes concluded that it is “a traditional estate landscape of high value in the local landscape on account of its woodland, parkland and estate walls...” It also noted that “despite the loss of the house and a long period of neglect, the landscape continues to have value on account of its spatial arrangements and relationship of woodland and parkland areas, and high value for its outward views that in turn give it good potential for public recreational use”. While the estate is unlikely to be considered of sufficient quality to merit addition to the national Inventory of Gardens and Designed Landscapes, the estate has been designated as a candidate Special Landscape Area on account of the relative value of the historic estate landscape. The Local Development Plan Main Issues report confirms that these Special Landscape Areas will be designated in the Local Development Plan.

The relevant policy guidance is ELSP Policy ENV2 which seeks to maintain a Green Belt around Edinburgh to prevent coalescence, provide countryside for recreation and maintain the landscape setting of the city. ECLP Policy Env 11 emphasises the importance of retaining the character and appearance of prominent ridges.

The proposal is supported by a landscape design statement. This aims to restrict housing to below the tree line and to screen the site from the wider area by supplementing the established tree belts with additional screen planting. At the same time development would avoid the more open estate lands to the north and north east of the site i.e. the area protected as parkland under the Estate Management Plan established as part of the original hospital consent. The retention of the parkland area would allow a physical separation to be maintained between the City and Danderhall and therefore would prevent coalescence.

The Environmental Statement (ES) includes a Landscape and Visual Assessment in support of the application. This has assessed the impact of the development from a series of key viewpoints. It concludes that the screen planting would eventually reduce any initial visual impacts to a negligible level.

Overall, given the proposed safeguards on building heights, layout and landscaping, the development can be achieved with minimum impact on the visual appearance of the estate or its function as part of the wider South East Wedge area of open space. The same conclusion was reached in terms of the care home and care village consents.

However, in contrast to the care home and care village consents, there is no overriding need for housing development in this location in the Green Belt. Moreover, in the absence of an overriding need, the protection of the historic landscape character should be the overriding priority, especially given the status of the estate as a candidate Special Landscape Area. In this regard the concern is that the development will alter the historic landscape character from a semi-rural character with a sense of naturalness to an urbanised site.

This will harm the integrity of the estate and undermine the status of this important ridge as a candidate Special Landscape Area.

It is noted that the applicant claims that the Edmonstone Estate needs investment to ensure that it does not continue to decline and can play a positive role in the Green Belt (Planning Statement 6.8). In this regard the current application includes an updated version of the Estate Management Strategy approved as part of the original hospital consent. However, from a planning point of view, the hospital consent has a legal agreement in place to facilitate the restoration of the estate including a requirement for the developer to pay a substantial commuted sum payment to secure the long term maintenance of the site including the Parkland.

On balance, the Edmonstone Estate is an important landscape in its own right and in the absence of an overriding need for housing, the protection of the historic landscape character should be the overriding priority.

**In summary, the proposed development will compromise the historic designed landscape and as such would be contrary to ECLP Policy Env 11 Landscape Quality.**

It should be noted that, if planning permission were to be granted, the proposed Estate Management Strategy raises certain issues that would need to be resolved and incorporated into a legal agreement before any permission could be released. These concern the following matters:

1. the various stakeholders have not yet agreed measures to ensure consistency in the standard and timing of the planting and other capital works;
2. the extent of any ground stability issues in the parkland and the options for treatment are still under consideration (the applicant has commissioned a detailed survey covering this matter and the results should be available during September 2012); and
3. the various stakeholders have not yet agreed the management arrangement of the estate (two models are currently being considered; the formation of a new management company or extension of the existing maintenance contract at the Bio Quarter).

### **c) Local nature Conservation**

The site is within an area designated as a Local Nature Conservation Site - the Edmonstone Estate Local Biodiversity Site (LBS). The nature conservation value of the site warrants this local designation.

ECLP Policy Env 15 seeks to protect such habitats from inappropriate development and includes a requirement to ensure that appropriate mitigation measures are in place so that the nature conservation value of the site is safeguarded.

The current application is supported by a desk-based study and subsequent surveys for bats, otters, badgers and breeding birds have been undertaken. These found that there are a small number of bat roosts in the vicinity, no evidence of active badger setts or otter activity and limited evidence of breeding birds.

On the basis of the information provided, SNH has confirmed that it has no objection to development in the area subject to conditions to secure the mitigation measures described in the Environmental Statement. This includes measures to protect individual species and habitats during the construction phase.

**In summary, the proposed development can protect the integrity of the LBS in accordance with Edinburgh City Local Plan - Policy Env15 Sites of Local Importance.**

#### **d) Design Considerations**

The proposals are supported by a Design and Access Statement. This sets out the concept that has informed the detailed design of the site.

The proposed layout, in itself, does not raise any particular objections. The 8 acre field has a significant wedge of green space around which the housing is arranged. This could form a positive amenity space. Similarly the layout of the housing in the walled garden is a sensitive design solution for this historic landscape feature.

In terms of house designs, the housing adopts traditional forms, proportions, roof pitches and materials including slate roofs which do not raise any particular issues. A contemporary shallow pitched roof design has been employed for the house types in walled garden to minimise their impact on this historic feature.

Vehicular access to the site is from the Wisp via the new road approved for the hospital, care home and care village (see History). Elsewhere within the site, the hierarchy of streets has been designed to minimise traffic speeds and allow for vehicles and pedestrians to share the roads where possible.

Access to the walled garden is restricted by an existing archway. This would prevent bin lorries and other larger vehicles from entering this part of the site. Despite the restricted access, the Chief Fire Officer has intimated that he has no objection to the scheme and Waste Management has agreed alternative arrangements for waste collections.

In terms of pedestrians and cyclists, the proposals include direct footpath connections to Old Dalkeith Road which is a major public transport corridor. This includes a commitment to provide a signalised pedestrian crossing on Old Dalkeith Road. A legal agreement would be needed to secure the crossing if planning permission was granted.

Elsewhere the scheme also includes woodland paths for informal recreational use. The applicant has also reaffirmed the commitment to provide for footpath connections and public access through the estate generally in accordance with the original Estate Management Strategy (EMS) for the hospital.

**In summary, the proposals would be acceptable in design terms subject to conditions.**

#### **e) Transport Considerations**

The application is supported by a Transport Statement. It concludes that traffic from the site will have a minimal impact on the local network (compared to the consented care home and care village); the site access has capacity to accommodate the housing; and traffic impacts over the wider network (including Sheriffhall junction) will be negligible.

Midlothian Council has raised concerns regarding the cumulative impact of traffic from the proposals on the local network, taking into account the impact of the planned Shawfair New Community and the expansion of Danderhall. These concerns relate to the lack of street lighting and footpaths for safe pedestrian movement on the Wisp, the accident records at the junctions at either end of the Wisp and the impact that the traffic from the site would have on an already unsatisfactory situation.

Transport is of the view that Midlothian Council's concerns are legitimate and has called for appropriate contributions towards the necessary mitigation measures in the event that Shawfair and/or the expansion of Danderhall should ever proceed. This matter would need to be covered by an appropriate legal agreement if permission were to be granted.

In terms of accessibility, the site offers good access to regular bus services along Old Dalkeith Road which is a major public transport corridor. There are also bus services on the Wisp. The site is also within reasonable walking distance of local shops (800m), a Post Office (1100m), a Doctor (1100m) and a leisure centre (1200m). Moreover a toucan crossing would be provided on Old Dalkeith Road to ensure residents can safely cross the busy main road to use the bus stops and wider local facilities. A suspensive condition or legal agreement would be needed to secure the crossing if permission were to be granted.

**In summary, the proposed development raises no access or road safety objections subject to an appropriate conditions and a legal agreement.**

#### **f) Residential Amenity**

The detailed design does not raise any amenity issues for neighbouring residents or future occupiers in terms of daylight, sunlight and privacy.

There may be some impacts during the construction phase in relation to noise, air quality/dust and other building related activities. However these

impacts would be controlled under the Environmental Management Plan as set out in the Environmental Statement (ES). A condition would be needed if permission were to be granted.

In terms of ground conditions, Environmental Assessment is satisfied that the site is suitable for housing subject to a condition requiring a site survey including a detailed ground investigation and subsequent remedial action, as necessary.

**In summary, the development would not harm residential amenity subject to conditions.**

### **g) Sustainability**

The applicants have submitted the required sustainability form advising that the following criteria have been considered and met in full:

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	10
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	70
Desirable Elements	65	35

The applicants have also provided a commitment to further sustainability measures as set out in the desirable elements. These include the incorporation of passive design, the provision of 2 city car club spaces, rainwater harvesting for use on the site, composting facilities throughout the site, communal recycling facilities in the Walled Garden and the use of sustainable timber.

A fundamental concern is that the proposals fail to satisfy the Essential Criteria in terms of Energy Needs. This requires that the development should be located on brownfield land, be allocated in the ECLP or be covered in an approved Masterplan, development brief or framework. Although, the applicant claims this criteria is met because “development has previously been approved on the site”, in the absence of an overriding housing need for the current application the former consent does not establish a precedent for the current application.

**In summary, the proposals do not meet essential sustainability criteria and as such is contrary to ECLP Policy Des 6 Sustainable Design and Construction and the Edinburgh Standards for Sustainable Building.**

### **h) Other Considerations**

The site has been assessed in terms of archaeological impact, flooding and drainage including consultations with the relevant parties. No objections have

been received and any outstanding matters could be addressed by appropriate conditions if planning permission were to be granted.

The applicants are keen ensure that the local community benefits from this development by providing employment opportunities, especially for young people. They are proposing to invest an initial sum of £100,000 into a fund to deliver general employment skills and opportunities for young people in the locality through the Edinburgh Guarantee Initiative through a section 75 Planning Agreement. They envisage that if the scheme is successful that the contributions could be increased on an annual basis. However, Planning Circular 1/10 Planning Agreements requires that planning agreements must relate in nature, scale and kind to the development and be necessary for the development to proceed. In this case the funding would not be justified for planning reasons and as such no weight should be attached to the offer of funding when making a decision on this application.

#### Community Council Comments

Liberton and District Community Council object to the proposals and Craigmillar Community Council support the proposals. Full details can be found in Appendix A. The issues they have raised have been covered in the report.

### **CONCLUSION**

In conclusion the proposals do not comply with the Development Plan in terms of green belt policy and housing policy. The development would also undermine the status of the site as a candidate Special Landscape Area and is not a suitable location in terms of the Council's own essential sustainability criteria. There are no compelling reasons for departing from policy.

It is recommended that the Committee refuses this application for the reasons stated.

The Environmental Statement has been taken into consideration in the making of this decision, as required under Regulation 3 of the Environmental Impact Assessment (Scotland) Regulations 2011.

If committee is minded to approve the application, it should first be referred to the Structure Plan Joint Liaison Committee in accordance with agreed protocol for four constituent Joint Liaison Committee authorities i.e. City of Edinburgh, Midlothian, East Lothian and West Lothian Councils, approved by the ELSPJLC on 25 June 2007.

## REASON FOR DECISION

The proposals do not comply with the Development Plan in terms of green belt policy and housing policy. The development would also undermine the status of the site as a candidate Special Landscape Area and is not a suitable location in terms of the Council's own essential sustainability criteria. There are no compelling reasons for departing from policy.

**John Bury**  
Head of Planning & Building Standards

<b>Contact/tel</b>	Kevin Ryan on 0131 529 3721
<b>Ward affected</b>	A16 - Liberton/Gilmerton
<b>Local Plan</b>	Edinburgh City Local Plan
<b>Statutory Development Plan Provision</b>	Greenbelt, Local Nature Conservation Site
<b>Date registered</b>	9 May 2012
<b>Drawing numbers/ Scheme</b>	1, 2A, 3A, 4 - 8, 9B, 10B, 11B, 12 -19, 20A, 21A, 22 - 28 Scheme 2

### **Advice to Committee Members and Ward Councillors**

The full details of the application are available for viewing on the Planning and Building Standards Portal : [www.edinburgh.gov.uk/planning](http://www.edinburgh.gov.uk/planning).

If you require further information about this application you should contact the following Principal Planner, Linda Hamilton, 0131 529 3146, [linda.h.hamilton@edinburgh.gov.uk](mailto:linda.h.hamilton@edinburgh.gov.uk)

If this application is not identified on the agenda for presentation and you wish to request one at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting. Contact details can be found in the Committee agenda papers.

**Application Type** Planning Permission  
**Application Address:** Land At Edmonstone Estate  
Old Dalkeith Road  
Edinburgh

**Proposal:** Residential development with associated roads and landscaping.

**Reference No:** 12/01624/FUL

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## Consultations, Representations and Planning Policy

### Consultations

#### Urban Design Panel comments 22 February 2012

##### *1 Introduction*

*1.1 This report relates to the proposal for housing and landscape enhancements on the Edmonstone Estate. The development is proposed within the walled garden and on the 8acre field site.*

*1.2 This is the first time that the proposals have been reviewed.*

*1.3 No declarations of interest were made by any panel members in relation to this scheme.*

*1.4 This report should be read in conjunction with the pre meeting papers which provide an overview, context, concept, plans, sections and 3D visualisations of the scheme.*

*1.5 This report should be read in conjunction with the Planning Issues Paper which outlines the planning history and policy considerations for the site.*

*1.6 This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the panel forming a differing view about the proposals at a later stage.*

*1.7 The Panel thanked the presenters for their presentation and pre meeting papers.*

##### *2 The Panel's view on the principle of development*

*2.1 The site forms part of the Edmonstone Estate which is a designed landscape on the Edmonstone Ridge. It forms part of the Edinburgh Green Belt and is allocated as a Local Nature Conservation Site which is also a Candidate Special Landscape Area due to the landscape character. Given the location, policy context and site planning history it is the Panel's view that a case to justify residential development on the site had not been made and that therefore the Panel does not see any benefit to the City in a departure from Green Belt policy for the proposed residential development in principle.*

### *3 The Panel's views on landscape*

*3.1 The Panel supported the view of the design team that the site has fallen into disrepair and therefore welcomed the approach that this development could help fund and consolidate the Estate Management Plan established as part of the 2008 outline permission. However, the Panel were unclear as to why this is necessary given the previous consent for the private hospital and inclusion of the Estate Management Plan.*

*3.2 The Panel expressed concern regarding the noticeable deterioration of the estate and it was suggested that it may be appropriate for CEC to serve an Amenity Notice.*

*3.3 The Panel noted the importance of this site in both its historical context and in providing a landscape setting for the city. The importance of retaining the integrity of this landscape structure and the green belt ribbon may grow in importance and therefore should not be further eroded but enhanced.*

### *4 The Panel's views on layout*

*4.1 The Panel support the retention of the walled garden as part of the proposal.*

*4.2 The Panel encouraged the design team to reconsider the design and layout for the 8 Acre Site. The illustrated suburban design approach is not supported and the Panel. While the Panel does not support the housing proposal in principle, an approach which provides a hierarchy of buildings and spaces could be considered for the site if the design is further developed.*

*4.3 The intention to consider on site affordable housing is encouraged by the Panel.*

*4.4 The Panel noted that the 2008 private hospital consent had already established the proposed accessibility, permeability and links through the site and that this proposal offered no further opportunity in this respect.*

### *5 The Panel's views on movement / transport*

*5.1 The site has good access to a bus corridor and has the potential of providing housing within walking distance to local employment. Notwithstanding this, the proposal is likely to be very car dependant and may also have the sense of being an island of development and therefore in transport terms is unlikely to be sustainable.*

### *6 Conclusion*

*6.1 In conclusion, the Panel is not supportive of the principle of residential development on the site and fail to see the benefit of a departure for this proposal against Green Belt policy.*

### **Scottish Water comment 28/05/2012**

*Scottish Water has no objection to this planning application. However we are unable to reserve capacity at our water and wastewater treatment works in*

*advance of formal agreement made with us works in advance of formal agreement made with us. In view of this, the information provided in this letter will need to be reviewed if this proposal progresses to full planning approval.*

*Due to the size of this proposed development it is necessary for Scottish Water to assess the impact this new demand will have on our existing infrastructure. With Any development of 10 or more housing units, or equivalent, there is a requirement to submit a fully completed Development Impact Assessment form. Development Impact Assessment forms can be found at [www.scottishwater.co.uk](http://www.scottishwater.co.uk).*

*Water Treatment Works – has limited capacity available for new demand. The Developer should discuss their development directly with Scottish Water.*

*Water Network – Our initial investigations have highlighted their may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.*

*Waste Water Treatment Works currently has capacity to service this proposed development.*

*Wastewater Network – Our initial investigations have highlighted their may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.*

*In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.*

*Scottish Water is funded to provide capacity at Water and Waste water Treatment Works for domestic demand. Funding will be allocated to carry out work at treatment works to provide growth in line with the Local Authority priorities. Developers should discuss delivery timescales directly with us.*

*If this development requires the existing network to be upgraded, to enable connection, the developer will generally meet these costs in advance. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules. Costs can be reimbursed by us through Reasonable Cost funding rules*

*A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.*

*Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.*

*If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.*

*It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that will require to be implemented by the developer to protect our existing apparatus.*

### **The Coal Authority comment 28/05/2012**

*We have reviewed the proposals and confirm that the application site falls within the defined Coal Mining Development Referral Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.*

*The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Environmental Statement (May 2012), which accompanies this planning application. The Environmental Statement correctly identifies that the application site may have been subject to past coal mining activity. The Coal Authority records indicate the extreme eastern part of the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth.*

*Chapter 9: Ground Conditions of the Environmental Statement has been informed by an appropriate range of sources of information; including a Coal Mining Report, historic OS mapping, BGS geological mapping and results of past site investigations. Based on this review of existing sources of geological and mining information the ES concludes at paragraph 9.34 that shallow underground mining in the east of the site poses a potential risk to the proposed development. Accordingly, appropriate recommendations are included for further intrusive site investigation works prior to development in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified, if necessary.*

### **The Coal Authority Recommendation to the LPA**

*The Coal Authority concurs with the recommendations of paragraph 9.34 of the Environmental Statement; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should*

*be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.*

*The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.*

*The Coal Authority considers that the content and conclusions of the Environmental Statement are sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of the above condition.*

#### *General Information for the Applicant*

*Where development is proposed over areas of coal and past coal workings at shallow depth, The Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset. Prior extraction of surface coal requires an Incidental Coal Agreement from The Coal Authority; further information can be found at:*

*[http://coal.decc.gov.uk/en/coal/cms/services/licensing/license\\_apps/license\\_apps.aspx](http://coal.decc.gov.uk/en/coal/cms/services/licensing/license_apps/license_apps.aspx)*

*Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:*

*<http://coal.decc.gov.uk/en/coal/cms/services/permits/permits.aspx>*

#### **Archaeology comment 29/05/2012**

*The Edmonstone Estate is regarded as being of regional significance in terms of its surviving historic estate landscape and associated archaeological remains both buried and upstanding. Evaluation work undertaken by GUARD and Headland Archaeology both within and immediately adjacent to the estate*

*have found extensive archaeological remains from a possible Roman Road through to late/post-medieval mining activity and remains directly associated with the house. In addition it is likely that some of the sites buried archaeological remains could of national importance such as the remains of the House and probable Roman Road discovered in 2008 by GUARD which is thought to bisecting the site.*

*This application must therefore be considered under terms of the Scottish Government's Scottish Planning Policy (SPP), PAN 2/2011 and Scottish Historic environment Policy (SHEP) plus also CEC's Edinburgh City Local Plan (adopted 2010) policies ENV2, ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*

*The scheme will require new construction and landscaping works affecting the historic medieval and later estate of Edmonstone considered to be of at least regional historic importance. In terms of the impact upon both the Walled Garden and buried archaeology the construction of the residential development, roads and associated landscaping will have a significant impact however one which is regarded overall as being acceptable provided that a suitable archaeological mitigation strategy is undertaken. To this end the mitigation strategy as outlined with in Section 8 (Archaeology and Cultural Heritage) paragraph 8.83 of the applications accompanying EIA should be adopted as basis for any agreed strategy. In addition to the measures outlined in the EIA it is recommended that a interpretation plaque providing a brief history of the walled garden is attached to this monument as part of the wider interpretation scheme for the Estate as referred to within section 4 of the updated Estate Management Plan.*

*Accordingly it is recommended that the following condition is attached to planning consent to ensure that this programme of archaeological works is undertaken prior to/during development in order to fully record, excavate and analyse any significant surviving buried archaeological remains that may be disturbed by development, where protection in situ is not possible:*

*'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, conservation, interpretation, excavation, reporting & analysis, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'*

*The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.*

## **Liberton + District Community Council comment 31/05/2012**

*Liberton and District Community Council considered this proposal and submit the following comments to City of Edinburgh Council for consideration in determining this application. It does not intend to quote Local Plan Policies but sets a number of reasons for the refusal of planning permission for this proposal which is development of what is essentially a greenfield site in the Edinburgh Green Belt.*

### *Reasons for Refusal*

*The proposal is for the development of 100 + houses at a location to the east of the Dalkeith Road (A7) within the former policies of Edmonstone Estate which is located within the Edinburgh Green Belt as delineated in the current Development Plan for the area.*

*The justification for suggesting approval for this development appears to be based on the fact that a number of permissions have been issued for what were institutional uses, which, at the time, was an acceptable reason for setting aside Green Belt policies. The proposal to develop the site for housing is not a sound reason for the release of the site for residential use.*

*In addition it is noted that each and every Planning Committee Sub Committee report which recommended approval of the applications made it clear that it was the specific nature of the proposals, i.e. care home uses, that made a justification for setting aside the Green Belt policies.*

*It is understood that the concerns about the loss of the site to uses other than care home was specifically minuted by the Planning Committee when it approved 04/03554/OUT.*

*Further, it is noted that in many local authority areas the release of housing land for the development of care homes is considered to be acceptable. However there is no axiomatic justification for the release of care home sites for residential uses.*

*The references to the South East Wedge are spurious as this was identified in a Lothian Region Structure Plan as a concept area which required a rigorous boundary delineation in the Local Plans for City of Edinburgh and Midlothian. The most up to date City of Edinburgh Local Plan does not identify the site as being part of the South East Wedge.*

*The proposition that site forms part of the Edinburgh Urban Fringe, and could contribute to the delivery of the 400 houses identified in Table at Paragraph 6.5 of the Adopted Local Plan is not supported. It is unfortunate that the Local Plan did not delineate the Edinburgh Urban Fringe but it clear that the site is not a natural extension of any of the urban edges of Edinburgh. Rather, the site is separated from the adjacent urban area by the A7 and a very large stone wall. It is also some way distant from the nearest development to the north i.e.the Bioquarter site.*

*The Development Plan policy does not support housing on Green Belt land which has not been specifically identified for that purpose. Liberton and District Council is opposed to the loss of Green Belt land to development which has not been the subject of debate and approval of the Development Plan making process.*

*It is noted that the application site has not even been selected for consideration for release for housing development within the recently published Main Issues Report. This planning application is seeking to bypass this democratic process of involving the public in selecting sites to meet the identified housing land needs. There remains an opportunity open to the applicants to seek the inclusion of their site in the Draft City of Edinburgh Local Development Plan which would provide the forum for debate. The proposal is, at very best, premature pending the publication and consideration of the Draft Local Development Plan.*

### *Conclusions*

*Liberton and District Community Council cannot support the proposed development in what is Edinburgh Green Belt and recommends to City of Edinburgh Council that refuses planning permission for application 12/01624/FUL.*

### **SEPA comment 01/06/2012**

*We ask that the planning condition(s) in Sections 1.1 and 3.1 be attached to the consent. If any of these will not be applied, then please consider this representation as an objection. Please also note the advice provided below.*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, which may take into account factors not considered at the planning stage.*

#### *Advice for the planning authority*

##### *1. Surface water drainage*

*1.1 We welcome the treatment of surface water run-off using Sustainable Urban Drainage Systems as set out in the proposed SUDS strategy. For a development of this size requires two levels of surface water treatment. As set out in the SUDS strategy this will be provided by source control and detention basins. We understand that the outfall from the detention basins will be to either the Niddrie Burn or a small unnamed watercourse. We can confirm that the SUDS proposals are acceptable in principle. However, the detail will need to be confirmed prior to works commencing. We therefore, object to this application unless a planning condition requiring a detailed SUDS scheme to be submitted. To assist, the following wording is suggested:*

*Prior to the commencement of any works, a detailed SUDS scheme shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme.*

*Reason: to ensure adequate protection of the water environment from surface water run off.*

## *2. Flood risk*

*2.1 We are satisfied that the design of the development accords with the principles of SPP (Paragraphs 196 – 211), and will not place people and property at flood risk or exacerbate flooding elsewhere.*

*2.2 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice inline with the phases of this legislation and can be downloaded from [www.sepa.org.uk/flooding/flood\\_risk/planning\\_\\_flooding.aspx](http://www.sepa.org.uk/flooding/flood_risk/planning__flooding.aspx).*

## *3. Environmental management*

*3.1 As the risks of adverse environmental impacts are greatest during construction we recommend the production of an environmental management plan (EMP) to inform the construction phase of development. The EMP should incorporate the principles of all proposed pollution prevention and mitigation measures along with detailed method statements. This approach provides a useful link between the principles of development which need to be outlined at the early stages of the project and the method statements which are usually produced following award of contract (just before development commences). We therefore, we object to this application unless a condition is imposed requiring that a full site specific environmental management plan (EMP) be submitted. To assist, the following wording is suggested:*

*At least two (2) months prior to the commencement of any works, a full site specific environmental management plan (EMP) must be submitted for the written approval of the planning authority [in consultation with SEPA] [and other agencies such as SNH as appropriate] and all work shall be carried out in accordance with the approved plan.*

*Reason: to control pollution of air, land and water.*

*3.2 In accordance with best practice guidance we recommend that you request details of how waste will be minimised during the construction phase of the development. This information can be provided in the form of a site*

*specific waste management plan that sits along site the CCP or within an overarching Environmental Management Plan.*

*Detailed advice for the applicant*

#### **4. Environmental management**

*4.1 Please note that we have requested that a planning condition is attached to any consent requiring the submission of an environmental management plan (EMP) to be submitted at least two months prior to the proposed commencement of development. The EMP should incorporate detailed pollution prevention and mitigation measures for all construction elements (including those potentially capable of giving rise to pollution during all phases of construction, reinstatement after construction and final site decommissioning. Full details of what should be included in the EMP can be found on our website at [http://www.sepa.org.uk/planning/construction\\_and\\_pollution.aspx](http://www.sepa.org.uk/planning/construction_and_pollution.aspx).*

*4.2 In relation to tendering, please refer to CIRIA C648 which states that, "One of the main drivers for environmental improvements is pressure applied by clients through standards laid down in contract documentation. Contracts should specify exact requirements for water pollution prevention in order to encourage high standards and to allow for like for like tender evaluation".*

#### **East Lothian Council comment 07/06/2012**

*The application site is within the Edinburgh Green Belt. Policy ENV2 of the Edinburgh and the Lothians Structure Plan 2015 presumes against development or changes of use in the Green Belt except where necessary for the purposes of agriculture, horticulture, forestry, countryside recreation, or other uses appropriate to the rural character of the area.*

*Local Plans may specify and justify any exceptions to national policy. This Policy provides three main purposes of the Green Belt: (a) to maintain the identity of the City by clearly establishing its physical boundaries and preventing coalescence; (b) to provide countryside for recreation; and (c) to maintain the landscape setting of the city. The proposals appear to represent a departure to this policy.*

*I note that planning permission has previously been granted for a care home and residential care village on the site (08/00934/OUT & 08/00936/OUT), both as justified development plan departures. An 80-bed private hospital has also been approved adjacent to this site to the north-east (04/03551/OUT).*

*The supporting Planning Statement argues that the care home and care village permissions have established the principle of development on the site but that these uses have not proved to be marketable. It is further argued that the current proposals are justified on the basis of a shortfall in the effective housing land supply.*

*We consider that in the circumstances of this application it is for the City of Edinburgh Council to weigh up these material considerations against the proposals' potential impacts upon the main purposes of the Green Belt. We do not wish to object to the application.*

### **Historic Scotland comment 11/06/2012**

*Our comments relate to both the Environmental Statement (ES) which accompanies this application and on the application itself under the Development Management Procedure (Scotland) Regulations 2008 for our historic environment interests. Our comments concentrate on our statutory remit for scheduled monuments and their setting, category A listed buildings and their setting and gardens and designed landscapes appearing in the Inventory. You should consult your own advisers for comments on the impact on other designated and undesignated historic environment assets.*

#### *Historic Scotland's position*

*I can confirm that Historic Scotland does not object to the proposed development. Our detailed comments are set out in the attached annex.*

#### *Annex*

#### *Background*

*I understand that the proposal consists of 114 residential units, as well as associated landscaping, utilities and roads, at land on the Edmonstone Estate, Old Dalkeith Road, Edinburgh.*

#### *The Environmental Statement*

#### *Potential direct impacts*

*The ES identifies that there will be no direct impacts to heritage assets within our statutory remit.*

#### *Potential indirect impacts*

*We were consulted at scoping stage earlier this year, and recommended that the following heritage assets within our statutory remit were assessed as part of the ES:*

- 

*The Drum (HB Num 28052) and its associated Inventory garden and designed landscape: the ES concludes that due to intervening vegetation, built form and topography, the impact would be negligible.*

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*Home Farm, enclosure 300m ENE of (Index No. 6038): the ES notes that this scheduled monument lies to the north-east of the Site and downslope from it. Tree coverage on the northern perimeter of Edmonstone Estate and within the Site would prevent intervisibility between the archaeological remains of*

*Woolmet Home Farm and the Site, and the conclusion is that the impact would be negligible.*

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*Craigmillar Castle, castle and gardens (Index No. 90129 & a Property in the Care of Scottish Ministers): the ES concludes that whilst this monument is intervisible with the development site, the intervening urban landscape means that this development would have a negligible impact.*

*Historic Scotland's assessment*

*We are content with the assessment of the indirect impacts from the proposed development, and agree that the impact on the three heritage assets listed above is likely to be negligible.*

*Historic Scotland's position*

*In light of the information provided in the ES, I can confirm that Historic Scotland does not object to the proposed development as we do not consider that issues of national interest are raised in this case.*

#### **Environmental Assessment comment 13/06/2012**

*The site is bound to the south by Old Dalkeith Road (A7), to the east by an area of land known as the Edmonstone Policies, and to the north and west by open land. The Ferniehill and Moredun residential areas are located to the south-west of the Site on the other side of Old Dalkeith Road. Danderhall is approximately 600m east of the main part of the site and Edinburgh Royal Infirmary is approximately 800m to the north-west*

*The site currently has consent for a care home and residential care village (08/00936/OUT and 08/00934/OUT). The forthcoming application will be to develop two-storey residential units instead. The applicant has submitted an Environmental Statement which has assessed the possible impacts noise and air quality may have on the proposed development and any impacts it may have on the neighbouring amenity.*

*The applicant carried out a noise assessment which has been incorporated into the Environmental Statement: Volume 1 Main Text dated May 2012. The applicant has addressed the potential transported related noise impacts including helicopter noise and suggested suitable mitigation measures. Environmental Assessment concurs with the conclusions of this report and will recommend a condition to ensure amenity is protected.*

*The applicant has highlighted that dust may impact on neighbouring sensitive receptors during the construction phase if not mitigated. Environmental Assessment will recommend a condition to ensure these mitigation measures are carried out.*

*Due to the historic land use contaminated land will need to be investigated, we will recommend a condition to ensure that this is carried out.*

*Therefore Environmental Assessment has no objection to this proposed development subject the following conditions being attached:*

1. *The residential development shall be completed in accordance with the requirements specified in the noise assessment contained within Environmental Statement: Volume 1 Main Text dated May 2012. The requirements are detailed in table 6.6 and paragraphs 6.9.*

2. *The residential development shall be completed in accordance with the requirements specified in the air quality impact assessment contained within Environmental Statement: Volume 1 Main Text dated May 2012. The requirements are detailed in paragraphs 4.73.*

3. *Prior to the commencement of construction works on site:*

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

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

*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 Head of Planning.*

### **Scottish Government comment on environmental statement 13/06/2012**

*This response relates to the Scottish Ministers responsibilities for air quality and noise. In relation to the above case, on the basis of the information available and without prejudice to any further consideration the Scottish Ministers may be required to give; we have no comments to offer on the Environmental Statement.*

### **JMP - consultant to Transport Scotland comment 18/06/2012**

*With reference to your recent correspondence dated 14 May 2012 on the above development, we write to inform you of our continuing involvement as Term Consultants to Transport Scotland - Trunk Road and Bus Operations (TS-TRBO) in relation to the provision of advice on issues affecting the trunk road network.*

*We have been passed a copy of the Environmental Statement (ES) prepared by Waterman Energy, Environment and Design Ltd on behalf of Sheraton Ltd*

*in support of the above development. Having reviewed the information provided, we would provide the following comments.*

*We note that that this ES has been prepared in support of a planning application for a residential development comprising 114 units. It is noted that the development has decreased in size since the original scoping exercise. The site is located approximately 6km south east of Edinburgh city centre. The southern boundary of the site is the A7, known as Old Dalkeith Road, which leads southwards to the A720/A7 Sheriffhall Roundabout.*

*Due to the nature and scale of the proposed development and its proximity from the trunk road network, Transport Scotland is satisfied that the additional traffic generated by the proposed development will not give rise to any direct environmental impacts on the trunk road network.*

*We are also satisfied that there will be no issues with regard to potential impacts on air quality or noise associated with sensitive receptors adjacent to the trunk road network and we do not require any further information in this regard.*

### **Scottish Natural Heritage 20/06/2012**

*The application is for residential development within Edmonstone Estate. The Estate lies in a visually sensitive location and is a key site for green network delivery in the area. Residential development of the site is also contrary to various environmental Local Plan policies. Due to the sensitive nature of the site and because the woodland contributes to the character of the site, then we recommend the following advice and recommendations are considered, to help mitigate impacts from the development and ensure good quality landscaping is delivered.*

#### *Background*

*There have been numerous applications at this site over the years and there is currently existing outline consent for the development of a care home and care village, whilst the access track has detailed consent. The site is designated Greenbelt, a Local Nature Conservation Site and candidate Special Landscape Area (SLA) in the City of Edinburgh Local Plan. The site has also been assessed as a designed landscape of local importance by the Council. The access road falls within the Openspace proposal (OSR4) for this part of Edinburgh, the SE Wedge Parkland.*

#### *Appraisal of impacts*

##### *Landscape*

*The proposed application site lies within Edmonstone Estate, a local designed landscape on an elevated and prominent ridge position in SE Edinburgh. It is therefore a visually sensitive site. The site itself comprises a significant area of woodland, particularly around the periphery.*

*We generally agree with the results of the LVIA therefore in that the area is relatively enclosed and the areas of main visual impact are therefore elevated areas like Craigmillar Castle as well as residential areas to the SW of the site, where the tree belt is thinner. Due to the change in character of the site from rural to more urban, the footpaths within the woodland in Edmonstone are also acknowledged to be impacted.*

*This application has a similar footprint to the care home which already has consent but is reduced in height with 2 storeys proposed for this development. Development at this scale will avoid potential breach of buildings on the skyline/ridgeline, therefore avoiding significant visual impacts. Providing additional planting is carried out as per landscape plans, then these visual impacts will be reduced further.*

#### *Estate Management Strategy, Landscape Design Statement*

*We support the measures described in the Estate Management Strategy, Landscape Design Statement and Design & Access Statement.*

- We therefore recommend that the Council secures the implementation of these Plans and the long-term management of the landscape. This could be through existing legal agreement, an additional agreement, amendment to existing agreement or by condition, whatever is most appropriate.*

*It is mentioned that the Estate Management Strategy was produced as a condition for the adjacent private hospital and has a S75 agreement to secure long-term management, restoration and public access. It is not clear how this fully applies to this proposal and the further detail contained within the Landscape Design Statement and Landscape Layout. The long-term management of the site also requires clarification as it is not clear how this will be delivered.*

*Particular points that we are supportive of in these plans are described below:*

- Woodland planting to produce robust boundary screening is key and we agree that this should be focused to the north and west of the site to help screen distant views into the site and to provide screening to nearby residents. Woodland planting on the site will also help maintain the enclosed woodland character and amenity of the site, as well as enhance the woodland habitat as part of the wider green network in this part of Edinburgh.*
- The proposed provision of public footpaths, both through the woodland and through the site as part of wider connecting routes. This will enable continued public access for recreational use in the woodland and beyond.*
- The work that has been undertaken to restore the designed landscape features in the site, such as the ha ha's, and note that this application proposes less impact on these features.*

- The scheme design proposing central formal open spaces to create further open space and to connect the areas of development and create views. The main central open space will also be used as a key pedestrian route through the site and beyond.

- A large detention basin is proposed and described as a feature, located by the ha- ha and main pedestrian route connecting through the site. There is an opportunity to make this into a key habitat and amenity feature, providing a focus of interest along the pedestrian route as well as adding to the biodiversity interest of the site.

## Species

### Bats

Bats are a European Protected Species and therefore the Council must satisfy themselves that the requirements of the Habitat Regulations 1994 are met in the application, including any licensing tests. Two single bats roosting in trees were found, as well as more general foraging use through the woodland. Of the 2 trees containing single bats, one is due to be felled as part of the application. Strictly speaking and as the author mentioned, this could be classed as a roost and a licence required to fell the tree. However, single bat roosts are often transitory and it is unlikely to be used regularly. It is as likely to be used as some of the other trees with roost potential in the woodland. A more reasonable solution would therefore be to soft-fell the tree, with an ecologist present to check for any presence of bats. If a bat is found during this process, then work should cease and advice sought from ourselves. I would also recommend that other trees to be felled that have roost potential are re-checked prior to felling.

Mitigation measures described within the ES should also be implemented. We therefore recommend, in relation to bats:

- Soft-felling of the tree containing the single bat
- Re-checking of trees with bat potential prior to felling
- Use of bat boxes to provide additional and alternative roost habitat
- Use of appropriate long-term lighting within the site - The woodland and woodland edges are likely to continue to be a foraging route for bats as well as potential roosting sites and therefore lighting within the development should be sensitive to this. The EIA recommends the use of appropriate long-term lighting, in relation to lighting type and spill, using BCT guidance Bats & Lighting. In addition, as a woodland landscape, light pollution should be avoided.

### Badgers

Badgers are protected under the Protection of Badgers Act 1992. A disused sett is located within the development with another disused sett nearby. It is estimated in the EIA that they were abandoned 3-5 years ago with the suggestion that the territorial group have left the area. Disused setts are still

*deemed to be potential setts if there are badgers still active in the territory as they could be re-used in the future. Therefore a licence would be required to destroy it. However, if it certain that the sett is disused and has been for a long time (several years) then there is no need to apply for a licence. The information in the EIA would suggest that this would apply in this instance. However, if there is any indication that the sett is still in use or likely to be used, then a licence will be required.*

- We would recommend that monitoring of the sett on-site and the nearby sett through sand traps or similar for a couple of weeks would confirm that there is no recent activity in the area. Further certainty could also be gained about the longterm status of the sett.*

### *Otter*

*There is no otter present in the site although footprints have been found there in the past. They have been known to use the nearby watercourse and this could be why they have passed through the site. There is therefore potential for them to use the site infrequently. Recommendations in the EIA for standard species construction mitigation should be applied:*

- Provision of escape ramps from deep excavations and covering of exposed pipework*

### *Birds*

*The EIA states that tree felling will be undertaken outwith the bird breeding season and this approach should be taken forward as a matter of course. Where any woodland work would be required during the breeding season then an ecologist should check vegetation for nesting birds to determine whether work can proceed. landscape on an elevated and prominent ridge position in SE Edinburgh. It is therefore a visually sensitive site. The site itself comprises a significant area of woodland, particularly around the periphery.*

*We generally agree with the results of the LVIA therefore in that the area is relatively enclosed and the areas of main visual impact are therefore elevated areas like Craigmillar Castle as well as residential areas to the SW of the site, where the tree belt is thinner. Due to the change in character of the site from rural to more urban, the footpaths within the woodland in Edmonstone are also acknowledged to be impacted.*

*This application has a similar footprint to the care home which already has consent but is reduced in height with 2 storeys proposed for this development. Development at this scale will avoid potential breach of buildings on the skyline/ridgeline, therefore avoiding significant visual impacts. Providing additional planting is carried out as per landscape plans, then these visual impacts will be reduced further.*

## **Affordable Housing comment 19/06/12**

*Services for Communities has worked with Planning to develop a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.*

- The AHP makes the provision of affordable housing a planning condition for sites over a certain size*
- The proportion of affordable housing required is set at a city-wide level of 25% for all proposals of 12 units or more.*
- This is consistent with Policy HOU 7 Affordable Housing in the Finalised Edinburgh City Local Plan.*

*This development is for 114 residential units, therefore the AHP will apply and 29 units would be required as affordable homes under the terms of the policy.*

*There have been a series of meetings with the applicant's agent and architect, as well as with a housing association partner, regarding the eventual delivery of the affordable housing in this development, should it be successful in achieving planning consent.*

*The developer has agreed to secure the following acceptable affordable housing policy arrangement through a Section 75 legal agreement:*

*A minimum of 25% of the homes will be of approved affordable housing tenures. All will be located onsite, which provides for a well-integrated development. None of the homes will require any public subsidy, and they will be a mix of mid market rented properties (leased by a Housing Association) and Golden Share properties. Golden Share properties provide for low cost home ownership in perpetuity, and this mix of rental and low cost homes (which all meet an identified affordable housing need in the city) is therefore an acceptable mix to the department. The fact that these tenures require no public subsidy provides an additional attraction. This arrangement will be secured through a Section 75 legal agreement and the Department would ask that this is included in the Informatives section of the report to Committee.*

*Services for Communities is therefore supportive of this proposed development and would be happy to assist in any discussion around affordable housing for this development.*

## **Transport comment 22/06/12**

*Whilst I have no objections in principle to the proposed application, there are a number of issues which must be addressed before I can provide a final response, as follows:*

- Road layout – whilst I have no objection to the proposed layout in principle, the applicant should note that I would wish to see details of proposed road widths, radii, materials, drainage etc.;*
- Refuse vehicle access – I am particularly concerned to ensure that road geometry is adequate to accommodate refuse vehicles of 12m in length. The*

*applicant should contact the Council's Environmental Services to discuss the proposals;*

- Archway – it is noted that the existing archway is proposed as the access to the walled garden site. The clearance is approximately 4.4m whereas current standards require a minimum height clearance of 5.7m. This is likely to present an unacceptable danger to road users;*

- Lighting – there are no details of proposed lighting for the development. I am particularly concerned that pedestrian and cycle access to Old Dalkeith Road is suitably lit;*

- Road construction consent – all accesses must be open for use by the public in terms of the statutory definition of 'road' and will be the subject of applications for road construction consent (RCC). I would seek clarification of the extent of roads subject to RCC. It is noted that application has already been made for a road leading to the development from The Wisp. This will require modification in due course to accommodate the new layout;*

- Pedestrian / cycle access – a new access point adjacent to the existing D-island on Old Dalkeith Road should be provided for convenient access to the bus stops. I would also seek construction of a signalised crossing (Toucan) at this location. The bus stops may require minor relocation. All at no cost to the Council;*

- Cycle parking – the proposed location of cycle parking within the walled garden should be within a secure area on the ground floor. It is unclear whether the proposed cycle parking shown is for residents or owners. I am, in either case, concerned that it is adjacent to the bin stores and that cycles will be damaged;*

*Note:*

*Parking – the proposed 234 spaces for 114 units complies with current Council standards for Zone 5c.*

### **Parks comment 26/06/2012**

*The enhancement (and protection) of the Edmonstone Parkland is recognised as being important in the Open Space Strategy, and Neighbourhood Action Plans. Referring to the Open Space Strategy (2010), the parkland included within the application is shown on Maps 4b and 5b as a part of Proposed Park 6 (South East Wedge Parkland), and as number 6 of the proposed actions in Chapter 3 and Map 3 (Green Network), so it is clear that the parkland area is of significance as a green network component and a potentially publicly accessible green space.*

*Turning to the Open Space Action Plan for Portobello/Craigmillar (2010), it contains the Action " Land around Craigmillar/Greendykes retained in the Green Belt will be landscaped to provide multi-functional parkland, woodland and country paths linking with parallel developments in Midlothian. The proposal will incorporate the restoration of historic parkland at Edmonstone Estate. Timescale: Dependent on future development of South East Wedge. Lead: Developer. Funding Source & Cost: To be developed as part of wider South East Wedge Development." This action applies to the Edmonstone*

*Parkland site within the application area as well as the contiguous "North Meadows" and "Arboretum" sites.*

*It is recognised that the Edmonstone Parkland is of importance and could potentially contribute more public benefit, and that this should proceed as a part of the wider South East Wedge development. In operational terms it is unlikely that the Council would be willing to adopt the area for maintenance as revenue budgets are unlikely to allow this to be done effectively, and the Council has its own separate priorities for investment and maintenance improvement which have been developed at neighbourhood partnership level.*

*As mentioned above the developer is identified as the lead in relation to the parkland, so it would be appropriate for the enhancement and protection of the Parkland to be effected through conditions attaching to any planning permission granted on associated land. Enhancements should be in keeping with the landscape setting, respect existing treescape, biodiversity and built/cultural heritage, and should seek to incorporate public access wherever appropriate. Known safety issues connected with the undermining should be addressed through the planning process as their continued presence may lead to the site becoming derelict in future. The developer should be asked to identify in detail robust and long-term maintenance arrangements to ensure the site continues to be kept in good order. It is not necessary for the Council to become either owner or lessee of any of the site in order to achieve these objectives.*

### **Midlothian Council comment 13/07/12**

*The current proposal is for residential development on land in the Edinburgh Green Belt, which is contrary to the development plan. It is acknowledged that there are currently consents for development of the application site, for a care home and care village, despite the Green Belt location.*

*Midlothian Council, in responding to these previous applications, made no formal objection to the care home proposal. It was considered that the development of such an institutional use located within the walled gardens, would likely have limited impact on Green Belt objectives and on traffic. However the Council advised that the additional proposal for a care village would result in cumulative development in this location which would potentially undermine this sensitive area of Green Belt, and that any change to the role of the Green Belt in this location should only arise as a result of a full analysis as part of the Strategic Development Plan process.*

*Additionally the Council expressed concerns about the traffic impact of the cumulative proposals, including the consented private hospital development. The decision to amend the access arrangements for the care home and care village, which would result in all traffic using the Wisp, was of significant concern to Midlothian Council, especially in light of the accident record of this road and its junctions.*

*The previous proposals were contrary to the development plan, and exceptions were made by the City of Edinburgh Council to support these. I do not consider that these previous decisions should set a precedent in relation to the current proposal which is also contrary to the development plan. Midlothian Council considers that support would be premature until a full consideration of the role of the Green Belt in this location is undertaken through the Local Development Plan.*

*Furthermore the issue of cumulative traffic impact would require resolution, taking into account the impact of the planned Shawfair new community and expansion of Danderhall, both to meet the wider Edinburgh and Lothians housing and employment requirements, but also the impact on, and funding support for improvements to, the A720 Sheriffhall junction.*

*The Council previously expressed concerns regarding the development proposals accessing onto the Wisp. These concerns remain, and it would be appreciated if the following comments could be taken into account when considering the current proposals.*

*The Wisp is a mainly rural route with limited sections of pedestrian footway and street lighting. Both the north junction (Millerhill Road) and the south (Old Dalkeith Road) have a history of road accidents with five injury accidents recorded at the north junction and four at the south during the current three-year accident period. The lack of footways on some sections of the Wisp results in pedestrians being required to walk on the road carriageway. Given the lack of footways and street lighting and the poor road safety record of both junctions it would not be in the interests of improving road safety to allow developments to proceed which would result in increased traffic flow along the Wisp and through these junctions without suitable mitigation measures.*

*The analysis by WA Fairhurst & Partners of the Old Dalkeith Road / Wisp traffic light controlled junction indicates that with the current layout and signal timing the junction will be operating beyond its capacity with considerable traffic queues forming during peak traffic periods. This junction has a poor road safety record with four injury accidents recorded during the current three-year period. The additional traffic from the 150 residential units would add to the current unsatisfactory situation at this junction and could result in a reduction in road safety. If the housing proposal is to be approved then measures would be required to improve the capacity and road safety of the existing junction.*

*It will also be important to consider the cumulative impact of this proposal, along with development, which might arise in accordance with the development plan, ie New Greendykes, on the northern junction of the Wisp (Millerhill Road). This additional traffic, which will be using the Wisp, will require measures to control the traffic flows and improve the safety of this northern junction. Given the poor geometry of the current junction this could probably be achieved by a widening / reconfiguration of the existing junction or the introduction of traffic signals.*

## **Education comments 19/09/12**

*I refer to your memo dated 15 May, 2012 requesting comments on educational provision for the above noted planning application.*

*The site lies in the Green Belt as identified in the adopted local plan. Work is now underway on a new citywide Edinburgh Local Development Plan (LDP) that will identify additional greenfield housing land allocations. The LDP Main Issues Report has already identified the main areas of search and site options under investigation. The LDP will identify new housing sites and set out the provision of infrastructure needed to deliver these proposals. This will include actions to address educational requirements and will take account of the cumulative impacts of predicted pupil generation within specific areas.*

*On this basis, it is considered premature to identify what education contributions and/or land safeguards may be required from an individual site that lies in the green belt until publication of the LDP which is timetabled for publication in 2013.*

*At present Children and Families is undertaking work in conjunction with Planning to assess the strategic housing sites and determine how best to deliver the educational requirements and to consider funding mechanism to deliver the required infrastructure. This work requires taking an overview of the strategic housing sites and the expected cumulative impact of housing development and pupil generation upon schools in the area, rather than treat each site in isolation.*

*Should the Council still wish to determine the application in isolation and in advance of the strategic site assessment then the current position is as follows:*

*My comments are based on a residential development of 110 units which I have counted as being 94 houses and 16 1-bed flats. However in assessing developer contributions I will discount 5 of the flats given the expected low pupil generation from this component of the development.*

*This site is located within the catchment areas of:*

- *St John Vianney RC School; and*
- *Holy Rood RC High School.*

*Currently there are no defined non-denominational primary or secondary school catchments that cover this area. The nearest catchment primary school is Craigour Park which is a feeder for Liberton High School.*

*Due to rising primary schools there are emerging capacity pressures in the schools in this sector of the city and developer contributions would be sought for works to address accommodation issues. Proposed works may include extending Craigour park or by making extra provision at adjoining primary schools (Liberton and/or Gilmerton) to take pressure of Craigour Park. Based*

*on standard developer contributions, a contribution of £245,800 would be sought for works to increase primary school capacity in south-east Edinburgh.*

*Payment of contributions will be index linked to the BICS All in Tender Price Index with a base date of October 2009.*

*Secondary school rolls are expected to fall slowly over the next five years and currently no contributions would be sought for Liberton High School.*

*With regard to RC provision, it is proposed that management controls would be applied where necessary to prioritise intakes for baptised Roman Catholics and no contributions would be sought.*

*Note that the developer contribution of £245,800 would only apply should a decision be made to approve the development in advance of the LDP and without consideration of the impact of potential strategic development sites. Should the option be taken of providing a new school to serve the wider area, then contributions, if appropriate, may be sought towards a new primary school. As an indicative cost, based on standard developer contributions for a new school, then a sum in the order of £842,000 may be sought index linked to the October base date.*

#### **Flood Prevention comments 24/07/12**

*This application contains a surface water management strategy which shows the surface water outfall is to be "agreed with CEC flood officer and Scottish Water".*

*Since the surface water outfall will pass through land of unspecified ownership it is not within my power to agree that an outfall can be constructed in that land. I cannot therefore recommend approval of this application until the applicant has demonstrated that he has an outfall design agreed in principle with Scottish Water and with the appropriate landowner, and that he has a legal agreement enabling him to construct that outfall.*

*Since the outfall is intended to pass through land which may be developed it would be preferable if it formed part of a strategic surface water management strategy for this area.*

#### **Bridges + Flood Prevention comment 20/08/2012**

*This development will require a surface water outfall to be constructed to the nearest suitable watercourse. In this case the Niddrie Burn and the Magdalene Burn (a tributary unnamed on OS maps) are both to the north of the site. The outfall will cross land which is not under the control of the applicant.*

*If this application is approved we would ask for a condition to be applied under which work should not commence on site until the following conditions are met:*

1. A surface water management plan should be submitted and agreed by the Head of Planning. The plan should include:
2. Details of surface water drainage including SUDS treatment and attenuation facilities and associated landscaping
3. Details of the surface water outfall and confirmation that any legal agreements necessary for its construction are in place
4. Confirmation that Scottish Water has given technical approval and will be adopting the surface water sewer system, including the outfall.
5. Proposals to manage runoff exceeding the capacity of the drainage system, ensuring that the development is not at risk of flooding and that flooding from this source is not made worse elsewhere.

### **Craigmillar Community Council comment 20/08/2012**

*As secretary of Craigmillar Community Council, in whose area the site lies, I would like to take this opportunity to offer support from the Community Council for the proposed development by Sheratan Ltd of the Walled Garden and 8-acre field as part of the Edmonstone Estate. This is a site that is in a very poor condition and the fact that it already has permission for a care home and care village means that it is a location which is, we would argue, not Greenbelt in the conventional sense.*

*The provision of 114 houses, 25% of which will be affordable will greatly assist in addressing a shortage of housing in the City and we are aware that the landowner will fully fund the affordable housing and also the infrastructure, meaning that this is a highly effective and deliverable site.*

*We are also aware that Sheratan is to work with Hillcrest Housing Association to provide the affordable housing units, with an additional 18 available at market rent and managed by Hillcrest.*

*What also excites us as a community council is the effort the landowner has gone too to tie in the Edinburgh Guarantee team within City of Edinburgh Council, whereby it would fund programmes to create opportunities within the South East Edinburgh area. Sheratan Ltd will invest an initial sum of £1 00,000 into a fund to deliver employment opportunities for young people in the area, a fund that will be managed by the Edinburgh Guarantee team, with opportunities for further funding.*

*We welcome this commitment which will go a long way to tackling youth unemployment in the area. We also welcome the commitment of the landowner to work with any future developer to encourage local employment opportunities as development is undertaken. We are aware that this sum is over and above that which the landowner is already committed to deliver through the s. 75 agreements.*

*As a community we merit the constructive discussions we have had with the landowner, and should approval hopefully be given for this application we*

welcome the opportunity to work with the landowner on delivering this development.

### **Transport comment 23/08/2012**

Transport has no objections to the proposed application subject to the following:

Midlothian Council has expressed the view that the proposed residential development is premature and has raised a number of concerns with regard to the proposed residential development and has requested mitigation measures to address the following:

- 1.lack of footways along The Wisp;
- 2.accident record on The Wisp, particularly at the Millerhill Road and Old Dalkeith Road junctions;
- 3.signalised junction capacity at The Wisp / Old Dalkeith Road junction.

It is considered that, whilst Midlothian Council's concerns are legitimate, it would be unreasonable to expect this development to mitigate all the above concerns. In the main, these concerns relate to the impacts of substantial future developments such as Shawfair which will not be progressed for some time. I would therefore expect this development to make appropriate contributions towards possible mitigation measures to address the impacts of the developments, as set out below (see legal agreement 1a and 1b).

#### *Legal Agreement*

1.Consent should not be issued until the applicant has entered into a suitable legal agreement to provide the following:

a. a 2m wide footway linking the development to Edmonstone Road, a distance of approximately 60m at no cost to the Council or Midlothian Council. The works to be completed to the satisfaction of the Head of Planning prior to first occupation of the residential development. The design and specification to be agreed in writing by the Head of Planning;

b. a contribution of £55,000 towards transport mitigation measures to address the concerns set out above;

c. a toucan crossing on Old Dalkeith Road at no cost to the Council at a suitable location and including any necessary relocation of bus stops and pedestrian islands and including a suitable cycle and pedestrian link to Old Dalkeith Road / Ferniehill Avenue. The crossing and associated works to be operating to the satisfaction of the Head of Transport prior to first occupation of the residential development. The location, design and specification (including electrical) to be agreed in writing by the Head of Transport;

d. a £2,500 contribution to progress a suitable traffic order to designate parking spaces for disabled persons' vehicles;

*e. a £2,500 contribution to progress a suitable traffic order to introduce waiting and loading restrictions at suitable locations as required;*

*f. a £2,500 contribution to progress a suitable traffic order to introduce a 20mph speed limit within the development;*

*g. a suitable contribution to enable Midlothian Council to progress a traffic order to amend the speed limit on The Wisp and amend signs and markings as appropriate. All at no cost to either Council.*

*Conditions and informatives:*

*The following should be included as conditions or informatives as appropriate:*

*1. All roads are expected to be designed in accordance with Designing Streets and are to be designed to 20mph standard. A Stage 2 Quality Audit will be required in accordance with Designing Streets. Note that Designing Streets states that a Stage 2 Quality Audit should be provided as part of the detailed planning application;*

*2. Suitable cycle and motor cycle parking (e.g. garages) to be provided within the curtilage of individual properties. Cycle and motor cycle parking design, numbers, location and specification to be to the satisfaction of the Head of Planning;*

*3. It is noted that the existing archway is proposed as the access to the walled garden site. The clearance is approximately 4.4m maximum whereas current road standards require a minimum height clearance of 5.7m. However, in view of the written confirmation of acceptance from the Chief Fire Officer and the Council's waste management service, I am prepared to accept the reduced height in this case. The applicant should note that appropriate height restriction and advanced warning signs will be required. A structural assessment and approval will be required as part of the Road Construction Consent application in due course;*

*4. The applicant should be aware that new road names will be required for this development and they should be asked to discuss this with the Council's Street Naming and Numbering Team at an early opportunity. Street naming is likely to influence the progression of any traffic regulation orders;*

*5. The Disabled Persons Parking Places (Scotland) Act 2009 places a duty on the local authority to promote the proper use of parking places that are designated or provided for use only by disabled persons' vehicles. A traffic order will be required (estimated at £2,500), at no cost to the Council, to permit the disabled persons' parking places to be enforced under this legislation. On-street disabled bays must be marked out in accordance with the Traffic Signs and General Directions 2002;*

6. *The applicant must be informed that the proposed on-street spaces within the site cannot be allocated to an individual property, nor can they be the subject of sale or rent. The spaces will be available to all road users including visitors. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street parking spaces, whether the road has been adopted or not. The developer will be expected to make this clear to prospective residents and tenants;*

7. *Road construction consent:*

a. *all accesses must be open for use by the public in terms of the statutory definition of 'road' and will be the subject of applications for road construction consent (RCC) including materials, layout, design, specification, drainage, SUDS, lighting etc. For the avoidance of doubt, the current RCC application for the road from The Wisp to the care home and hospital will be included as serving residential development;*

b. *clarification of the extent of roads subject to RCC will be required and will include the access within the walled garden;*

c. *it is noted that application has already been made for construction of a road leading to the development from The Wisp. This will require modification in due course to accommodate the new layout;*

d. *an appropriate Road Bond will be required for the roads as they are to serve a residential development. No construction of the residential element will be permitted until a suitable Road Bond has been provided and RCC has been granted (as per The Security for Private Road Works (Scotland) Regulations 1985 as amended). The value of the bond will be calculated on the outstanding work to be completed at that stage. For the avoidance of doubt, this will apply to the entire length of road from The Wisp and including pedestrian and cycle access to Old Dalkeith Road;*

e. *appropriate structural approval will be required for the existing archway access to the former walled garden;*

f. *swept path analysis will be required, particularly with regard to refuse and emergency vehicle access to the former walled garden site;*

g. *suitable lighting will be required for pedestrian / cycle access to the development from Old Dalkeith Road. Note that bollard lighting is not acceptable.*

*Note: the proposed parking provision of 234 spaces for 114 units complies with current Council standards for Zone 5c.*

## Representations

The application was advertised on 18 May 2012. One letter of objection was received from the Cockburn Association and one letter of comment was received from a resident in Gracemount.

The material points of objection/concern are:

- a. Issues of principle, taken account of in assessment a.;
- strong presumption against housing in the green belt
  - the previous consents for the care home and care village do not establish a precedent for allowing housing in the green belt (these were approved on grounds of a specific need for that type of facility)
  - the site has been discounted for housing in the emerging LDP
  - other sites are available for housing in the area
  - site will become an increasingly important green space as the South East Wedge is built out.

***Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.***

## Planning Policy

The development plan comprises the approved Edinburgh and the Lothian Structure Plan 2015 and the adopted Edinburgh City Local Plan.

The site lies within the Edinburgh Green Belt and is allocated as part of a Local Nature Conservation Site in the Edinburgh City Local Plan. Part of the site is also allocated as part of Open Space Proposal OSR4 - South East Wedge Parkland.

The site is identified as a Candidate Special Landscape Area: Edmonstone (cSLA 20) in the Review of Local Landscape Designation January 2010.

Scottish Planning Policy sets out the Governments planning policy for housing including affordable housing and housing land audits. Green Belts (Para. 163) Identifies the uses acceptable within the greenbelt, specifically those that support diversification of the rural economy. SPP also identifies that where a proposal would not normally be consistent with green belt policy, it may still be considered appropriate either as a national priority or to meet an established need if no other suitable site is available.

PAN 2/2010: Affordable Housing and Housing land Audits sets out tests in relation to effective land supply. To be effective, it must be demonstrated that within the five year date beyond the date of the audit the site can be developed for housing (i.e. residential units can be completed and available for occupatio), and will be free of constraints on the following basis:

- ownership;
- physical;
- contamination;
- deficit funding;
- marketability;
- infrastructure; and
- land use.

### **Relevant Policies:**

#### **Relevant policies of the Edinburgh and Lothians Structure Plan**

Policy HOU8 presumes against new housing on greenfield sites other than to meet Policy HOU1 and HOU3 requirements.

Policy HOU10 aims to maintain a five year land supply for Edinburgh and the Lothians by supporting the development of housing land consistent with the strategy.

Policy ENV1D states that local plans should include policies for protecting and enhancing Regional and Local Natural Built Environment Interests.

Policy ENV2 presumes against development in the Green Belt unless necessary for the purpose of agriculture, forestry, countryside recreation or other uses appropriate to the rural character of the area

#### **Relevant policies of the Edinburgh City Local Plan.**

Policy Hou 1 (Housing Development) supports housing on appropriate sites in the urban area, and on specific sites identified in the Plan.

Policy Hou 2 (Housing Mix) requires the provision of a mix of house types and sizes in new housing developments.

Policy Hou 3 (Private Open Space) sets out the requirements for the provision of private open space in housing development.

Policy Hou 4 (Density) sets out the factors to be taken into account in assessing density levels in new development.

Policy Hou 7 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

Policy Com1 (Community Facilities) sets requirements for the provision of community facilities associated with large scale residential development, and the protection of existing community facilities.

Policy Com2 (School Contributions) sets the requirements for school contributions associated with new housing development.

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

Policy Env 7 (Historic Gardens & Designed Landscapes) establishes a presumption against development that would be detrimental to Historic Gardens and Designed Landscapes.

Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

Policy Env 10 (Green Belt) identifies the types of development that will be permitted in the Green Belt.

Policy Env 11 (Landscape Quality) establishes a presumption against development which would adversely affect important landscapes and landscape features.

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

Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

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

Policy Env 17 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Policy Env 18 (Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effective development of adjacent land or the wider area.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 4 (Layout Design) sets criteria for assessing layout design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Des 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

Policy Des 8 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Policy Tra 6 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Policy Inf 6 (Water & Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

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

**Non-statutory guidelines** DEVELOPMENT IN THE COUNTRYSIDE AND GREEN BELT, provide guidance on development in the Green Belt and Countryside in support of relevant local plan policies.

**Non-statutory guidelines** 'The Craigmillar Urban Design Framework' sets out a vision and principles for development of the Craigmillar area.

**NSESBB Non-statutory guidelines** Part B of 'The Edinburgh Standards for Sustainable Building' sets principles to assess the sustainability of major planning applications in Edinburgh

**Non-statutory guidelines** on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

## Appendix B



**Application Type** Planning Permission  
**Application Address:** Land At Edmonstone Estate  
Old Dalkeith Road  
Edinburgh

**Proposal:** Residential development with associated roads and landscaping.

**Reference No:** 12/01624/FUL

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### Conditions/Reasons associated with the Recommendation

It is recommended that this application be Refused by Committee, for the reasons below.

#### Reasons:-

1. The proposal is contrary to policies ENV 2 and HOU 8 of the Edinburgh and the Lothians Structure Plan and policy Env 10 of the Edinburgh City Local Plan CLP as there are no compelling reasons to override the strong policy presumption against development in the Green Belt. The housing need in South East Edinburgh is being met through the new Local Development Plan. The previous consent does not establish any precedent for development of general housing in the Green Belt and the site is not effective due to current infrastructure constraints.
2. The proposal is contrary to Edinburgh City Local Plan Policy Env 11 Landscape Quality as it will harm the landscape character of the site which is a candidate Special Landscape Area in recognition of the special character and relative value of this historic designed estate landscape.
3. The proposal is contrary to Edinburgh City Local Plan Policy Des 6 and the Edinburgh Standards for Sustainable Building as the proposals fail to satisfy the Essential Criteria in terms of Energy Needs as set out in the Council's Sustainability Statement Form.

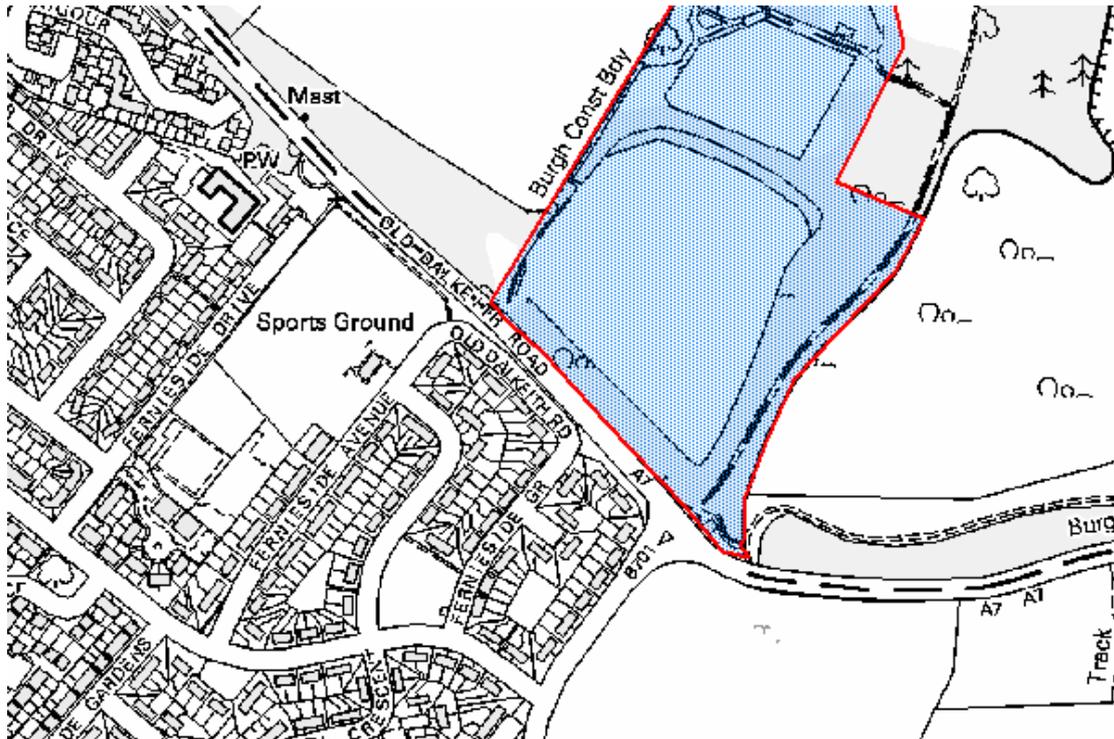
**End**

## Appendix C

**Application Type** Planning Permission

**Proposal:** Residential development with associated roads and landscaping.

**Reference No:** 12/01624/FUL



### Location Plan

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