

# Development Management Sub-Committee Report

**Wednesday 1 March 2023**

**Application for Planning Permission  
43 Main Street, Edinburgh, EH4 5BZ.**

**Proposal: 48 bed care home at Main Street, Davidson's Mains,  
Edinburgh.**

**Item – Committee Decision  
Application Number – 22/04940/FUL  
Ward – B01 - Almond**

## **Reasons for Referral to Committee**

### **Recommendation**

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

### **Summary**

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals will deliver a sustainable and well-designed care home scheme that will contribute to climate mitigation and adaptation and the restoration and enhancement of biodiversity. The design draws on the character of the surrounding area to create a strong sense of place and is in accordance with NPF4 and the Edinburgh Local Development Plan (2016). Other material considerations support the presumption to grant planning permission.

## **SECTION A – Application Background**

### **Site Description**

The 0.33 hectare site is a vacant brownfield plot with direct access off Main Street, Davidson's Mains. A cluster of former motor garages and a Clyde bank building were located on this site but have since been demolished.

The site is bounded to the north by a Tesco car park and to the south by Main street, with residential properties immediately to the east and west. There are two public house function venues adjacent to the site at 45 Main Street and 25 Main Street.

The site sits at a lower level to Main Street with the lowest points existing along the north boundary which are approximately 1.7m below the Main Street level.

The site is identified as within the urban area within the Local Development Plan (2016). Davidson's Mains is a designated Local Centre comprised of shops, cafes, offices, healthcare practices and faith buildings.

There are mature trees and bushes along the north and eastern boundaries.

The site is not in a conservation area, however Davidson's Mains has a distinctive village character with traditional sandstone buildings.

'Rose Cottage', (REF: LB29278), a Category C listed building, lies immediately to the west of the site at 27 Main Street.

### **Description of the Proposal**

The proposal is for the erection of a 48 bed 3129sqm Class 8 (Residential Institution) care home with associated parking, landscaping and access from Main Street.

The facility will provide specialist respite, dementia, palliative, convalescence and nursing care to frail and elderly residents.

The care home is designed in line with the Care Inspectorate's new 2022 design guidelines including identical wards on each storey with breakout amenity space/dining areas, balcony/garden access and the ability to isolate individual wards in the event of virus outbreak. A range of facilities are available on the ground floor including public cafe, hairdressing salon, cinema/activity room and staff changing facilities via a service corridor.

The 3 storey building is L shaped with gable ends, dormers, two tone buff brick, grey aluminium windows and faux slate fibre cement roof tiles. The ridge height is 62.5m AOD.

Hard landscaping proposals include an asphalt access road, block work paved footways and stone wall/timber fence boundary treatment. The 480sqm south facing secure garden is paved in flag stone with patio space, raised beds and a pergola.

Soft landscaping proposals include a sensory garden, mixed species shrub planting, spring bulb and summer wildflower meadow planting; and berry producing/flowering native hedgerow. 8 heavy standard and regular standard trees are also proposed in a range of species including Cherry, Birch, Rowan, Hornbeam and Oak.

There are 9 parking spaces proposed including 2 accessible bays and 2 electric vehicle parking bays. There is a secure external cycle parking store for 6 members of staff/residents with space for 2 non-standard inclusive cycles as well as 6 visitor cycle parking spaces. An electric scooter/wheelchair store has also been proposed with a 3kw external power supply.

Access is from Main Street and includes an ambulance/delivery/refuse bay in the turning head. The proposed 2m wide footway will provide continuous, segregated pedestrian access from Main Street to the building entrance via a raised table crossing. The development will create vehicle access to 27 Main Street via a new side street on the western boundary.

Space heating and hot water within the building will be all-electric, powered by renewable energy generated by a ground source heat pump and solar PV array. A heat recovery system will also redistribute excess heat throughout the building as required.

The surface water management plan includes a combination of SUDS features including above and below ground attenuation.

### **Supporting Information**

- Planning Statement;
- Design and Access Statement;
- Transport Statement;
- Landscape proposals, including open space requirements.
- Daylight, privacy and overshadowing information;
- Waste management information;
- Flooding risk assessment and drainage information;
- Noise impact assessment.

### **Site history**

23rd March 2020 - Proposal for 36 unit 3-4 storey residential development including associated access, parking, infrastructure and landscaping. Proposals were in principle supported subject to conditions, however a legal agreement was never signed and the application was consequently refused at Committee (application reference: 20/01410/PPP).

### **Relevant Site History**

20/01410/PPP  
43 Main Street  
Edinburgh  
EH4 5BZ

Planning application for residential development including associated access, parking, infrastructure, and landscaping.

Refused  
28 April 2021

## **Other Relevant Site History**

No other relevant history.

## **Pre-Application process**

Pre-application discussions took place on this application.

## **Consultation Engagement**

Archaeology Officer

Flood Prevention Service

Scottish Water

Environmental Protection

Roads Authority

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

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 18 October 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** Not Applicable

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 30

## **Section B - Assessment**

### **Determining Issues**

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations and
- any other identified material considerations.

## **Assessment**

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

### **a) The proposals comply with Planning Legislation on Listed Buildings and Conservation Areas?**

## **SETTING**

Section 59 (1) of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 states:-

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Historic Environment Scotland's document 'Managing Change in the Historic Environment - Setting' states;

"Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced."

The document states that where development is proposed it is important to:

- "identify the historic assets that might be affected;
- define the setting of each historic asset; and
- assess the impact of any new development on this".

There is one listed building in proximity to the proposal. 'Rose Cottage' is a Category C listed (REF: LB29278) building immediately west of the proposed site entrance at 27 Main Street. Rose Cottage is a simple late Georgian single storey sandstone dwelling with a pitched roof, slate tiles and gable ends.

The proposed building includes a material palette of two-tone buff brick, precast stone detailing, reconstituted slate roof tiles and stone boundary walls which provides a sympathetic setting for the listed building. Although the care home will have a greater height and massing than the cottage, the proposed building will be set back from Rose Cottage by 20 metres which will ensure that the new development is subservient to the listed building.

### **Conclusion in relation to the listed building**

The proposals preserve the setting of the adjacent listed buildings in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

#### **a) The proposals comply with the development plan?**

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 climate and nature crises policies 1, 2, 3, 9
- NPF4 listed building policy 7
- NPF4 sustainable transport policy 13
- NPF4 successful places policies 14 and 15
- NPF4 Productive places policy 27
- LDP environment policies 16 and 21
- LDP Des 1, Des 4, Des 5, Des 7 and Des 8
- LDP housing policy Hou 2
- LDP transport policies Tra 2, Tra 3 and Tra 4
- LDP delivery policy Del 1 and
- LDP employment policy Emp 9

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

#### Principle of use

NPF4 Policy 16 and LDP Policy Hou 2 seek the provision of a mix of house types and sizes where practical, to meet a range of housing needs, including those of older people.

The site lies within an Urban Area and Local Centre as defined in the Edinburgh Local Development Plan (LDP). The proposed residential institution will allow future occupants to live within the heart of the community and easily access local services by foot in line with NPF4 Policy 15, which supports developments that contribute to 20-minute neighbourhoods. Visitors will also be able to easily access the site by sustainable modes. The location of the proposal on an active high street will also prioritise women's safety.

A number of representations objected to the proposal for a care home, instead making the case for general housing on this site. Whilst there may be merit to both proposals, the role of the Planning Authority is to assess the application presented to us at a given time. This report demonstrates that a care home is an acceptable use for this site.

The proposal complies with NPF4 Policy 16 and LDP Policy Hou 2.

### Climate mitigation and adaptation

NPF4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of a brownfield site for a sustainable, energy-efficient residential institution within an existing community.

NPF4 Policy 2 a) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change. NPF4 Policy 9 also intends to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

This brownfield site will reuse a vacant plot in an Urban Area and '20 minute neighbourhood' which provides access to essential services within a short walk. The site is close to local facilities on Main Street and is well served by local public transport which will reduce the need for local car journeys by visitors and staff. 12 cycle parking spaces will be provided to encourage active travel and the provision of two electric vehicle charging points will encourage the use of electric vehicles where car journeys are essential.

NP4F Policy 11 states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. Internal building space and hot water will be heated by renewable electricity generated on site by a ground source heat pump (GSHP) which absorbs natural heat from the ground and transfers the heat into buildings. In addition to this, the proposal will achieve high levels of energy efficiency by virtue of a well-insulated built fabric alongside a solar panel array.

With regard to flooding, the applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The revised proposal includes increasing the finished floor level (FFL) to 52.5m, permeable paving, two rainwater harvesting tanks and a swale within the landscaping in order to improve the attenuation of rain water in a storm event. The findings of the 1000 year flood risk assessment demonstrate that in such a storm event, the north east corner of the site would flood. The proposed swale is located precisely in this location which will mitigate against any impact to the building.

The proposal addresses the Council's Flood Planning requirements set out in LDP Policy Env 21 and would not increase flood risk or be at risk of flooding itself. It should be noted however that while Scottish Water raise no objection to the proposal, the applicant must submit a formal application for approval, this is required in order to connect the surface water and foul water drainage system into the existing culvert and combined sewer network respectively.

### Biodiversity

NPF4 Policy 3 requires that proposals for local development include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance.

All existing trees and hedging along the eastern boundary will be retained and protected. The majority of the site is vacant brownfield land and as such the proposal represents a significant enhancement in biodiversity through the planting of 8 standard trees, native hedgerow, wildflower meadow and a swale along the northern boundary. In addition to this, bird and bat boxes will be located around the development.

A condition has been applied to ensure that swift bricks are included on the north elevation. No bat survey was required given that there is low roosting potential on this site.

The development will therefore support and encourage local biodiversity and have no adverse impact on protected species in accordance with NPF4 Policy 3 and LDP Policy Env 16.

### Listed building

As above, there is one listed building in proximity to the proposal. 'Rose Cottage' is a Category C listed (REF: LB29278) building immediately west of the proposed site entrance at 27 Main Street. Rose Cottage is a simple late Georgian single storey sandstone dwelling with a pitched roof, slate tiles and gable ends.

The proposed building includes a material palette of two-tone buff brick, precast stone detailing, reconstituted slate roof tiles and stone boundary walls which provides a sympathetic setting for the listed building. Although the care home will have a greater height and massing than the cottage, the proposed building will be set back from Rose Cottage by 20 metres which will ensure that the new development is subservient to the listed building.

The proposal complies with NPF4 Policy 7.

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

### Density

LDP Policy Hou 4 states that the Council will seek an appropriate density on sites giving regard to the characteristics of the surrounding area, the need to create an attractive residential environment, accessibility and need to encouraging local services.

Although the proposal for a 48 bed care home has a higher density than neighbouring residential units, such a density is acceptable in this urban environment given the proximity to the local town centre and the setback position of the building 20 metres to the north of Main Street. There are also examples of 3 storey flatted blocks with dormers on Main Street. An assessment of the building mass is outlined below,

The proposal complies with LDP Hou 4.

### Design

Davidsons Mains possesses a distinct village character. Although not a conservation area, the historic village core, of which the application site forms a part, is characterised by traditional stone buildings and low-rise development, typically 1-3 storey development with pitched roofs and dormers. The site locality also contains a mix of housing typologies, which includes cottage style dwellings, terraced properties and low-rise flatted developments.

The proposal is for a 3 storey building with dormers and a flat roof. The proposed ridge height (62.5m AOD) is in line with the existing ridge height of Norhet Bar Public House which is directly east of the site on Main Street. As above, although the building is just over 1m higher than existing residential properties along Main Street, the proposal will be set back from the street, thus ensuring that the building will be subservient to the local townscape.

The building mass, scale and detailing is compatible with similar 3 storey buildings with dormers found in the area and maximises the opportunity for densification whilst respecting and responding to the setting of the village character.

The material palette includes two-tone buff brick, precast stone detailing on the principal elevation, tongue and groove cladding, reconstituted slate roof tiles and stone boundary walls which reflect the natural tones of sandstone and slate found in the local area.

The proposals demonstrate good design quality which is sympathetic to the character of Davidson's Mains. The proposals comply with LDP Policy Des 1 and Des 4.

### Landscaping

LDP Policies Des 7 and Des 8 state that development should include coherent layout and landscape designs.

The building is designed in an L block which creates a sheltered courtyard effect around the south-east facing garden. The carriageway and car/cycle parking is logically laid out in order to provide direct access for visitors and staff from Main Street.

Pedestrian access to the main entrance is via a segregated 'continuous' footway and level crossing over the turning head. The resin bound gravel footpath and gardens around the perimeter of the building will have secure access to ensure the safety of future occupants. The proposed courtyard garden will provide high quality paved seating areas and a biodiverse planting scheme which will provide sensory interest.

The proposed wildflower meadow and bulb planting plan along the northern boundary swale will add interest throughout the seasons while managing surface water run-off.

The public realm includes permeable blockwork footways, low boundary stone walls and pockets of tree/shrub planting which will add character, create gateway features and soften the landscape.

The proposals comply with LDP Policies Des 7 and Des 8.

### Residential amenity

LDP Policy Des 5 seeks to ensure that the amenity of neighbouring residents is not adversely affected by development and that future occupiers of residential properties have acceptable levels of amenity.

The proposed use is compatible with the residential and village character of this area and will not lead to an unacceptable loss of amenity for any residential properties in the vicinity.

### *Daylight/sunlight*

A Daylight and Sunlight Assessment has been submitted which tests the effect of the proposed development on daylighting levels for the neighbouring residential properties and future occupants of the new flats.

The amount of daylight reaching an external wall is measured by the Vertical Sky Component (VSC). There are no obstructions within sufficient proximity to the habitable windows of the proposed care home to prevent adequate daylight from entering each room. All rooms satisfy the VSC requirements. The L-shaped block and location of the courtyard garden creates space between neighbouring buildings to the east, ensuring that the proposal will also not impact on daylighting within neighbouring properties. The daylighting levels within the proposed building and neighbouring properties will meet the requirement as set out in the Edinburgh Design Guidance.

The Edinburgh Design Guidance also states that developments should not impact on access to sunlight in new and existing gardens. Whether sunlight to neighbouring gardens will be affected can be tested by checking whether new development rises above a 45° line drawn in section from the site boundary. If a development rises above this line, the amount of sunlight falling in the neighbouring garden might be affected. The drawings provided demonstrate that the scheme will not impact on sun lighting.

### *Privacy/Overlooking/Outlook*

The proposed layout of the care home ensures that there are no potential privacy issues where windows to habitable rooms within the care home overlook adjacent dwellings. All upper storey bedroom and day room windows are at a significant distance from neighbouring residential properties.

There are external balconies on the first and second storey facing the communal garden in line with Care Inspectorate design guidance. These balconies primarily overlook the car park of Norhet Bar public house.

There may be some overlooking into two gardens at 35 and 37 Main Street but given that the distance is over 18m and the balconies will likely only be used occasionally, the proposal is not likely to have a significant impact on privacy.

### *Noise*

The Agent of Change Principle clearly places the responsibility for mitigating any detrimental impact from noise on neighbours with those carrying out the new development or operations. The Planning Advice Note on Noise (PAN 1/2011) advocates a pragmatic approach to the location of new development within the vicinity of existing noise generating uses.

The Agent of Change Principle is now enshrined in section 41A of the 1997 Act where:

*"a development that is the subject of an application for planning permission is a noise sensitive development if residents or occupiers of the development are likely to be affected by significant noise from existing activity in the vicinity of the development and requires that the planning authority must, when considering under section 37 whether to grant planning permission for a noise sensitive development subject to conditions, take proper account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing cultural venues or facilities including in particular, but not limited to live music venues or dwellings or businesses in the vicinity of the development, and may not, as a condition of granting planning permission for a noise-sensitive development, impose on a noise source additional costs relating to acoustic design measures to mitigate, minimise or manage the effects of noise".*

The applicant has submitted a revised Noise Impact Assessment (NIA) which assesses the impacts of noise on residential amenity. The NIA identified two venues which may have a noise impact on future occupants. Norhet Bar lies immediately to the east of the site and Ye Olde Inn public house lies immediately to the west. Both venues have outdoor seating areas and a programme of occasional events including live music. In order to protect these commercial operations from complaints and to protect the amenity of future occupants, the NIA recommended a system of secondary glazing. The revised proposal was subject to an additional NIA and now satisfies the 'open window' noise requirements of the Council's Environmental Protection department. The secondary glazing system is proposed for specific rooms on the east and west elevation and includes an additional ventilation system which distributes fresh air around the building.

The applicant had originally proposed Air Source Heat Pumps but given the potential noise impact on neighbouring amenity, the revised proposal includes a ground source heat pump and internal plant room which will contain potential noise spill.

### *Light spill*

A detailed lighting design has been submitted which contains wall mounted bulkhead style downlights. Environmental Protection raised concerns about the potential light spill on neighbouring properties, however upon submission of a revised lighting specification and location plan, the proposal has been demonstrated to adequately contain light spill within the development. The revised product is shielded to ensure light spill is focused primarily towards the ground.

### *Ground contamination*

Due to the previously developed nature of the site, a condition has been applied requiring a site contamination investigation to be carried out and any necessary mitigation measures to be put in place prior to commencement of works. This is in the interests of future occupiers of the development, as recommended by Environmental Protection.

The proposal complies with LDP Policy Des 5.

### Road safety

#### *Accessibility*

A Transport Statement has been submitted in support of the application which provides an assessment of the transport considerations associated with the proposal. The vehicular access to the site is a single access point from Main Street. The pedestrian footway through the site is safe and accessible and there is level access to the visitor and staff entrances.

The site represents an accessible location within easy walking distance to a range of local services in Davidson's Main and has good linkages to public transport. The nearest bus stops are on Main Street, providing regular east-west services such as the X55 and north-south connection via the 21 bus route. As below, there will be secure and visitor cycle parking on site to encourage sustainable travel. This is in keeping with the NPF4 principles of connected and healthy places that make moving around easy and reduce car dependency.

The previous application for general housing on this site (which incorporated the Tesco car park to the north of the existing boundary) included public access between Main Street and the existing core path network. Achieving public access through the current proposed site was discussed at pre-app stage and although permeability is a desirable principle, in this particular case it was decided that the security of future occupants outweighed the benefits of public access. The site is also somewhat removed from the high street and a public footpath may lead to public safety/anti-social behaviour issues at night. Furthermore, the applicant does not own the land upon which the Tesco car park resides and does not have permission to create a new access point.

#### *Traffic generation*

The proposal seeks to encourage sustainable modes of transport by virtue of its accessible location and provisions for cycle parking. Despite this, some visitors and staff are expected to travel by car. There are 9 parking spaces which is in line with the Council's guidance for Class 8 residential institutions in parking zone 2.

The Transport Assessment submitted has been considered and there are no issues from traffic generation arising from the proposals.

The Transport Statement Parking Profile Appendix has assessed the proposed car parking capacity. The assessment demonstrates that visitor and staff parking demand is estimated to be spread out evenly throughout the day, but peak at lunchtime (between 1-2pm). The findings shows that the demand for parking will not exceed the proposed capacity of 9 parking spaces during the peak hour.

### *Cycle and car parking*

Cycle parking will be provided in accordance with the City of Edinburgh Street Design Guide 2020, which stipulates for Class 8 Residential Institutions within Zone 2 a minimum standard of 1 Space per 15 beds. As 12 cycle parking spaces are proposed, this exceeds minimum standards.

The secure bike store will be provided adjacent to the western elevation of the building. This bike store will be provided with 3 stands capable of accommodating 6 bicycles, including 2 non-standard recumbent bikes.

Car parking will also be provided in accordance with the Edinburgh Design Guidance, which stipulates for Class 8 Residential Institutions within Zone 2 a maximum standard of 1 Space per 5 beds. 12% should be accessible spaces and 1 in 6 spaces are to be for electric vehicles (when more than 10 spaces are provided). The proposal is for 9 parking spaces including two accessible bays and 2 electric vehicle charging points which exceeds the guidance.

An electric scooter/wheelchair store has also been proposed with a 3kw external power supply which will enable future occupants with mobility issues to more easily access the wider neighbourhood.

The proposal complies with LDP Policy Tra 2, Tra 3 and Tra 4.

### *Waste/Service/Emergency vehicle access*

Waste will be collected via Main Street and a Swept Path Analysis has been provided to demonstrate that an appropriately sized vehicle can enter the site. There are also the requirements for trade waste producers to comply with other legislation, in particular the Waste (Scotland) Regulations.

The proposed turning head allows for emergency and service vehicles to park adjacent to the building entrance without blocking the main access road.

### *Archaeology*

Given the brownfield site's location within the core of the historic village, the site has been identified as occurring within an area of archaeological potential.

The proposals will require significant ground-breaking works during construction. Such works will have significant impacts upon any surviving archaeological remains associated with the development of Davidsons Mains/Muttonhole dating back to the post-medieval period. Accordingly, it is recommended that if permission is granted that a programme of archaeological mitigation is undertaken prior to development.

This strategy will require the undertaking of a phased programme of archaeological investigation, the first phase of which will be the undertaking of archaeological evaluation (min 10%). The results from this initial phase of work will allow to produce detailed mitigation strategies to be agreed to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains is undertaken.

A condition has been attached ensuring that the above investigations are completed prior to construction.

The proposal complies with LDP Policy Env 9

The proposed development is in accordance with the above NPF4 and the LDP (2016) policies with regard to improving the quality of the area and is consistent with the six qualities of successful places.

NPF4 Policy 27 supports development proposals that enhance and improve the vitality and viability of city, town and local centres will be supported. The proposed use in this application is appropriate within this urban area and local centre as defined in the LDP.

LDP Policy Emp 9 states that proposals to redevelop employment sites or premises in the urban area for uses other than business, industry or storage will be permitted provided that they will not inhibit nearby employment uses.

The proposed Class 8 Residential Institution will generate in the region of 40-45 full and part-time employment roles with a maximum of 16 staff on duty at any one time. This is likely to be a comparable or greater number of employees than the site's previous commercial use.

A number of representations raised objection to the proposed use, suggesting that general housing will contribute more to the vitality of the local economy and wider community. Concerns were also raised that the majority of catering will be provided in-house, therefore demand for local shops will be limited.

The staff on duty will contribute to the local economy throughout a typical 7 day working week. In addition to this, the central location of this care home within Davidson's Mains will allow visitors and future occupants to access the Local Centre facilities by foot/wheelchair.

Locating care homes in the heart of communities ensures that future occupants will be well connected to social networks, retail facilities, core path routes and healthcare services. The alternative is to locate care homes in remote locations which is less compatible with the spatial principles of NPF4.

## **DEVELOPER CONTRIBUTIONS**

The Action Programme and Developer Contribution Guidance accompanies the adopted Edinburgh Local Development Plan (LDP). It is used by the Council as a delivery mechanism to lever the best possible outcome for the city and to coordinate development proposals with the infrastructure and services needed to support them. Developer contributions will be taken in accordance with the Action Programme and other material considerations.

The site is not in a Healthcare Contribution Zone and therefore a contribution of this sort is not required.

Education and Transport contributions are not applicable.

### **Conclusion in relation to the Development Plan**

The proposals will deliver a sustainable and well-designed care home scheme that will contribute to climate mitigation and adaptation and the restoration and enhancement of biodiversity. The design draws on the character of the surrounding area to create a strong sense of place and is in accordance with NPF4 and the Edinburgh Local Development Plan (2016). There is not considered to be any significant issues of conflict. Other material considerations support the presumption to grant planning permission.

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

The following material planning considerations have been identified:

#### Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

#### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

#### Public representations

A summary of the representations is provided below:

#### **General Material Comments - Objection**

- Failure to advertise the planning notice. The Planning technician advertised this scheme in the local press and sent letters to properties within 25 metres of the site which is the statutory requirement.
- Principle of care home vs mainstream housing.
- Public access should be provided through the development.
- General housing would contribute more to the vitality of the local community/economy than a care home.
- There are enough care homes in west Edinburgh already within a 4 mile radius.

- Impact on the setting of listed buildings.
- Landscape design lacking in biodiversity measures.
- Height of building in context of the area.
- Future Occupant and Neighbouring amenity - noise.
- Traffic/ Infrastructure and road safety impacts.
- Insufficient parking provided.
- Loss of tree.
- There is no specific drop-off space for ambulances and deliveries.

### **General Material Comments - Support**

- Provision of a care home would be a welcome addition to the area.
- Well positioned for public transport.

### **Non-Material Comments - Objection**

- Lack of capacity in local GP surgeries.
- Construction logistics - this does not preclude assessment of the proposal and planning cannot control or condition construction works.
- The care home will not be affordable to residents in the area - Not relevant to the assessment of the proposal.

### **Conclusion in relation to identified material considerations**

Other material considerations support the presumption to grant planning permission.

### **Overall conclusion**

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals will deliver a sustainable and well-designed care home scheme that will contribute to climate mitigation and adaptation and the restoration and enhancement of biodiversity. The design draws on the character of the surrounding area to create a strong sense of place and is in accordance with NPF4 and the Edinburgh Local Development Plan (2016). Other material considerations support the presumption to grant planning permission.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

2. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, reporting and analysis, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
3. i) Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, 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 required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) 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 for the approval of the Planning Authority.
4. Swift bricks shall be installed on the rear elevation of the development. The proposed specification and locations shall be submitted to and approved in writing by the planning authority prior to construction works commencing on site.

### **Reason**

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard archaeological remains.
3. To protect the amenity of future occupants.
4. In order to safeguard protected species.

### **Informatives**

It should be noted that:

1. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

### **Background Reading/External References**

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

### **Further Information - Local Development Plan**

**Date Registered: 30 September 2022**

### **Drawing Numbers/Scheme**

01, 02A, 03-17

Scheme 2

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Simon Wasser, Assistant Planning Officer  
E-mail:simon.wasser@edinburgh.gov.uk

## Appendix 1

### Summary of Consultation Responses

NAME: Archaeology Officer

COMMENT: Given the location of this site in the historic core of Davidson's Mains, a programme of archaeological investigations is required and the findings reviewed by the Council prior to development commencing.

DATE: 15 February 2023

NAME: Flood Prevention Service

COMMENT: The Council's Flood Prevention Service is satisfied with the surface water management plan. They raise no objection to the revised proposal which includes increasing the Finished Floor Level to 52.5m and a swale in the north east of the site in order to mitigate the impact of a 1000 year flood event.

DATE: 15 February 2023

NAME: Scottish Water

COMMENT: Scottish Water raise no objection to the surface water management plan however it should be noted that the applicant must apply for a new culvert/sewer connection.

DATE: 15 February 2023

NAME: Environmental Protection

COMMENT: Environmental Protection have removed their objection in light of the revised proposals which include secondary glazing to protect residential amenity against noise impacts from neighbouring venues. The lighting design has also been revised in order to reduce light spill.

DATE:

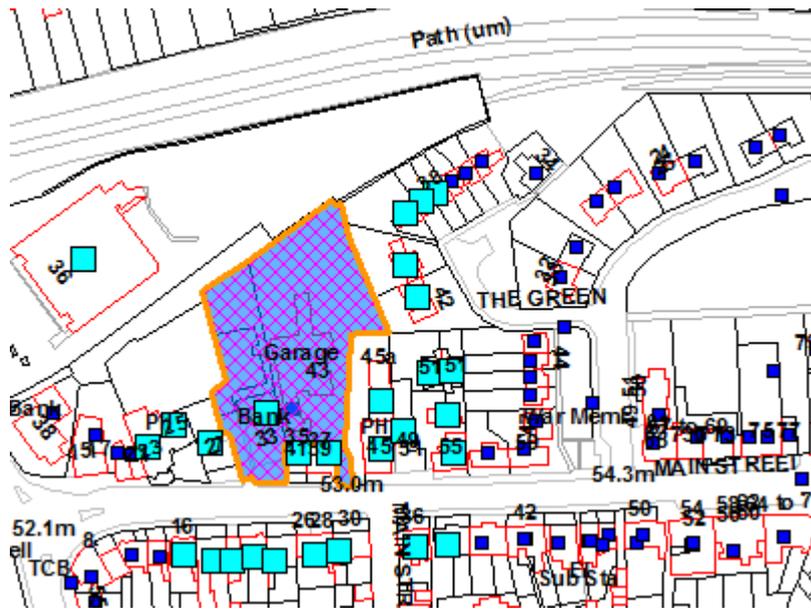
NAME: Roads Authority

COMMENT: The Roads Authority raise no objection to the proposal however they have included an informative around the production of a travel plan

DATE: 16 February 2023

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

# Location Plan



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