

Development Management Sub-Committee Report

Wednesday 7 December 2022

**Application for Planning Permission
5 Winton Drive, Edinburgh, EH10 7AL.**

Proposal: Demolition of the existing building and erection of a 62-bed care home with associated parking and landscaping.

**Item – Committee Decision
Application Number – 22/02335/FUL
Ward – B08 - Colinton/Fairmilehead**

Reasons for Referral to Committee

This planning application requires to be considered by Development Management Sub Committee because there are more than six material support comments and the recommendation is to refuse planning permission.

Recommendation

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

Summary

The proposal does not comply with the development plan. The principle of development is acceptable. However, the scale and massing are not compatible with the established character and spatial pattern of the surrounding area. The proposal does not draw upon the positive qualities of the area and will have a detrimental effect on the character of its surroundings. It will have an adverse impact on the setting of the conservation area and the streetscape. The impact on the existing trees is unacceptable and the proposed planting will be unable to revitalise the semi-rural and natural environment character of the site, street and surrounding area. There are no amenity, transport or flooding/drainage issues. Overall, the proposal does not comply with the development plan. Therefore the application is unacceptable and refusal is recommended. There are no other material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is located on the corner of Winton Drive and Winton Loan, off Frogston Road West near Fairmilehead crossroads. The 0.46ha site slopes gently downwards to Winton Loan. It comprises a detached dwellinghouse and its extensive garden ground. The dwellinghouse, dating from 1930s, is vacant and the garden overgrown. There is a stone boundary wall along Winton Drive and part of Winton Loan with the rest of Winton Loan frontage being a lower render wall with timber fencing on top. Trees and some large shrubs are found parallel along the boundary. Trees on the north and east of the site have been felled. Several remaining trees are protected by Tree Preservation Orders (TPOs). Two vehicular accesses exist: one on Winton Drive and one on Winton Loan.

The street and immediate surrounding area are residential. Opposite the site to the south is a woodland area on Winton Loan and beyond that farmland and then the City Bypass. The wider surrounding area is predominantly residential with some other uses, such as place of worship, class 2 uses (spa/wellbeing) and offices. To the south and east lies Morton Mains Conservation Area and Edinburgh Green Belt.

Description of the Proposal

The proposal is to demolish the dwellinghouse and build a 62-bedroom care home. It will be three storeys high plus both an attic level and lower ground floor/basement. There will be associated parking located in the basement and landscaping. An area of green wall is proposed on the east elevation near the entrance.

Each floor level will have communal areas, such as dining room, day rooms and quiet rooms, as well as bedrooms. On the ground floor there will also be a reception and many of the bedroom's will have direct access to a patio.

Dining facilities, lounge/seating area and a cinema will be located on the top (attic) floor level and there will be a balcony/roof terrace to the front within the attic roofscape.

Two vehicular accesses will be formed on Winton Road. Parking will be provided in the lower ground floor (basement) for 25 vehicles, 20 cycles, 3 motorcycles and 4 mobility scooters. Three electric vehicle charging points will be provided including one at a disabled persons parking space. Access will be by a ramp. Five cycle parking racks for 10 bicycles will be provided in the south east corner of the site near the access from the street.

Services, such as plant and refuse storage, and the kitchen will also be located in the lower ground floor/basement.

Materials proposed are ashlar sandstone, smooth white render, fibre cement cladding light grey, concrete roof tiles, uPVC anthracite grey framed windows/doors, and glass balustrade.

Scheme 2 - revised scheme

Revised drawings to include location of kitchen supply/extract.

Supporting Information

- Arboricultural Report
- Capacity Check (re: Scottish Water)
- Demand-demographic report
- Design and Access Statement
- Energy Report
- Landscape (visual appraisal)
- Planning Statement
- Preliminary Ecological Appraisal
- SUDS-Drainage Strategy Report
- Transport Statement
- Tree survey schedule
- Site Walkover survey
- Site Investigation Report
- Air Source Heat Pump (ASHP) Technical Specification, Datasheet & location

Relevant Site History

No relevant site history.

Other Relevant Site History

None.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Economic Development

Transport Planning

Archaeology

Environmental Protection

Flood Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 24 May 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 27 May 2022;

Site Notices Date(s): 24 May 2022;

Number of Contributors: 298

Section B - Assessment

Determining Issues

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

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

a) The proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policies Env 7, Env 8, Env 9, Env 11, Env 12, Env 16, Env 21
- LDP Housing policies Hou 7, Hou 10
- LDP Design policies Des 1, Des 3, Des 4, Des 5, Des 6, Des 9
- LDP Transport policies Tra 2, Tra 3, Tra 4

The Listed Building and Conservation Area non statutory guidance is a material consideration that is relevant when considering policy Env 6. The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering the design, transport and most of the environment policies.

Principle of Development

LDP Policy Hou 10 (Community Facilities) seeks to ensure that housing developments go hand in hand with the provision of a range of community facilities when this is practicable and reasonable in order to foster community life. Whilst this is an established area of housing, the aim of the LDP plan is to create sustainable communities. The provision of a local care home is an important function within a community and relatives should be able to walk or cycle to see their relatives in care homes. The proposal is compatible with the objectives of LDP Policy Hou 10.

The intention of LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) is to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas. A care home will provide residential accommodation on a current residential site in a residential area and, as such, is a compatible land use. Although it will be commercial in terms of staffing and providing on site facilities, these will be required for the residents. Whilst the care home could be viewed as a change of use to commercial, residents will be living on the site, and this is acceptable in a residential area.

The proposal complies with LDP policies Hou 10 and Hou 7. However, it does not comply with other relevant LDP policies and, therefore, the proposed development is not acceptable in this location.

Setting of conservation area

LDP Policy Env 6 (Conservation Areas - Development) relates to development both within a conservation area and that affecting its setting. This includes preserving features, such as trees, which contribute positively to the character of the conservation area and where design and materials are appropriate to the historic environment.

As the application site is not within the conservation area, an assessment in relation to the statutory tests of Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is not required.

The general principles set out in the Listed Building and Conservation Area non-statutory guidance do not specifically include reference to the setting of the conservation area. However, they provide an appropriate guide in terms of the impact a development may have on the character and appearance of the conservation area. It states that interventions need to be compatible with the historic context, not overwhelming or imposing.

Morton Mains Character Appraisal states that, "The main approach to the conservation area is along Winton Loan. This was part of the original tree lined avenue to Morton House. The north side is now developed but with villas set in large gardens, so it is still possible to get a sense of leaving the city and entering a country estate."

The site used to be part of the Morton House Estate and Winton Loan formed the main entrance to this estate. Trees belts/ woodland flanked this lane on either side and some of these trees still exist today. The woodland opposite the application site is included in the conservation area boundary. The proposed development will change the character of the approach to the conservation area and woodland setting.

Thus the setting will be eroded as the proposed development will result in a dominant feature at the boundary to the conservation area detracting from special features of the woodland and trees of the conservation area. The proposal will not contribute positively to the character of the area.

The loss of trees on the application site is addressed later in this report.

The proposal does not comply with LDP Env 6 as it will detract from the setting of the conservation area.

Scale, form and design

Design policies Des 1 (Design Quality and Context), Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features), Des 4 (Development Design - Impact on Setting) and Des 6 (Sustainable Buildings) in the LDP aim for developments to create or contribute to a sense of place, incorporate or enhance existing and potential features, have a positive impact on surroundings, be of appropriate design and density, and be sustainable.

LDP Policy Des 1 seeks development that will create or contribute to a sense of place and draws upon the positive characteristics of the surrounding area. The proposed building will be much larger both in footprint and massing compared to surrounding buildings. It will dominate the streets next to the corner plot and will not respect the prevailing spatial character. Although one storey will be basement level and the top floor incorporated as an attic level, the building will still appear as three full storeys in height. This is much higher than the prevailing and established height in the immediate surrounding area. It is acknowledged that the building has been set down making use of the sloping site to reduce its height in comparison to neighbouring buildings and that its roof matches the height of the roof of the neighbouring property on Frogston Road West. However, the buildings in Winton Drive step down as the land and street steps downhill. In the context of the prevailing height of surrounding buildings, the proposed building will be out of character and dominate the street.

Whilst the proposed building will contribute towards a sense of place, offering residential health facility, in terms of the individual building as a destination, it will not be located near other local community facilities and, therefore, will not contribute to a sense of place.

The proposal does not comply with LDP policy Des 1.

LDP Policy Des 4 seeks development to have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views. The policy states that regard will be taken of height and form, scale and proportions, position of the building on the site and materials and detailing. The immediate surrounding area has a semi-rural character with mostly detached villas in large plots. It is not a densely developed area nor has it high buildings. The proposed building will occupy approximately a third (32%) of the plot with the bulk of the garden ground being to the west fronting Winton Drive and token space/landscaping around the other sides of the buildings. Taking into account the hard landscaping of the driveways and paved areas the building will occupy around 40% of the site. This is much higher than the building to plot ratio in the surrounding area, where the dwellinghouse generally occupy less than 10% of the plot.

Whilst some 1-2-storey houses/ villas have been built in the northwest corner of the Morton Mains estate (bounded by Frogston Road West/ Winton Drive/ Winton Loan), these villas are set in large gardens which remain largely intact with mature trees. There has been very little infill development. The proposal is out of character with the established pattern of development.

Materials and proposed boundary treatments as detailed in the submitted drawings are acceptable. Bin/refuse storage will be integral to the building. The Waste Strategy is the responsibility of the developer/operator.

The proposal fails to draw upon the positive characteristics of the surrounding area and is of an inappropriate design which would damage the character and appearance of the area. The proposal is not compatible with the established character of the streets or surrounding area. It will result in an incongruous feature in the streetscape.

The proposal does not comply with LDP policy Des 4.

LDP Policy Des 3 aims to retain and incorporate existing features worthy of retention and enhanced through the design. Mature trees contribute to the character of the site and the streets. Many trees on the eastern and northern part of the site have been felled and this has changed the character and visual amenity of the site. Trees, covered by the TPO, will be retained on the western side and southern side of the site and will be incorporated into the proposed landscaping. Garden and landscaped areas will be positioned next to and near these existing trees incorporating them into the proposed landscaping. However, there is insufficient open space to plant large dominant long-lived species that can grow to full maturity, and this will prevent the trees from retaining the character of the site and surrounding area.

Given the site's proximity to the green belt, an historic garden and designated landscape site, a Special Landscape Area and open space (other Semi-Natural Green Space) it has a rural feel which will be compromised with the scale of the proposed development on a corner site which rises northwards and its proximity to the countryside. Mature trees are important to the visual amenity and established character of the site, street and surrounding area. The formation of the basement level and the associated groundworks will impact on the existing trees and their root protection areas (RPAs). Further tree loss would completely change the character of the site and reduce the leafiness of the street and immediate surrounding area.

A Landscape and Visual Impact Assessment was submitted in support of the application. The site is enclosed with visual containment which relies mainly on the existing woodland and trees outwith the site such as the well-established woodland to the south and east and the prolific amount of mature garden trees and vegetation in the large garden plots to the villas to the east and north of the site. The site itself has been compromised with tree losses already incurred and further tree loss, together with insufficient open space to plant large long-lived species and adverse impact on root protection areas, will reduce the landscape screening effect. Whilst the site cannot be seen in long-distance views, it will be very visible and apparent in local views, including from the entrance to Winton Drive at Frogston Road West and at the junction with Winton Drive/Winton Loan. The proximity of the building to the south boundary (approx. 4-5m) makes the building even more imposing with inadequate width left for adequate existing and new trees to screen it.

Some of the visualizations and photomontages have not accurately reflected the proposed tree losses and so it is likely that the building will become more visible due to the loss of Category C trees.

The positioning of the application site in an area already built up with houses and sitting on a slightly sloping site, is not expected to result in the loss of a public view from the Pentlands to the City nor from the City to the Pentlands. However, the building will appear prominent in local views, particularly as it will sit in close proximity to the southern boundary.

LDP Policy Des 6 looks for development to meet the reduction of emissions targets and incorporate other features that will reduce or minimise environmental resource use and impact. The building will be sustainable in terms of energy source and energy efficiency, using ASHPs and solar panels. It will be required to meet the latest Building Regulations for new buildings in terms of energy efficiency. There is no requirement as part of this policy to assess the impact on the use of energy, carbon emissions or impact on climate change from the demolition of the existing dwellinghouse. The proposal complies with LDP policy Des 6.

The proposal does not comply with LDP policies Des 1, Des 3 or Des 4, although it does comply with LDP policy Des 6.

Trees, Natural Environment and Biodiversity

LDP Policy Env 12 (Trees) aims to prevent damaging impact of development on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention and LDP Policy Des 3 (Incorporating and Enhancing Existing and Potential Features) seeks to incorporate or enhance existing characteristics and features worthy of retention on the site.

Trees on the east of the site and along the south boundary are protected by a Tree Preservation Order (TPO 7).

New tree planting is proposed and there is a concern that the trees may be unable to grow to full maturity due to insufficient open space and the proximity of the proposed building and other hard works. It is likely that once they reach maturity they will need to be removed and/or thinned out. The root protection areas and canopies would be compromised due to the lack of space caused by the size and positioning of the building and the associated hardstandings. As well as the impact on the trees themselves, constraining the growth of the trees would impact on the visual amenity and character of the site and nearby streets. It is recommended that a condition be used requiring a Tree Protection Plan and Arboricultural Mitigation Study should planning permission be granted.

The scale of the development and impact on both existing mature trees and new trees proposed will impact on the semi-rural character of the street and, thus, the setting of the Green Belt.

The proposal does not comply with Env 12 or Des 3.

LDP 16 (Species Protection) aims to ensure that proposed development will not have an adverse impact on species protected under European or UK law.

This development will have an effect on a European protected species, in this case bats. The Habitats Regulations 1994 will require the applicant to carry out the works under a bat licence (Bat Low Impact Licencing (BLIMP)). Prior to undertaking the works, it will be necessary for the applicant to be in receipt of planning permission. An informative is recommended should planning permission be granted relating to European Protected Species licence, or a Bat Low Impact Licence, and a statement from Nature Scot to protect the ecological interest in accordance with LDP policy Env16.

LDP Policy Des 9 (Urban Edge Development) seeks to include landscape improvements proposals that will strengthen the green belt boundary and contribute to multi-functional green networks by improving amenity and enhance biodiversity. Natural environment and Biodiversity enhancements to the proposed landscaping are recommended using native planting to provide and enhance the habitat for species. A condition is recommended to require a suitable landscape plan and planting schedule, should planning permission be granted.

Use of appropriate lighting is required for the development. The site in its current condition creates a natural dark space beneficial to nocturnal species such as bats due to the boundary of woodland and unlit grounds. Artificial lighting can often impact the foraging and commuting behaviour of nocturnal mammals such as bats. Therefore, it is recommended that a condition be attached to any forthcoming permission relating to times during which the lighting is on should be limited to provide some dark periods.

The proposal with the use of appropriate conditions, would comply with LDP policies Env 16. However, it does not comply with LDP policies Env 12, Des 3 and Des 9.

Amenity

LDP policies Hou 7 (Inappropriate Uses in Residential Areas) and Des 5 (Development Design- Amenity) aim to ensure that developments do not have a materially detrimental effect on the living conditions of nearby residents and do not adversely affect neighbouring amenity in relation to noise, daylight, sunlight, privacy or outlook. Des 5 also aims to ensure future occupiers have a sufficient living environment.

Neighbouring Amenity

Nearly all the overshadowing will fall within the application site. There will be some loss of sunlight to neighbouring gardens, and this is within acceptable limits outlined in the Edinburgh Design Guidance. Although the building is large, it is not so close to boundaries that it will impact on the immediate outlook from neighbouring properties. Private views, e.g., of the Pentland Hills, are not protected in LDP policies.

Environmental Protection has advised that it has no objections to the proposed development. The positioning of the ASHPs will not create noise for neighbouring properties and the kitchen ventilation system will control odours and meets the requirements of Environmental Assessment.

The proposal complies with LDP policies Hou 7 and Des 5.

Amenity of future occupiers

The Edinburgh Design Guidance advises that attention should be paid to the orientation of care homes and long-term residential homes. Residents should be able to access a garden space that is attractive, welcoming, well-lit by natural light throughout the year, and which allows a circuitous walking route to be created.

The provision of a care home is not subject to the minimum floor space standard as contained in the Edinburgh Design Guidance.

Open space and landscape gardens will provide outdoor space for future occupants. There will also be outdoor space in the form of a roof terrace accessed from the dining room and many ground floor rooms will have direct access to a patio and the landscaped gardens. Some of the open space will sometimes experience shading due to overshadowing from the proposed building and from the trees to the west and woodland to the south. However, overall, the garden areas will provide usable outside space for residents.

The rooms will be single occupant rooms and will be of single aspect. Outlook will be on to the associated care home garden, on to the street and further views beyond towards the woodland opposite, neighbouring gardens, fields and Pentland Hills.

A sufficient living environment will be afforded to future occupants in terms of LDP policy Des 5.

Transport, Parking and Road Safety

LDP Policies Tra 2- Tra 4 set out the requirement for private car and cycle parking.

The Edinburgh Design Guidance sets out the parking standards.

The Roads Authority has advised that it has no objections to the application subject to conditions or informatives relating to a Travel Plan, Disabled Persons Parking Places and the access junction connections. Sufficient information was provided to enable the Roads Authority to consider the proposal and provide comment.

The application site is in Zone 3 of the Council's parking standards. The development proposes 16 spaces including 3 accessible spaces, and 2 Electric vehicle charging points which complies with standards. The development proposes 10 cycle stands giving 20 spaces which exceeds the minimum of 4 cycle spaces. The development proposes 3 motorcycle spaces which complies with standards. Based on the information from other care homes of the operator, where 1 in 3 staff drive to work, 21 staff will be the maximum staff on site equating to 7 car parking spaces. Parking standards are met.

Public transport is available on Frogston Road West with frequent service 11 to city centre and 400 to airport via Gyle.

Road safety was raised in the public comments relating to visibility at existing junctions and Winton Drive being the only access for the Winton area to Frogston Road West. The Roads Authority has not raised these matters in relation to the impact of the proposed development.

The proposal is not a significant trip generating development and no infrastructure improvements or developer contributions are required. Therefore, LDP policies Del 1 and Tra 8 are not applicable.

It is acknowledged that the street along Winton Loan is quiet and that there will be two vehicular access to the site from this street which will increase trips to the site and result in pedestrians having to cross the access points. Currently there is an access from Winton Road which is not used. An informative is recommended, should permission be granted, that the developer carry out the accesses to the standards contained in Edinburgh Design Guidance. A permit will also be required from the Roads Authority to carry out any works in the public road, including the pavement/footway.

The proposal complies with Tra 2 - Tra 4.

Archaeology

LDP Policies Env 9 (Development of Sites of Archaeological Significance) and Env 8 (Protection of Important Remains) seeks to protect and safeguard significant archaeological features/remains.

The City Archaeologist has advised that the proposed development is in an area of archaeological significance and recommends a condition to ensure that a Programme of Archaeological Works is undertaken, should planning permission be granted.

Flooding and Drainage

LDP Policy Env 21 (Flood Protection) seeks to ensure that that a development does not result in increased flood risk for the site being developed or elsewhere.

Flood Planning has advised that the information provided, including additional information, satisfies its previous comments and that this application can proceed to determination, with no further comments from CEC Flood Prevention. Therefore, there are no flooding or drainage issues with the proposal.

The proposal complies with LDP policy Env 21.

Conclusion in relation to the Development Plan

The principle of development in this location is acceptable. However, as the proposal does not comply with the Development Plan as it does not comply with other policies in the LDP. The scale and massing are not compatible with the established character and spatial pattern of the surrounding area. The proposal does not draw upon the positive qualities of and will have a detrimental effect on the character of its surroundings. The proposal will have an adverse impact on the setting of the conservation area and the streetscape. The impact on the existing trees is unacceptable and the proposed planting will be unable to revitalise the semi-rural and natural environment character and the setting of the site, street and surrounding area. There are no amenity, transport or flooding/drainage issues. Overall, the proposal does not comply with the development plan.

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

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal does not comply with Paragraph 29 of SPP. It is over-development of the site, is not of a good design and will not protect natural heritage.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

The Planning Committee considered the objections received to City Plan 2030 on 30th November 2022. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010.

Public comments have raised the impact on mental health and wellbeing of neighbouring residents and future occupiers. For neighbours the impact is negative, such as stress from ambulances going to and from the care home. For future residents, the impact is both positive and negative, such as access to gardens and lack of bedrooms for couples.

There is also an impact on families such as being able to keep an elderly relative in the local area or having to move the relative to a care home outwith the local area, as currently happens.

Cost of care could be a deterrent to those unable to pay for care in the proposed care home. The planning authority has no recourse in terms of the costs that residents will pay and, as such, is not in a position to use mitigation measures to address this matter.

Weighing up the impacts of the proposed development on those with protected characteristics does not outweigh the unacceptable and harmful impact of the scale, form and design and its impact on the character and appearance of the street and neighbourhood.

No equalities or human rights issues have been raised that outweigh the recommendation to refuse planning permission and, therefore, grant planning permission.

Public representations

A summary of the representations is provided below:

material considerations

objections - material

- principle of development: - contrary to policies Hou 10 and Hou 7; change of use from residential to commercial; community/health facility benefit/no benefit. Addressed in section a).
- design: - too high, too large; out of character and proportion with character and appearance of area; overdevelopment; impact on key views; visual impact; impact on landscape setting; demolition; density; contrary to public realm and landscape design; contrary to policies Des 1, Des 3, Des 4, Des 9. Addressed in section a).
- -conservation area: - impact on setting of Morton Mains Conservation Area; contrary to Env 6. Addressed in section a).
- amenity: - overlooking; loss of privacy; immediate outlook/ impact on visual amenity; loss of sunlight & daylight; overshadowing; noise & disturbance; smells/odours; security lighting/light pollution; security; personal/community safety; contrary to Des 5. Addressed in section a).
- trees, natural environment and biodiversity: - loss of trees; impact on remaining trees; loss of habitat & wildlife; contrary to/compliance with Edinburgh Biodiversity Action Plan; contrary to Des 3; impact on green belt boundary. Addressed in section a).
- environmental impact of demolition and construction. Addressed in section a).- impact on environment, wildlife and climate. Addressed in section a).
- -parking: - insufficient parking; contrary to Tra 2; Addressed in section a).
- -traffic & road safety: - increased traffic; congestion; traffic movement and manoeuvres; no Travel Plan; reduction of private car use. Addressed in section a).
- drainage- impact on sewage systems/increase load of drain/ underground streams/water. Addressed in section a).
- waste bins -Addressed in section a).
- Equalities and human rights: - impact on mental health and wellbeing to neighbours and on future residents. Addressed in section b).
- -information misleading and inconsistent with drawings. *Sufficient information has been provided to enable assessment of application. Background Papers are not consented as part of planning permission. Drawings would be consented.*

Community Council - objections

- Design - dominating neighbourhood; imposing; not in keeping with other properties in neighbourhood; development footprint; no consideration of upgrading and re-using villa; contrary to design policies Des 1, Des 4, Des 5, Des 9. Addressed in section a).
- Negatively impact on conservation area and green belt; contrary to policies Env 6, Env 7 and Env 11. Addressed in section a).

- Negative impact on environment. Addressed in section a).
- Traffic and parking. Addressed in section a).
- Not a brownfield site - is a residential property. *Noted.*

support

- Principle of development:- should be in a residential area; ideal location.
- Economic benefit: - jobs; use local facilities.
- Design: - good design; fits in with surroundings; plot ratio/spatial character.
- High level of amenity for future residents.
- Provides a community facility.

non-material considerations

- care home demand/need for care home.
- site selection/suggested other location(s).
- contrary to Env 5 (demolition of buildings in CA). *Not in a CA, therefore policy not applicable.*
- contrary to Env 18 (Open space Protection) and associated Del 1 Developer Contribution. *Policies not applicable.*
- contrary to Ret 1 Town centres first policy. *Policy not applicable.*
- contrary to Des 12 (alterations and Extensions). *Policy not applicable.*
- contrary to Hou 4 (Housing Density). *Policy not applicable - relates to housing developments. Density addressed in section a)*
- contrary to Des 11 (Tall Buildings). *Not classed as a tall building.*
- existing roads, road conditions & road safety. This is responsibility of the Roads Authority.
- City Plan 2030 - analysis and policies. *City Plan not adopted and policies not applicable.* Future policy suggestion.
- 20-minute neighbourhoods. *There is no applicable LDP policy and NPF4 not yet completed parliamentary process.*
- loss of private views. Not protected by LDP policies.
- future developments and impact on Green Belt and conservation area. suggested other development.
- waste management.
- rats in area.
- construction works impact.
- cost of living in care home.
- staffing:- wages & shortages.
- private sector supply of care homes, local authority funded residents, local government care home policy, Care Commission.
- preserve current housing stock. *There are no LDP policies on loss of housing.*
- local facilities for residents
- consultation with local GPs, pharmacy? *Consultation and discussions undertaken with NHS re: primary healthcare as part of development plan process. No consultation was undertaken for application.*
- Winton Woodland Trust membership, ownership, disposition. increased footfall will damage woodland. *The woodland is in private ownership and responsibility for maintenance and access lies with the Trust.*

Non-material support comments:

- -Need for care home in EH10/local area.
- -Care home built to current legislation.
- -Good care in Northcare homes; reputable provider.
- -Well balanced application.
- -Development beneficial.
- -Need covid friendly nursing homes.
- -Good environment for elderly to engage with locals.

Conclusion in relation to identified material considerations

There are no material considerations that indicate the application should be granted. The material considerations support the presumption to refuse planning permission.

Overall conclusion

The proposal does not comply with the development plan. The principle of development is acceptable. However, the scale and massing are not compatible with the established character and spatial pattern of the surrounding area. The proposal does not draw upon the positive qualities of the area and will have a detrimental effect on the character of its surroundings. It will have an adverse impact on the setting of the conservation area and the streetscape. The impact on the existing trees is unacceptable and the proposed planting will be unable to revitalise the semi-rural and natural environment character of the site, street and surrounding area. There are no amenity, transport or flooding/drainage issues. Overall, the proposal does not comply with the development plan. Therefore, the application is unacceptable and refusal is recommended. There are no other material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal: -

1. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as it will not contribute to a sense of place and does not draw on the positive characteristics of the surrounding area.
2. The proposal is contrary to the Local Development Plan Policy Des 4 in respect of Development Design - Impact on Setting, as its scale and massing is not in keeping with the character of the surrounding area and will dominate the streetscape.

3. The proposal is contrary to the Local Development Plan Policy Des 3 in respect of Development Design - Incorporating and Enhancing Existing and Potential Features, as existing features (trees) have not been enhanced through its design.
4. The proposal is contrary to the Local Development Plan Policy Env 12 in respect of Trees, as it will have an adverse impact on canopies and root protection areas of the TPO trees.
5. The proposal is contrary to the Local Development Plan Policy Des 9 in respect of Urban Edge Development, as it will detract from the character of the semi-rural street and landscape setting of the green belt.
6. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it will have an adverse impact on the setting, boundary and entrance of conservation area.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 18 May 2022

Drawing Numbers/Scheme

01-05,06A-10A,11-12,13A,14,15A-17A,18-21,22A-27A,28-30.

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jackie McInnes, Planning officer
E-mail:jackie.mcinnnes@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Economic Development

COMMENT: We wouldn't expect it to have a significant economic impact.

DATE: 29 July 2022

NAME: Transport Planning

COMMENT: No objections - subject to conditions or informatives as appropriate relating to:

- Travel Plan;
- Disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009; and,
- access junctions connections.

DATE: 4 November 2022

NAME: Archaeology

COMMENT: The development will require significant groundbreaking works associated with both demolition and development which could reveal prehistoric archaeological remains.

It is recommended that the following condition is attached if permission is granted to ensure that this programme of archaeological mitigation is undertaken:

"No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building survey excavation, analysis & reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority."

DATE: 6 June 2022

NAME: Environmental Protection

COMMENT: Environmental Protection do not object to the proposed development.

DATE: 27 September 2022

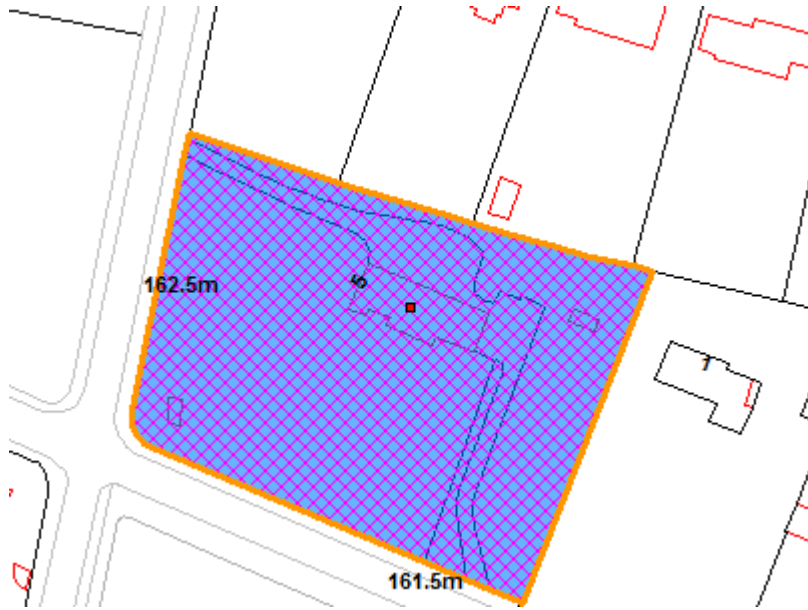
NAME: Flood Planning

COMMENT: The additional information satisfies our previous comments. This application can proceed to determination, with no further comments from CEC Flood Prevention.

DATE: 18 August 2022

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

Location Plan



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