

Development Management Sub-Committee Report

Wednesday 4 October 2023

Application for Planning Permission

Oxcars Court & Inchmickery Court, Muirhouse Grove, Edinburgh

Proposal: Proposed thermal and material improvements (including repairs and maintenance) to both Oxcars Court and Inchmickery Court. Works also include the creation of a residents Heart Space (potential uses TBC but may contain Class 1; Class 3; Class 9 and /or Class 10) plus associated landscaping improvement works. (AS AMENDED)

Item – Committee Decision

Application Number – 23/01118/FUL

Ward – B01 - Almond

Reasons for Referral to Committee

The application has been referred to the Development Management Sub Committee as the applicant is the Council.

Recommendation

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

Summary

The application is acceptable with regard to Local Development Plan Policies Des 1, Des 5, Des 8, Des 12, Env 18, Env 21, Tra 2, Tra 3 and Tra 4, and NPF4 policies 1, 2,3 and 14. The proposals also accord with the non-statutory Design Guidance. The proposals are an acceptable design, scale are appropriate for the location, and there will be an acceptable level of amenity achieved. The vehicle parking and the level of proposed cycle parking is acceptable, as are the proposed landscaping, surface water, sustainability, and waste arrangements. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site comprises of two residential detached apartment buildings at Oxcars Court and Inchmickery Court which were constructed in the 1950s, and consist of surrounding open space and car parking. The neighbourhood is located to the south of Muirhouse Parkway and to the north of Murihouse Grove. Silverknowes Golf Course is located to the north of the site. The areas is residential in nature.

Description Of The Proposal

The application calls for the refurbishment of Oxcars and Inchmickery Courts, and for the regeneration of the open public realm, the traffic provision and the waste services within the site. The proposals are for:

- Improvement of the Energy Efficiency of both buildings
- New Facade treatment to both structures.
- The strengthening of links between properties and play areas,
- The introduction of raingardens and associated footpaths,
- Rearrangement the roadway and pedestrian crossings,
- The creation of new playgrounds
- Regeneration of communal gardens and recreational spaces
- Reconfiguration of waste services
- Upgrading of street lighting.
- Creation of two non-residential premises located on ground floor of both structures.

Supporting Information

- Design and Access Statement
- Drainage Strategy Plan

Amendments

- Material and colour finish to exterior cladding amended
- Glass Juliet balconies amended to Juliet balconies
- Amendments to landscape layout
- Amendments to waste strategy including pulling distances and service ramps
- Amendments to vehicle parking including layout, addition of accessible bays, replacement of garages with parking spaces

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

Environmental Protection
Waste Service
Transport

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

Publicity and Public Engagement

Date of Neighbour Notification: 4 May 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals comply with the development plan?

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

- NPF4 Sustainable Places policies 1 and 2;
- NPF4 Biodiversity policy 3;
- NPF4 Liveable Places policy 14; and
- LDP Design policies Des 1, Des 5, Des 8 and Des 12.
- LDP Environment policies Env 18 and Env 21.
- LDP Transport policies Tra 2, Tra 3 and Tra 4.

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering design related policies.

Climate Mitigation and Adaption

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 'Just transition' in terms of targeting net zero.

NPF4 policy 2 c) states that retrofitting measures to existing developments to reduce emissions or support adaptation to climate change will be supported. The proposed development complies with this criterion in terms of improving insulation, air tightness, and use of air source heat pumps which is a low carbon technology to heat buildings.

Design, quality and place

The application proposes the refurbishment of the Oxcars & Inchmickery buildings, providing a new external façade treatment along with internal works. The proposal also includes the redevelopment of the landscaping, roads and waste services surrounding the buildings.

The proposal will utilise high quality materials which will enhance the visual characteristics of the facades, while improving the thermal efficiency of the buildings. The proposal shall ensure that the buildings are retained, and the internal habitable environments are modernised for future usage. The proposed regeneration of the external areas will provide a high quality and attractive open area that effectively reorganises the waste and parking within the site whilst providing an attractive link to the neighbourhood in with its wider context.

The proposal will enhance the distinctiveness of Oxcars & Inchmickery Courts without adverse harm to the neighbourhood character. The application complies with NPF4 policy 14 and LDP Policy Des 1, Des 8 and Des 12.

Amenity

The application site is characterised as a residential neighbourhood with poor existing play areas and public recreational spaces. The proposed regeneration of the area intends on creating new play areas and improving existing facilities for the enjoyment of local residents. Although it is understood that the new play areas may generate some increased noise during usage, the nature of the noise generated is accepted given the residential context of the site.

The external works to the buildings will not result in loss of privacy, sunlight or result in overshadowing.

Environmental Protection were consulted on the proposal and raised concerns over the potential impact the ground floor non-residential premises could have on nearby residential dwellings. Environmental Protection raised no objections to the scheme subject to the compliance of the attached conditions relating to these premises.

The application is acceptable and shall have no impact on the amenity of residents. The application complies with NPF4 policy 14 and LDP Policy Des 5.

Traffic and Car parking

The vehicular access to the site will be realigned from Muirhouse Grove to Muirhouse Garden, remaining as currently in place, which is one vehicular access point. The realignment of the internal road network to follow the northern verge of the site ensures that the area to the south of the buildings can be repurposed into recreational open space. A Stopping Up Order under Section 207 of the Town and Country Planning (Scotland) Act 1997 may be required or a Redetermination Order under the Roads (Scotland) Act 1984.

The proposal shall consolidate the overall car parking capacity within the site by removing 14 standing garages and introducing 12 new vehicle parking spaces. The overall vehicle parking within the site shall increase from 38 spaces to 50 spaces, with 5no accessible bays. Although the proposal shall result in an increase of parking spaces, the overall parking provision is still below the minimum parking provision as set out in the Edinburgh Design Guidance. The proposal shall introduce a negligible increase in vehicle parking spaces that shall not have a detrimental impact on vehicle traffic within the area.

The application proposes 4no secure cycle storage facilities distributed between both buildings. Each building will have two new secure cycle storage facilities located at ground level providing 48no secure cycle parking spaces per building. The new cycle parking provision introduces secure cycle parking to both buildings, where previously, no secure cycle storage existed. Although the number of cycle parking provided falls below the minimum cycle parking provision for new developments, as stated within the Edinburgh Street Design Guidance : Part C - C7 Cycle Parking Factsheet, the proposal does not represent a new development, and as such, the shortfall in cycle provision is viewed as an improvement on the existing and acceptable in this instance. The

provision of secure cycle storage will enhance the cycle parking provision within the area and will be a positive feature within the wider site. The proposed cycle storage is acceptable subject to details of cycle parking for non-standard cycles being submitted.

The site is largely made of hardstanding with little pedestrian permeability through the site. The proposal will open up the area to pedestrian movement and create several high quality through routes for the wider use and enjoyment of local residents.

The scheme is an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network and represents no issues in terms of road safety and parking provision. The application complies with LDP Policies Tra 2, Tra 3 and Tra 4.

Biodiversity

The proposal includes the planting of a variety of trees, hedges, shrubs, raingardens, dry meadows and a mixture of herbaceous and edible landscape that will make a strong contribution to the biodiversity and attractiveness of the site. The proposals shall not unduly impact on the biodiversity of the area and shall enhance the natural character and landscape of the site.

The application complies with NPF4 policy 3.

Waste

Waste collection is to be localised within two waste facilities per building located on the ground floors. These sites will provide mixed recycling, glass, food and non-recyclable waste collection points. The Waste Service has been consulted on the scheme and offer no objection to the proposals. The proposed waste collection sites are well positioned and acceptable in principle.

Flooding

Flood Prevention were consulted on the proposal and subject to the attached conditions, they have no further comment to make. The proposals will not increase a flood risk or be at risk of flooding itself.

The proposals comply with LDP policy 21 (Flood Protection).

Conclusion in relation to the Development Plan

The application is acceptable with regard to Local Development Plan Policies Des 1, Des 5, Des 8, Des 12, Env 18, Env 21, Tra 2, Tra 3 and Tra 4, and NPF4 policies 1, 2,3 and 14. The proposals also accord with the non-statutory Design Guidance. The proposals are an acceptable design, scale are appropriate for the location, and there will be an acceptable level of amenity achieved. The vehicle parking and the level of proposed cycle parking is acceptable, as are the proposed landscaping, surface water, sustainability, and waste arrangements. There are no material considerations which outweigh this conclusion.

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. As proposed development contributes to the 'Just transition' in terms of targeting net zero, climate related mental and physical effects will be enhanced as a result. In addition, the proposed works to introduce step free access to all entrances will improve the accessibility of the building.

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

Public representations

None received.

Conclusion in relation to identified material considerations

The material planning considerations have been identified and addressed. There are no outstanding material considerations.

Overall conclusion

The application is acceptable with regard to Local Development Plan Policies Des 1, Des 5, Des 8, Des 12, Env 18, Env 21, Tra 2, Tra 3 and Tra 4, and NPF4 policies 1, 2,3 and 14. The proposals also accord with the non-statutory Design Guidance. The proposals are an acceptable design, scale are appropriate for the location, and there will be an acceptable level of amenity achieved. The vehicle parking and the level of proposed cycle parking is acceptable, as are the proposed landscaping, surface water, sustainability, and waste arrangements. There are no material considerations which outweigh this conclusion.

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. Prior to occupation of the commercial premises, the Planning Authority shall be provided with a written statement detailing the proposed operations and the potential of those operations to cause noise disturbance to occupiers of nearby existing and proposed residential properties. The Planning Authority shall then identify in writing whether a full noise impact assessment will be required to ensure nearby residential amenity is protected. Any noise assessment should, if required, specify mitigation measures designed to protect the nearby residential amenity and the commercial/community premises must not be occupied prior to any proposed mitigation measures being agreed the Planning Authority are implemented. Notwithstanding this, a nursery or place of worship are not permitted for any future Class 10 Uses under the Town and Country Planning (Use Classes)(Scotland) Order 1997 on site.
3. Cooking equipment associated with any Class 3 proposals on site to be restricted to the use of 1 microwave, 1 soup kettle and a single panini machine only. No other equipment is permitted for use without written permission from the Planning Authority.
4. Notwithstanding the details shown on the approved plans, details of revised cycle parking provision to include cargo-bike provision shall be submitted to and approved by the council, as planning authority.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. In order to provide closer compliance with the Council's guidance on cycle parking.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of

planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.
4. Prior to construction, the applicant should confirm that Scottish Water accept the proposed surface water discharge rate to the combined network.
5. Prior to construction, the applicant should confirm that Scottish Water and CEC accept the maintenance responsibility of the proposed drainage and SuDS features.
6. The applicant should consider the provision of 4 electric vehicle charging points and 3 disabled parking spaces, in line with Council parking standards;
7. The applicant should note that the proposed changes to the roads will require separate application for road construction consent (including road safety audit), stopping up orders under Section 207 of the Town and Country Planning (Scotland) Act 1997 and redetermination orders. The extent of adoptable roads to be agreed. The applicant should note that this will include details of lighting, drainage, materials, structures and layout. For the avoidance of doubt, the proposed layout is not approved at this stage.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 25 April 2023

Drawing Numbers/Scheme

01-13,14b,15a-18a,19,20a-39a,40-47,48a-49a,50

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Adam Gloser, Planning Officer
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Appendix 1

Summary of Consultation Responses

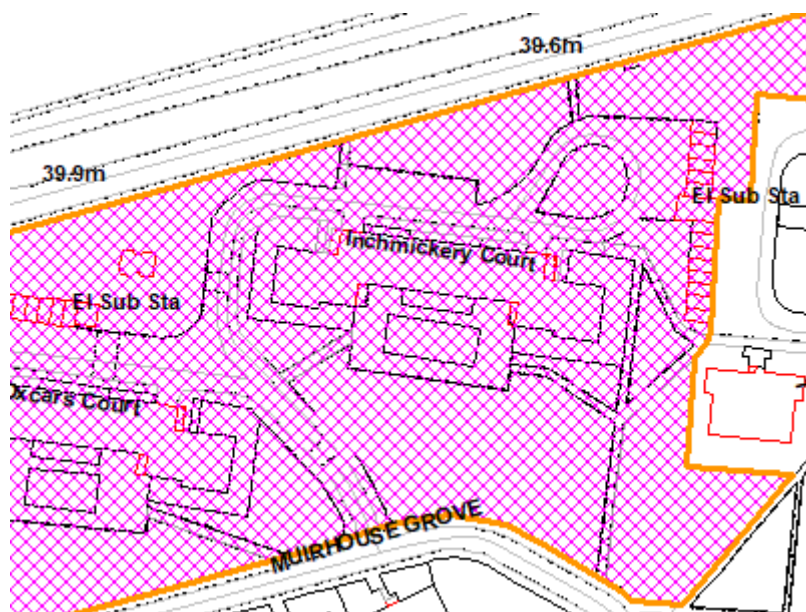
NAME: Environmental Protection
COMMENT: No objection subject to conditions.
DATE: 6 September 2023

NAME: Waste Service
COMMENT: No objection.
DATE: 1 September 2023

NAME: Transport
COMMENT: No objections to the proposed application.
DATE: 25 September 2023

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

Location Plan



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