

Development Management Sub-Committee Report

Wednesday 17 April 2024

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

Proposal: Erection of a 48 bed care home development, including landscaping, access and associated works.

**Item – Committee Decision
Application Number – 23/07334/FUL
Ward – B08 - Colinton/Fairmilehead**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because it has received 177 objections, and the application is being recommended for grant. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub Committee.

Recommendation

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

Summary

Overall, the proposal complies with NPF4 and the Edinburgh Local Development Plan, with the use of conditions. The principle of development and proposed design are acceptable. The character of the area and approach to Morton Mains Conservation Area will be retained. The proposal will contribute to local living and a 20-minute neighbourhood. There will not be an unreasonable loss to neighbouring amenity and future occupiers will have a satisfactory living environment. There are no flooding or archaeological issues, with the use of a condition, and there are no transport issues. The proposal will contribute to climate adaptation and mitigation and biodiversity. The impact on trees will be mitigated through the use of conditions relating to tree removal, new tree planting and TPO trees. Therefore, the application is acceptable. 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 dating from 1930s and its extensive garden ground. 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 (TPO 7). 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 48-bedroom care home. It will be two storeys high plus both an attic level and lower ground floor/basement, be positioned on the eastern side of the plot and form an L shape. There will be associated parking located outside at ground level and in the basement and an external courtyard at lower ground floor. Landscaping is proposed for the grounds including along the boundaries.

Ancillary cafe facilities, which will have direct access to the courtyard, a salon and a cinema will be located in the lower ground floor as will the plant, servicing such as laundry and kitchen and staff rooms and offices.

Each upper floor level will have communal areas, such as dining rooms, day rooms and quiet rooms, in addition to bedrooms. On the ground floor there will also be a combined reception and visitor's lounge. The dining rooms will have access to a terrace. The top floor will be within the roofspace which will incorporate dormers.

Photovoltaic panels will be installed in the roof wells of the mainly flat roof. Extract ducts and ventilation and rooflights are also proposed on the roof.

Materials proposed are buff sandstone, buff smooth face stone surrounds, ivory smooth textured render, brown weatherboard cladding light grey, concrete roof tiles, uPVC anthracite grey framed windows/doors, rosemary coloured roof tiles, white uPVC fascia and soffits, anthracite grey uPVC gutter and downpipes and glass balustrade.

Access will be from Winton Drive and egress to Winton Loan. A pedestrian entrance from Winton Loan is also proposed. Parking will be provided in the lower ground floor (basement) for 8 vehicles, 8 cycles, 2 motorcycles and 1 mobility scooter.

Access will be by a ramp. Four parking spaces including a disabled Persons Parking Space will be provided outside at ground level. Two electric vehicle charging points will be provided including one at a disabled persons parking space.

A bin store will be located outside near the entrance to the site.

Supporting Information

- Design and Access Statement
- Planning Statement
- Historic Environment Desk-Based Assessment
- Care Home Demand and Demographic Report
- Transport Statement
- Report on Site Investigations
- Arboricultural Assessment (Addendum March 2023)
- Arboricultural Report (BS5837 03_22)
- Tree Survey Schedule (Appendix 2 23_03_22)
- Landscape and Visual Appraisal
- Ecology (Preliminary Ecological Appraisal) Report
- Species Protection Plan
- SUDS and Drainage Strategy Report
- External Luminaire Schedule
- Energy Report
- EPC (Energy Performance Certificate)
- Care Home Specification Information (SBEM - Simplified Building Energy Model)
- Construction Environmental Management Plan
- Health and Safety Information
- Demolition Prior Approval (23/06846/PND)

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

Relevant Site History

22/02335/FUL

5 Winton Drive

Edinburgh

EH10 7AL

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

Refused

15 December 2022

23/05997/PND

5 Winton Drive

Frogston

Edinburgh

EH10 7AL

Prior Notification for Demolition of Buildings

Refused

1 November 2023

23/06846/PND
5 Winton Drive
Frogston
Edinburgh
EH10 7AL
Prior Notification for demolition of vacant dwelling house
Approved
13 December 2023

Other Relevant Site History

None.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Flood Planning

Economic Development

Roads Authority (Transport Planning)

Archaeology

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 21 December 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 5 January 2024

Site Notices Date(s): 28 December 2023

Number of Contributors: 197

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, 2, 3, 4, 6, 7, 9, 12, 13,
- NPF4 Liveable Places policies 14, 15, 16, 18, 22

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

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering policies relating to design, the environment and transport.

Principle of Development - Proposed Use

NPF4 Policy 16 (Quality homes) intent is to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland. Part c) supports development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This includes housing for older people such as care homes (part c) vi). The proposal will introduce accommodation for older people locally and will provide more choice and contribute to the changing needs of the [local] population.

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.

By re-using previously developed land the proposal will contribute to NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) which seeks 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. The acceptability of the demolition of the building on the site has been established in 23/06846/PND and no further consideration of the demolition is required.

The proposal complies with NPF4 Policies 16 and 9 and with LDP policies Hou 10 and Hou 7.

Climate Adaptation and Mitigation

NPF4 Policy 1 (Tackling the climate and nature crises) intent is to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. NPF4 Policy 2 (Climate mitigation and adaptation) intent is to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Sustainability

The proposal will reuse a previously developed site and reduce the need for greenfield development, in line with NPF4 Policy 9 (Brownfield, vacant and derelict land, and empty buildings). It will also use the land more efficiently by increasing the amount of living accommodation on the site.

Flood Planning

NPF4 Policy 22 (Flood risk and water management) intent is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

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

Flood Planning has advised that this application can proceed to determination, with no further comments from CEC Flood Prevention. Therefore, there are no flood risk or water management issues.

Energy

Renewable energy and non-fossil, i.e. low carbon technologies, fuel energy are proposed in the form of Water Source Heat Pumps (WSHPs) and solar panels. The replacement building will be much more sustainable and energy efficient than the former building due to better thermal build and energy efficiency. This will contribute to the sustainability of the proposed development and to mitigating climate change through adaptation and mitigation, for example preventing air pollution from energy sources.

The proposal will contribute to climate change and adaptation and complies with NPF4 Policies 1, 2, 9 and 22 and with LDP Policy Env 21.

Historic Assets and Places (Conservation Area Setting and Archaeology)

NPF4 Policy 7 (Historic Assets and Places) intent is to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Setting of Conservation Area

The application site is on the approach to Morton Mains Conservation Area and as it 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.

Part d) of NPF4 Policy 7 states that, "Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include :-

- i. architectural and historic character of the area;
- ii. existing density, built form and layout and
- iii. context and siting, quality of design and suitable materials.

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.

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. Some clearance of trees and shrubs have taken place on site. Some trees along the southern boundary fronting Winton Loan will remain in place with new trees being replanted.

Much of the proposed building will be screened behind the trees, although the access opening will enable views into the application site. To ensure sufficient screening of the building in order to retain the leafy and tree-lined character of the approach to the conservation area, a condition is recommended in relation to the landscape plan. Together with being set into the sloping nature of the site, the building will not be dominant in the streetscene and will not introduce an overbearing feature on the approach to the conservation area. As such, the proposal will respect the historic character of the area on the approach to Morton Main Conservation Area.

The proportion of ground remaining in garden use will reflect that of neighbouring plots where there are residential buildings set in large garden ground, albeit with a larger building footprint. Although there are many examples of Arts and Crafts architecture, there are other architectural styles and periods in the surrounding area and the proposed building will not detract from the architectural style or character.

The proposed development will have a minimal impact on the character of the approach to the conservation area and woodland setting, with the use of a condition to ensure appropriate tree species on the southern boundary fronting Winton Loan. Thus, it will not detract from the special features of the woodland and trees of the conservation area and, as such, will protect an historic environment place.

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

Archaeology

The City Archaeologist has advised that, although no remains have been recorded from the site itself, it is located within a wider area of archaeological significance at Fairmilehead/Caiystane, associated with prehistoric burials and ritual monuments. Ground breaking works could have potential to disturb unrecorded prehistoric remains or evidence relating to the development of Morton Mains Estate. Therefore, it is recommended that a condition be used requiring a programme of archaeological works.

The proposal complies with NPF4 Policy 7, with the use of a condition relating to a programme of archaeological works.

Design Quality and Place

NPF4 Policy 14 intent is to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

NPF4 Policy 15 (Local Living and 20-minute neighbourhoods) intent is to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

Design policies Des 1 (Design Quality and Context), Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) and Des 4 (Development Design - Impact on Setting).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 and be of appropriate design and density.

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. Whilst the proposed building will have a larger footprint than many of the surrounding buildings, a large amount of garden ground/plot area will remain, and this will allow the spatial pattern of a building in a large plot to be retained in the immediate surrounding area. In terms of the height, this will be bigger than neighbouring buildings. However, making use of the sloping site, incorporating the top storey within the roof, and setting the building back from the corner of Winton Drive and Winton Loan, will result in the proposed building sitting comfortably within the plot and it will not appear dominant in the streetscene. With the use of trees and landscaping along the boundaries this will soften the appearance of the building in the streetscape, and the building will be set back from the corner with Winton Loan.

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. However, refusing the application on this reason only would be unreasonable. The proposal partly complies with NPF4 Policy 15 in terms of 20 minute neighbourhoods and local living.

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 quarter (25%) of the plot with the bulk of the garden ground being to the west fronting Winton Drive and landscaping around the other sides of the buildings. This is higher than the building to plot ratio in the surrounding area, where the dwellinghouse generally occupies less than 10% of the plot, excluding hard landscaping such as driveways or patios. Taking into account the hard landscaping of the driveways/roads and parking area for the proposed development, this would occupy around 40% of the site. Whilst this ratio is greater for the proposal compared to surrounding properties, the plot size is larger and a large area of garden ground (60%) will be provided. In this context, the spatial pattern of development of the surrounding area will not be adversely affected.

Materials and proposed boundary treatments as detailed in the submitted drawings are acceptable. The positioning and design of the bin store are acceptable.

The proposal draws upon the positive characteristics of the surrounding area and is of an appropriate design which will preserve the character and appearance of the area. Tree planting and landscaping will retain the amenity and character of streetscape. The proposal will contribute to the established character of the streets and surrounding area. Retaining mature trees and incorporating new tree planting retains and enhances the existing features (trees) on the site.

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. The positioning and relationship of the building to the streetscape, including screening from tree planting, will enable the proposed development to preserve the qualities of such LDP policy designations in relation to the nearby countryside and accord with NPF4 Policy 4. Mature trees are important to the visual amenity and established character of the site, street and surrounding area.

A Landscape and Visual Impact Assessment was submitted in support of the application. The site is enclosed with visual containment provided by existing and proposed new trees, the woodland opposite and trees outwith the site. Although the site has to some extent been compromised by trees being felled, the existing and proposed trees will provide an appropriate setting for the building in both short and long views.

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.

On the whole the proposal accords with NPF 4 Policies 14, 15 and 4 and with LDP Policies Des 1, Des 3 and Des 4.

Trees, Natural Environment and Biodiversity

Trees

NPF4 Policy 6 (Forestry, woodland and trees) intent is to protect and expand forests, woodland and trees.

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 western side of the site are protected by a Tree Preservation Order (TPO 7). A tree survey has been submitted and to ensure there is no impact on trees and to mitigate any impact on trees, conditions are recommended requiring a Tree Protection Plan & Arboricultural Method Statement.

There is a concern regarding the condition of the TPO trees and their future in terms of the closeness of the building to the root protection areas (RPAs). Therefore, conditions are recommended requiring an Arboricultural Method Statement and the protection of trees on site during construction. In addition, given the concern of the condition of the TPO trees and the possibility that in the future they may need to be removed, a condition is recommended should permission be granted that the proposed removal of any TPO trees be the subject to a TPO consent. Their loss would expose the development along both Winton Drive and Winton Loan and it would take many years before any new replacement trees would provide the same level of visual screening.

Biodiversity

NPF4 Policy 3 (Biodiversity) intent is to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

Biodiversity on the site has been compromised with the site clearance works and felled trees and shrubbery which has taken place in the last six months or so. Biodiversity from the proposed landscaping, such as bird feeders, and new tree planting will re-introduce biodiversity opportunities and offset the loss. The proposed condition recommended for landscaping plan should also include biodiversity enhancements from the proposed planting and landscaping. It is also recommended that informatives be placed on the permission, should it be granted, relating to bee bricks and swift bricks.

Natural Environment

A Bat Survey will be carried out in relation to the demolition of the building (23/06846/PND). Should bats or other European protected species be found in the wider application site in terms of works for the proposed development, the Habitats Regulations 1994 will require the applicant to carry out the works under a bat licence (Bat Low Impact Licencing (BLIMP)). Therefore, 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 in order to protect the ecological interest. This would contribute to NPF 4 Policy 4.

The proposed landscaping and retention of existing trees will retain biodiversity and wildlife on the site. It is accepted that a loss of biodiversity has occurred due to the demolition of the house and non-operational development to clear and tidy up the application site. Both the proposed tree planting and landscaping will provide habitat for species and, thus, enhance biodiversity. Incorporating the existing feature of the trees and enhancing the features of trees with new planting is in line with NPF4 Policy 3 and LDP Policy Des 3.

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. The positioning of the building and use of trees to retain the leafy setting will not detract from the green belt boundary.

Use of appropriate lighting is required for the development and a lighting strategy has been provided. 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 conditions, will comply with NPF4 Policies 4 and 6 and with LDP Policies Env 12 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. LDP Policy Des 5 also aims to ensure future occupiers have a sufficient living environment.

Environmental Protection has no objections to the application and, therefore, has not raised any concerns in terms of impact on amenity.

Neighbouring Amenity

Most of the overshadowing will fall within the application site and there will not be a loss of daylight to neighbouring windows. A Sun Path Analysis shows that some overshadowing will occur to neighbouring properties. However, sunlight will still be received into neighbouring gardens and is within the limits advised in the EDG.

Rooms on the upper floors of the north and east elevations will look out towards neighbouring properties. The windows will be just under 9 metres from neighbouring boundaries and more than 18 metres from windows opposite, which is the minimum distance required from window-to-window to protect privacy of existing neighbouring properties. Immediate outlook from neighbouring properties will not be adversely impacted as the building will not be very close to boundaries. Private views are not protected by LDP policies. Proposed tree and shrub planting along the northern and eastern boundary will provide an element of privacy screening to neighbouring properties.

Activity to, from and within the site will be greater than is currently experienced or if the site remained in residential use. It is acknowledged that this could include an increase in noise from the proposed use on the site. However, other legislation is responsible should noise nuisance occur.

Environmental Protection has not raised concerns regarding odours.

The proposal will not have an unreasonable impact on neighbouring properties and, therefore, complies with LDP Policies Des 5 and Hou 7.

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.

Outdoor open space will be provided to future occupiers in the form of landscape gardens, a courtyard, patio areas and terraces. Some overshadowing of the open space will be experienced from the trees to the west and woodland to the south but there will still be sufficient outdoor space for future residents.

Rooms will be for single occupiers and will be single aspect. Most will have an open outlook such as over the care home's landscaped gardens, public street or the woodland opposite to the south.

Communal areas for residents are also proposed such as quiet rooms, day rooms and dining rooms/cafes.

A sufficient living environment will be provided and, therefore, the proposal complies with LDP Policy Des 5 in terms of amenity for future occupiers.

Transport, parking and road safety.

NPF4 Policy 13 (Sustainable Transport) intent is to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

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 (Transport Planning) has no objections subject to appropriate conditions and informatives as appropriate relating to a Travel Plan, Disabled Persons Parking Places, access points, gates/doors, porous hardstanding, footway crossings, It has not raised any road safety concerns. Should the introduction of waiting restrictions or parking zones be requested or required, this can be considered at a later date under the relevant legislative regime.

It advises that the proposed 8 cycle parking spaces, 2 motorcycle spaces and 12 car parking spaces (including 1 disabled and 2 electric vehicles charging points) are considered acceptable. Mobility scooter parking (one space) is also being provided. The internal manoeuvrability for the underground parking area is the responsibility of the applicant, developer, or operator.

Due to shift patterns and based on information from other care homes operated by the applicant, the 12 car parking spaces proposed would be required for the operation of the care home. Public transport is available on Frogston Road West with frequent service 11 to city centre and 400 to airport via Gyle.

Environmental Protection has not raised any issues regarding road traffic noise.

Therefore, there are no transport, parking, or road safety issues.

Waste

NPF4 Policy 12 (Zero Waste) intent is to encourage, promote and facilitate development that is consistent with the waste hierarchy. Private contractors will be used for waste collections, and it is the responsibility of the applicant/developer/operator to ensure that the waste strategy complies with the relevant legislation.

Infrastructure

NPF4 Policy 18 (Infrastructure) intent is to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

No developer contributions are required.

Conclusion in relation to the Development Plan

The proposal overall complies with NPF4 and Edinburgh Local Development Plan, with the use of conditions. The principle of development and proposed design are acceptable. The character of the area and approach to Morton Mains Conservation Area will be retained. The proposal will contribute to local living and a 20 minute neighbourhood. There will not be an unreasonable loss to neighbouring amenity and future occupiers will have a satisfactory living environment. There are no flooding or archaeological issues, with the use of a condition, and there are no transport issues. The proposal will contribute to climate adaptation and mitigation and biodiversity.

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

The following material planning considerations have been identified:

Emerging policy context

On 5 April 2024 the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

Equalities and human rights

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

The proposal will provide the opportunity for local people to live in the care home locally and this will enable families to visit more easily. Future residents will have a satisfactory living environment. They will also benefit from in-house facilities such as a cinema, salon and communal spaces both inside and outside. This will enable social mixing to take place.

Costs of care in the home cannot be set by the planning authority.

Public comments have raised the impacts on the enjoyment of their gardens and quality of life in terms of mental health and wellbeing. There will be some impact on neighbouring properties, such as overshadowing and some sunlight will be lost from a garden growing area, and it has been concluded in section a) that this is within acceptable limits of the EDG. The feeling of being overlooked was also raised in the public comments. New windows will create overlooking. They will be set back from the adjoining boundaries by just under 9 metres. An increase in activity on the application site will occur and could include increase noise emitted from the site.

Lighting will be installed, and this will affect the current situation where neighbouring properties look onto a site which is in darkness. Mitigation can be taken using the recommended condition relating to a lighting strategy.

Personal safety, for example for walkers, was also raised in the public comments. The public streets are lit, and lighting will be installed on the application site and there are footpaths along both frontages of the site on Winton Drive and Winton Loan.

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

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

177 objections, 20 support comments.

A summary of the representations is provided below and are addressed in sections a) and b):

material considerations

- principle of development - recognise need for care homes; commercial; classification of brownfield land.
- demolition - unjustified; impact on environment *Principle of demolition established in 23/06846/PND.*
- impact on roads infrastructure/ insufficient / unsuitable road infrastructure - vehicles and pedestrians.
- impact of one-way road - servicing; staff movements.
- increased traffic and traffic congestion; traffic noise.
- lack of parking; need for waiting restrictions/parking zone. manoeuvrability of vehicles in underground car park.
- impact on safety - of horse riders/pedestrians/cyclists.
- increased pedestrians/walkers.
- impact on wildlife and protected species; loss of habitat.
- impact on conservation area and its setting.
- impact on trees/woodland - roots; construction impacts on trees; loss of trees; tree report should be updated.

- impact on climate.
- impact on character of area -of semi-rural street/ residential/quiet street; on setting; contrary to Des 4 - Impact on Setting.
- contrary to LDP policy Des 1 - does not contribute to a sense of place and does not reflect positive characteristics of the area.
- landscape setting of greenbelt contrary to Des 9 - Detracts from the semi-rural character/landscape setting of the green belt.
- impact on Special Landscape Area.
- building too large/out of keeping/not in character/out of proportion;/be dominant; contrary to LDP policy Des 4 - scale and massing.
- contrary to Des 3 - overlooks the enhancement of natural features.
- contrary to Hou 4 - density; degrades spatial pattern.
- overdevelopment; density; building and plot size ration.
- increased noise and disturbance.
- impact on amenity - residents' quality of life/enjoyment of garden/peaceful area/staffing and servicing of care home; contrary to Des 5.
- social mixing of residents- insufficient internal areas for mixing.
- impact of lighting/light pollution/overspill of lighting; impact on habitat - outlook currently dark at nights.
- overlooking; loss of privacy/direct overlooking of gardens.
- loss of daylighting.
- odours.
- noise - disturb residents; disturb wildlife (in woodland).
- water and waste/drainage.
- potential pollution.
- impact on infrastructure - health care/medical/GP - impact on healthcare infrastructure.
- mental health and wellbeing - impact on gardening re overshadowing.
- impact on personal safety - e.g. walking.
- inconsistencies in plans and drawings. *Sufficient information has been submitted to assess the application.*
- neighbour notification not undertaken correctly/ neighbours not receiving neighbour notification letter. *Neighbour notification was carried out in line with the Development Management Regulations.*
- cost of care.
- demographic information - more scrutiny of data; alignment with needs of community. *Sufficient information has been submitted to assess the application.*

material support comments

- need for care homes; need for care home in area; housing crisis
- economic development - jobs for local community; job creation; construction jobs
- size reduced significantly
- will free up much needed homes in the area
- design - like/good; not see from surrounding trees; scale and mass appropriate; captured surrounding area
- elderly people living in community
- welcome addition to street; fit into street
- will make it leafy along Winton Loan
- safe and tranquil place to stay; outside space

non-material considerations

- loss of view. *Private views not protected in LDP policies.*
- letter from developer to neighbours
- ethics and trust
- construction traffic/disruption/blocking roads/noise/impact on woodland trees
- title deed restrictions
- date application submitted
- food waste - increase rats and other scavenging animals
- gritting of road in winter
- sets precedent for future developments
- reduce re-sale value of property
- should be for private residential
- people wishing to stay in own homes; moving elderly into mass residential facilities now under question - (The Feeley Review February 2021)
- access for fire appliances
- fire hazard of underground car park
- housing shortage
- community engagement
- reduce bed blocking in hospitals; reduce NHS costs

Fairmilehead Community Council

- strong local objection
- accept need for care homes in Edinburgh
- accept principle of care home on the site
- accepts improvement/changes made since previous application
- do not it fully addresses concerns
- contrary to policies in the LDP - Policies Des 1 ,4, 5 and 9; Env 6 and 12; and contrary to NPF4 Policies 7 and 14.
- scale and massing not appropriate
- out of character; dominant and imposing
- introduces commercial use into area
- inaccuracies in Planning Statement - re: accesses
- Impact on the surrounding area, and on the setting and boundary of the Morton Mains Conservation Area
- character of the neighbourhood is semi-rural and secluded.
- impact on tree-lined approach to conservation area
- adverse impact on special qualities of conservation area
- would neither preserve nor enhance its special character, appearance or setting.
- impact on trees - root protection areas; canopies
- transport, parking and road safety - traffic generation; deliveries
- light pollution - suggest lower height light units lights from windows; impact on wildlife - need dark periods
- demolition - does not contribute to conserving and recycling assets in NPF4 Policy 1

- materials from demolition
- waste - location of bins
- impact of construction activities
- woodland on Winton Loan - more dense than shown

Conclusion in relation to identified material considerations

There are no compelling reasons in the other material planning considerations why the application should be refused. The material considerations support the presumption to grant planning permission.

Overall conclusion

Overall, the proposal complies with NPF4 and Edinburgh Local Development Plan, with the use of conditions. The principle of development and proposed design are acceptable. The character of the area and approach to Morton Mains Conservation Area will be retained. The proposal will contribute to local living and a 20 minute neighbourhood. There will not be an unreasonable loss to neighbouring amenity and future occupiers will have a satisfactory living environment. There are no flooding or archaeological issues, with the use of a condition, and there are no transport issues. The proposal will contribute to climate adaptation and mitigation and biodiversity. The impact on trees will be mitigated through the use of conditions relating to tree removal, new tree planting and TPO trees. Therefore, the application is acceptable. There are no other material considerations that 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. No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (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.
3. Prior to commencement of development a fully detailed landscape plan showing new tree planting and native species and incorporating biodiversity enhancements shall be submitted to and approved in writing by the planning authority.

4. Prior to commencement of development a Tree Protection Plan to be submitted to and approved in writing by the planning authority and shall be erected before any construction works commence and will remain in place for the full duration of the development work and will not be moved without written agreement from the planning authority. The Tree Protection Plan shall show the location of tree protection fencing accurately shown on the map, the specification for the fencing and a statement that the area within the fencing is the Construction Exclusion Zone and will not be used for any activity, including storage or foot access, for the full duration of the works.
5. Prior to the commencement of development, an Arboricultural Method Statement shall be submitted to and approved in writing by the planning authority to agree how the works are to be undertaken within the Root Protection Areas (RPAs).
6. Prior to commencement of development, details of the trees to be removed and new tree planting shall be submitted to and approved in writing by the planning authority.
7. Prior to commencement of development, a landscape management plan shall be submitted to and approved in writing by the planning authority.

Reasons:-

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the interests of archaeological heritage.
3. In order to ensure appropriate planting including tree planting and enhanced biodiversity.
4. In order to safeguard protected trees.
5. In order to safeguard protected trees.
6. To ensure only those trees identified to be removed shall be felled and that appropriate new tree planting is undertaken.
7. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

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. The applicant is encouraged to use bee bricks and swift bricks.
4. The applicant should note the following in relation to the proposed access points:
 - the access should be a maximum of 3m wide, be by dropped kerb (i.e. not bell mouth) and be paved in a solid material for a length of 2 metres nearest the road to prevent deleterious material (e.g. loose chippings) being carried on to the road;
 - any gate or doors must open inwards onto the property;
 - any hard-standing outside should be porous;
 - any works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits

<https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

5. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
6. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard BS 8300-2:2018 as approved.
7. Should bats or other European protected species be found in the wider application site in terms of works for the proposed development, the Habitats Regulations 1994 will require the applicant to carry out the works under an European Protected Species licence or a bat licence (Bat Low Impact Licencing (BLIMP) and a statement from Nature Scot in order to protect the ecological interest.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 14 December 2023

Drawing Numbers/Scheme

01-19, 22-25.

Scheme 1

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: Flood Planning

COMMENT: Thank you for providing the additional information and responses to our previous consultation response. This satisfies our previous comments. This application can proceed to determination, with no further comments from CEC Flood Prevention.

DATE: 18 February 2024

NAME: Economic Development

COMMENT: Not able to estimate economic impacts associated with care homes.

DATE: 22 February 2024

NAME: Roads Authority (Transport Planning)

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

1. Travel Plan
2. Disabled persons parking places
3. Access points

The proposed 8 cycle parking spaces, 2 motorcycle spaces and 12 car parking spaces (including 1 disabled and 2 electric vehicle charging points) are considered acceptable.

DATE: 26 February 2024

NAME: Archaeology

COMMENT: Site is located within a wider area of archaeological significance at Fairmilehead/Caiystane, associated with prehistoric burials and ritual monuments.

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 (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: 4 January 2024

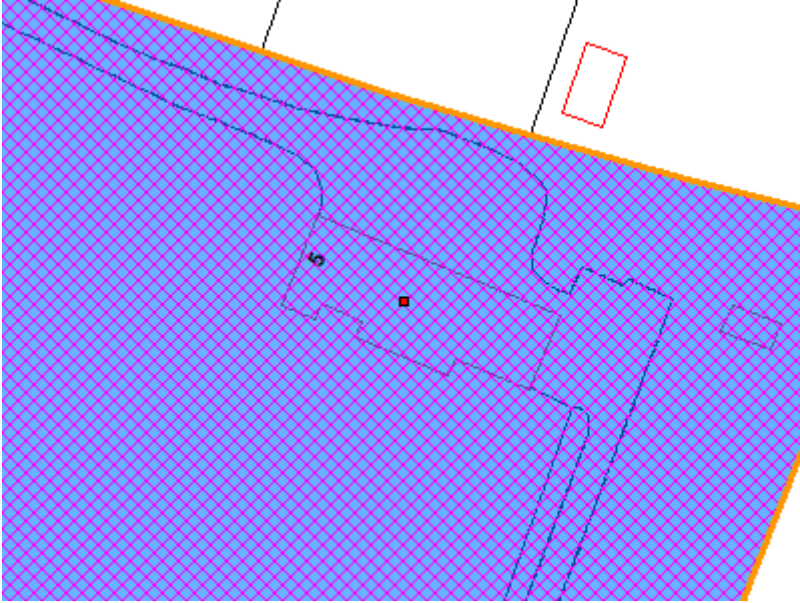
NAME: Environmental Protection

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

DATE: 7 March 2024

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

Location Plan



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