

Development Management Sub-Committee Report

Wednesday 17 April 2024

**Application for Planning Permission
1A Lochend Butterfly Way, Edinburgh, EH7 5FF**

Proposal: Proposed residential development and associated landscaping works (As Amended).

**Item – Committee Decision
Application Number – 23/01418/FUL
Ward – B14 - Craigentiny/Duddingston**

Reasons for Referral to Committee

The application is referred to the Development Management Sub- Committee as the original scheme attracted 13 letters of objections and was submitted before the revised Statutory Scheme of Delegation came into effect on May 2023. Consequently, 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

The proposal will contribute towards sustainable, liveable and productive places. The proposal complies with the policies contained National Planning Framework 4 and Edinburgh Local Development Plan. The proposed development design is acceptable, neighbouring amenity will not be adversely affected and future occupiers will have reasonable levels of living amenity within the development. A legal agreement is required to secure contributions towards healthcare, affordable housing, and education. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is an irregular shape of land, measuring approximately 0.2 ha. It is located on the corner of Lochend Butterfly Way and Hawkhill Avenue. Part of the site is occupied by a two-storey temporary building which served as a property sales facility for the Lochend Butterfly development to the west of the site, an eight-storey residential development. The remainder of the application site is now currently vacant.

A stone wall runs along the northern and eastern boundary, parallel with Hawkhill Avenue to the north, with a footpath link that runs to Lochend Park. The site is characterised by a mix of soft and hard landscaping. There are twelve trees within the site. Car parking is located to the west of the site, accommodating up to ten cars. Vehicular access is from Lochend Butterfly Way.

The surrounding uses includes a traditional three storey flats to the east and north-east of the site. To the east of the site, there is a footpath designated as a cycleway footpath safeguard in the Edinburgh Local Development Plan. This is to provide active travel cycle link with new bridge. In addition, there is a cycle link, linking over Hawkhill Avenue to Leith Academy playing fields. The site immediately attaches to Lochend Park on its southern edge. To the north-west, across from the site is a plant hire company that is housed in a modern metal shed. Hibernian Football Stadium is located around 100m to the west which dominates the local streetscape.

The wider local area is characterised by recent new build developments that mostly comprise of flatted developments, ranging from six to eight storeys.

Description of the Proposal

The application is for a residential development and associated landscaping works. A total of 32 residential units are proposed, comprising 31 flats and one detached house.

The proposed flatted development (Block A) will range from three to six storeys in height. Elevation details includes full height windows and doors, with a mix of projecting and Juliette balconies. Brick will be the main treatment finish. The development design incorporates an angled contemporary flat roof where a green roof alongside PV panels is proposed.

The single house (Block B) will be two storeys with a recessed third storey, featuring a roof terrace. It will also have a brick finish. The flat recessed roof will have a glazed curtain walling to the front and sides, and it will be clad in metal. It will be a three-bedroom unit.

The proposed accommodation schedule within Block A includes seven one-bedroom (22.5%), seventeen two-bedrooms (54.8%), six three-bedrooms (19%) and one four-bedrooms 3%). Seven of the proposed units will have main door entrances.

The proposal includes provision for 25% affordable housing. The units are not shown as they will be tenure blind.

Within the site, the proposal is for a car free parking scheme. The plans show two accessible parking bays outside the application red boundary, but it is not confirmed how this would be delivered.

Shared cycle parking is to be provided internally within Block A with 65 spaces for 29 units. This includes 16 Sheffield stands (24%), 15 non-standard spaces (23%), and 34 two-tier racks (52%). Two one-bedroom units within Block A with main door will have private storage under external staircases with two Sheffield stands each. Block B detached house will have storage within rear curtilage with three Sheffield stands for three bikes. Overall, 72 cycle spaces within the scheme will be provided; 32% Sheffield stands, 21%, non-standard spaces and 47% two-tier racks.

Provision for 8 visitor cycle parking is also included.

A mix of soft and hard landscaping proposed. The open space strategy includes shared garden spaces to the east and west of the development. Some units with private ground floor access will have private gardens.

Alterations to the existing boundary wall to the east of the site is proposed.

The proposal seeks to remove six trees and to replace with twelve new trees. The characterisation of the new trees includes one weeping birch tree, five cherry trees and six pyramid oak trees.

Supporting Information

The following information was submitted in support of the application:

- Design statement.
- Sustainability form
- Flood risk assessment and drainage strategy.
- Daylight and sunlight analysis report
- Supplementary planning statement
- Affordable housing statement

These documents are available to view on Planning and Building Standards online portal.

Scheme one

The original scheme was amended. The number of units was reduced from 36 to 32. The floor area of the building was reduced by approximately 13%, resulting changes to the plan form and height of Block A. Originally, there was two houses proposed at the south end of the site which have now been replaced with a single house (Block B) with private garden. The original SUDs Pond has been removed in favour of achieving more useable open space.

Relevant Site History

15/03202/FUL
Site Office
Lochend Butterfly Way
Edinburgh

Change of use from existing developer's sales office (in use since 2007) to class 4 (business) use.

Granted
30 September 2015

17/00719/FUL
1A Lochend Butterfly Way
Edinburgh
EH7 5FF

The development of 24 flats. To consist of 18 private flats, and 6 affordable flats.

Granted
10 September 2018

Other Relevant Site History

None.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Flood Planning

Transport Planning

Archaeology

Waste Services

Children and Families

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 23 October 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 14 April 2023

Site Notices Date(s): Not Applicable

Number of Contributors: 24

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:

- NPF 4 Sustainable Places policies 1, 2, 3, 6, 7, 9, 13.
- NPF 4 Liveable Places policies 14, 15, 16, 18, 22.
- NPF 4 Productive Places policy 25.
- LDP Design policies DES 1, 2, 3, 4, 5, 7.
- LDP Environment policies ENV 12, 21, 22.
- LDP Housing policies HOU 1, 2, 3, 4, 6.
- LDP Transport policies TRA 2, 3, 4; and
- LDP Delivering the strategy policy DEL 1.

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

Principle

NPF 4 Policy 16 f) (ii) states development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including NPF 4 Policy 15 local living and 20-minute neighbourhoods.

Easter Road to the west of the application site is within approximately ten minutes walking distance to bus stops and a supermarket (Lidl). Lochend Road is under five minutes to bus stops from the application site. Lochend Loch and park is located 25 metres south from the application site. Hermitage Park Primary School and Leith Academy, located off Lochend Road are within approximately 15 minutes walking distance from the application site. It is considered that the location of the proposal is consistent with local living and 20-minutes neighbourhood principle which is also in line with NPF 4 Policy 25 where localised spending will enable community resilience and reduce inequalities. In addition, the proposal will result in the sustainable adaptation of a brownfield site for housing which is consistent with NPF 4 Policy 9.

The site lies within an urban area defined in the Edinburgh Local Development Plan (LDP). Policy HOU 1 gives priority to the delivery of the housing land supply on suitable sites within the urban area provided proposals are compatible with other policies in the plan. As detailed in the assessment below, the principle of housing on the site is supported as a policy compliant scheme can be delivered.

The proposals comply with NPF 4 Policies 9, 15, 16 and 25 and Policy HOU 1 of the LDP.

Development design

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 (healthy, pleasant, connected, distinctive, sustainable, and adaptable).

Lochend Butterfly Way to the west of the site has been significantly developed in the last twenty years with high density flats. This contrasts with the low rise four-in-block to the east of the site. The proposal is for a high-density development where it equates to 160 units/ha, and this broadly reflects the development pattern to the west of the site but on a reduced scale.

The proposed scale and massing of the development has been reduced significantly to better relate to the existing two storey flats to the east of the site on Hawkhill Avenue and Lochend Park. In addition, the proposed development height is subservient in scale to the existing eight-storey residential development to the west of Lochend Butterfly Way. Given the proposed break in the massing, the siting of the development is appropriate for this corner plot as it will achieve a defined frontage that is welcoming and active compared to the existing situation on Hawkhill Avenue and Lochend Butterfly Way.

The mix/break in the development height and massing and the contemporary roof design will help to achieve a sense of place. The development design will be articulated through the restricted palette of materials with brick being the predominant treatment finish and this is acceptable. Additional visualisations were provided, and it demonstrates no adverse impacts to the character of neighbouring developments. It will be necessary to condition all external treatment finishes. To address compliance with LDP Policy DES 4.

The proposed development sets out a logical landscape strategy where it seeks to retain existing features within the site, including the existing wrap round hedging to the north and west of the site and the stone wall to the east. In addition, six trees within the site would be retained with additional tree planting proposed, which will provide enhanced biodiversity measures to create attractive places. This approach is in line with LDP Policy DES 3.

In terms of community safety, the introduction of housing on this site would provide enhanced overlooking to the existing public footpath/lane to the east of the site which is a cycle footpath safeguard in the LDP (T7). In addition, the alterations proposed to the existing boundary walls with the formation of openings within this lane seeks to make this path feel more connected, safe, and useable. This approach is welcomed. In addition, the proposal includes an area of open space to the west of the site with garden furniture (benches) which will be visible from public views. This will provide the street frontage with natural surveillance alongside with an attractive soft landscape/garden setting. The proposal demonstrates a comprehensive and integrated approach to the layout of its buildings and footpath connections within the site. This is in line with LDP Policy DES 7.

Overall, the proposed development design is acceptable as it will comply with the six qualities of successful places.

The proposals comply with NPF 4 Policy 14 and Policies DES 1, 2, 3, 4 and 7 of the LDP.

Residential amenity

NPF 4 Policy 14 (d) states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

LDP Policy DES 5 requires future occupiers have acceptable levels of amenity within the development.

Floorspace

The proposed units meet the minimum floorspace standards as contained in the Edinburgh Design Guidance.

Mix

In terms of housing mix, the proposal exceeds 20% of the total number of units designed for growing families as eight units will consists of three and four bedrooms.

Compliance with LDP Policy HOU 2 is met.

Privacy

Future occupiers will have reasonable levels of privacy within the proposed development.

Daylight

The submitted Daylight report show that out of 134 windows proposed, 31 windows (23%) fail the vertical sky component (VSC). For the windows where the VSC is less than 27%, the daylight distribution/no skyline was tested. The findings show that all windows comply with the average daylight factor for rooms, and this is acceptable. Future occupiers will have acceptable levels of daylight within the development.

Private green space

LDP Policy HOU 3 sets out the criteria for private green space in housing development.

The proposal is for 32 units and five units will have private gardens. The requirement for communal provision is 10m² per flat (excluding units provided with private gardens). A communal provision of 270m² is therefore required. The open space strategy shows provision for 415m² open space. This exceeds the requirement for communal provision, and this is acceptable.

A sun path analysis was provided. It shows that the east facing communal provision will receive at least three hours of sunlight between 9am and 12pm during the Spring Equinox (21st March). In addition, the west facing communal provision will receive afternoon sun between 12pm and 1pm. Overall, the proposed communal garden provision will have at least four hours of sunlight during the Spring Equinox (21st March), and this is acceptable. In addition, more than 20% of the total site area will be useable open space. Some units will have balconies which will provide occupiers with additional amenity benefits within the proposed development.

Overall, the proposed development density is appropriate for this site and the character of its surroundings where future occupants will have attractive residential living amenity within the development.

The proposals comply with NPF 4 Policy 14 and Policies DES 5, HOU 3 and HOU 4 of the LDP.

Neighbouring amenity

Privacy

EDG advises that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances.

The windows and balconies on the north elevation of the proposed development will be street-facing where it will face directly onto a public footpath that connects to a disused railway network (open space). There will be no loss of privacy from this side of the development.

The windows and balconies on the west elevation of the proposed development will also be street-facing where the privacy distance to the nearest windows will approximately be over 27 metres, and this is acceptable. The proposed development will be subservient in scale to the existing flats on Lochend Butterfly Way and the proposal will not result in adverse loss of privacy from this side of the development.

There are three side windows on the gable elevation of the existing three storey flats at 11 Hawkhill Avenue. These windows are not protected for privacy or daylight as they are positioned approximately 5 metres from their boundary.

The windows on the east elevation of the proposed development will not face directly onto opposing windows on nearby properties and therefore, will not result in adverse loss of internal privacy.

Due to the height and position of the proposed development (Block A), the windows on the east elevation will introduce a change to neighbouring privacy levels to the east of the site in terms of overlooking. The area affected relates to the shared/communal garden grounds, belonging to the four-in-a-block flats that front onto Hawkhill Avenue and Lochend Park. In terms of the existing situation, the existing seven storey flats on the west side of Lochend Butterfly Way currently overlooks onto this area of common garden grounds, despite its 45 metres separation distance. In addition, the existing two storey sales office on the site is positioned close to the eastern boundary where the east facing window on the first floor already overlooks onto the shared/communal garden ground. Further to this, there is an existing footpath that runs parallel to the site from Hawkhill Avenue and Lochend Park, separating the site to the east from the existing shared/communal garden grounds. This footpath provides overlooking into the existing shared/communal garden grounds where the boundary treatment consists of see through railings. Having regards to the existing situation, the proposed development will not have any more of an adverse impact on privacy/overlooking to this communal space than what currently exists.

It should be noted that 19 of the windows on the east elevation (Block A) relate to the lobby/entrance areas to the proposed flats where the degree of overlooking will not be so adverse. In addition, the remaining 14 windows on the east elevation relate to the residential units themselves where eight windows relate to habitable rooms (seven bedrooms/one small study). It is accepted that other than sleeping, future occupiers would not spend a large part of their time in their bedrooms. Therefore, the degree of overlooking is acceptable.

There are two side windows on the gable elevation of the existing three storey flats at 6 Lochend Park which are not protected for privacy or daylight. The rear gardens at 6 Lochend Park is partially screened with high shrub planting and is not overlooked from the footpath. The proposed Block B sits closer to this neighbouring property. Due to the existing situation as described above, the windows on the east elevation and small two roof terraces on Block B will not result in adverse overlooking.

Daylight

The daylight analysis shows that neighbouring flatted developments to the east and west of the site will not be adversely affected in terms of loss of daylight and this is acceptable.

Sunlight

A sun path analysis was provided to show pre and post residential development during the Spring Equinox (21st March). It showed a small change in the shading areas between 2pm and 3pm to the shared/communal gardens to the east of the site because of Block A and Block B. The sunlight study, however, demonstrates that this space will

still receive more than two hours of sunlight on the 21st of March (spring equinox), and this is acceptable. The proposal will not result in adverse overshadowing to existing amenity spaces, and this is acceptable.

The proposals comply with NPF 4 Policy 14 and Policy DES 5 of the LDP.

Parking

Car

NPF 4 Policy 13 (e) welcomes development proposals that are ambitious in terms of low/no car parking, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

LDP Policy TRA 2 states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance. It sets out the considerations where lower provision will be pursued.

The proposed development is for a parking free scheme and given the nature of the proposal, a transport assessment is not required. Representations received have objected that this approach is not suitable for the area as existing on-street car parking cannot cope, particularly on match days as the site is near to a football stadium and that public transport measures are inadequate to cater for the development. It should be noted that planning cannot restrict car ownership or where individuals choose to park their cars.

The proposed development meets the ambitious aim of NPF 4 Policy 13 (e). Car parking in the area is currently uncontrolled. Lochend is in Phase 2 of the Strategic Parking Review and, subject to Committee decisions, a Controlled Parking Zone (CPZ) may be introduced after 2026. While planning cannot restrict car ownership or where individuals choose to park their cars, a car parking free scheme helps to create more sustainable, attractive place to live and helps to address congestion, air pollution and noise.

The proposed development is in a lower public transport accessibility zone, but it is near to good bus routes. Bus routes should ideally be within 400metres of a site. Previously, No.13 bus service had operated along Hawkhill Avenue. It is not known if this service would resume in the future.

The application site is within 500metres of Easter Road where the No.1 bus runs about 4 buses per hour (each direction) in the peak between Clermiston and Seafield via the city centre. The No.35 bus runs about 3 per hour in the peak between Heriot Watt and Ocean Terminal via Lauriston Place.

The site is also less than 200metres to Lochend Road. The No.21 bus runs about 3 per hour between Gyle Centre / Clovenstone and Royal Infirmary on an orbital route. The No.25 bus runs about 4 per hour between Heriot Watt and Restalrig via the city centre. There is also a non-Lothian service, the No.21 bus which runs about one per hour between Blackhall and Lochend via Hawkhill Road and the city centre.

The EDG does not provide accessible car parking standards for schemes that are parking free. The drawings show two accessible parking spaces outside the red boundary line of the application site. For this reason, this accessible provision cannot be controlled through this application. In addition, the acceptability/suitability of this provision in its location cannot be assessed as part of this application as it requires separate Roads Authority consent. As previously mentioned, Lochend is in Phase 2 of the Strategic Parking Review, and it would be inappropriate to enforce disabled car parking space out with the application site. In addition, planning does not allocate parking permits or Blue Badges. It should be noted that approximately 33 metres to the east of the application site on Hawkhill Avenue, there is a disabled parking bay.

While the absence of a dedicated accessible car parking space within the scope of the application has the potential to create a barrier to access by disabled people, it is considered that the site is accessible to nearby bus stops and on-street disabled car parking nearby. An informative is recommended to encourage the applicant to liaise with Disabled Person's Parking Places (DPPP) team to explore options to reserve a space on public road for Blue Badge users and to include information on disabled car parking in their welcoming pack for future occupiers.

The proposals comply with NPF Policy 13 and LDP Policy TRA 2.

Cycle

In terms of the standards contained in the EDG, there is a requirement for 72 cycle spaces to be provided for the 32 units. The Council's C7 Cycle Factsheet states that a maximum of 80% of all cycle parking spaces can be one type. At least 20% of cycle parking shall be suitable for use by non-standard bicycles.

Shared cycle parking is to be provided internally within Block A with 65 spaces for 29 units. This includes 16 Sheffield stands (24%), 15 non-standard spaces (23%), and 34 two-tier racks (52%).

Two one-bedroom units within Block A with main door will have private storage under external staircases with two Sheffield stands each.

Block B detached house will have storage within rear curtilage with three Sheffield stands for three bikes.

Overall, 72 cycle spaces for 32 units within the scheme will be provided; 32% Sheffield stands, 21%, non-standard spaces and 47% two-tier racks. The number and type of cycle parking complies with the standards contained in the EDG and the Council's C7 Cycle Factsheet.

The inclusion of eight cycle parking for visitors is acceptable.

The proposals comply with Policies TRA 3 and TRA 4 of the LDP.

Other matters

Flood impacts.

Flood Planning were consulted on the proposals and have advised no objections to the proposals.

The proposals comply with NPF 4 Policy 22 and Policy ENV 21 of the LDP.

Trees

NPF 4 Policy 6 states that development proposals that enhance and expand tree cover will be supported.

The EDG advises that a suitably qualified Arboriculturist should be used to survey and evaluate the existing tree and woodland resource within the site and 12m beyond. This includes all trees with a stem diameter of 75mm or more, at 1.5m above ground on the site or within 12m of its boundary. Trees should then be categorised in accordance with their quality and suitability for retention.

A tree survey was not provided. The landscaping within the site relates to the use of the site as a temporary sales office and the trees within the site are of low amenity value. Within the site, there are twelve trees, and the proposal seeks to remove six trees. This includes four Pyramid Oak and two Cherry trees, to the south-west of the site. This is to facilitate three path connections within the site and the siting of the proposed development blocks. The removal of the trees would be mitigated with the planting of twelve additional trees, including one weeping birch, five cherry and six pyramid oak trees. The replacement tree planting would double what is being proposed for removal, bringing the total number of trees on the site to eighteen. The proposal will enhance and expand tree cover on the site, and this is acceptable.

While a tree survey was not provided, the proposed planting of new trees would more than mitigate for the removal of six trees on this site. Seven of the new trees would be planted alongside existing trees on northern and western boundary, providing a defined landscape edge to the site. The cherry trees will be planted along eastern boundary of the site will be within the private communal garden area. The proposal has set out a logical landscaping plan for the retention and planting of new trees and this is acceptable.

The proposals comply with NPF 4 Policy 6 and Policy ENV 12 of the LDP.

Archaeology

The City's Archaeologist was consulted on the proposal and concluded that there are no known archaeological implications for the application site.

The proposals comply with Policy 7(o) of NPF 4.

Protected species and biodiversity

Part of the established hedging that wraps the site to the north and along its western boundary will be retained, alongside with six existing trees. This is positive in terms of incorporating and enhancing existing features within the site in line with LDP Policy DES 3. Biodiversity gains would be met through the introduction of twelve new trees and the incorporation of green roofs which is also positive, and this is in line with NPF 4 Policy 3.

Due to the characteristic of the site, there is not a requirement to provide a Preliminary Ecological Appraisal (PEA). The proposed development will not have an adverse effect on species protected by legislation.

An informative is recommended to encourage the incorporation of swift nest bricks.

The proposals comply with NPF 4 Policy 3 and Policy DES 3 of the LDP.

Waste

The waste strategy has yet to be agreed with Waste Services. The bin stores are located on the ground floor with a minimum 10 metres pull distance from Lochend Butterfly Way. An informative is required to ensure that the applicant liaise with Waste Services to address their waste and recycling requirements. The absence of an agreed waste strategy does not preclude assessment of the proposal.

Air quality

Environmental Protection were consulted on the proposals and raised no concerns on air quality grounds. Environmental Protection welcomes the reduced/zero car parking provision on the site.

Contaminated land

A condition is required to ensure that a programme of intrusive ground investigation works is carried out and where necessary, a detailed schedule of any required remedial and/or protective measures is submitted to and approved by the Planning Authority. This is to ensure that the land is made safe for the proposed end uses and to address Policy ENV 22 of the LDP.

Developer contributions

Transport

Transport Planning advise that the applicant should consider the provision of car club vehicles in the area and that contributions would be required. It should be noted that the number of car club vehicles were not specified, and a contribution figure was not provided. The proposal is for a car parking free scheme where it would be unreasonable to request a contribution. In addition, there is no guarantee that the location of club car vehicles would serve the application site in question. An online search of Enterprise Car Club shows that there is a car club vehicle parked at 16 Lochend Butterfly Way which is near to the application site.

To the east of the site, there is an active travel safeguard (T7). The Local Development Action Plan 2023 identifies this as a safeguard only with no contributions specified. In addition, it states that this safeguard is not in Active Travel Action Plan (ATAP).

No contributions towards active travel routes are required.

Healthcare

The site lies within Brunton Healthcare contribution zone where there is a requirement for a new practice. The breakdown of this calculation is set out in the Supplementary Guidance 'Developer Contributions and Infrastructure Delivery (2018): 20% x £4.5m= £0.9m. £0.9m/2,000 = £450 per patient = £945 per dwelling. A total of 32 units (31 flats and 1 house) are proposed and this amounts to £30,240 (32 x £945). A legal agreement will be required to secure this provision.

Affordable housing

NPF4 Policy 16 (e) states that proposals for market homes will only be supported where the contribution to the provision of affordable homes on site will be at least 25% of the total number of homes.

The affordable housing will account for 8 homes, which is 25% affordable housing. The affordable homes are a mix of one (25%), two (50%) and three (25%) bedroom homes which is representative of the market housing. It is proposed that all affordable housing will be for social rent.

The applicant has engaged with one Registered Social Landlord (RSL), Harbour Homes (formerly known as Port of Leith Housing Association). The Affordable Housing Statement submitted by the applicant sets out that "Harbour Homes have a special interest in this site, having leased it since 2017 as a base for their maintenance divisions" and we can confirm there is currently a Harbour Homes office on the site. It was widely reported that Harbour Homes paused development of affordable homes in October 2023 due to challenging market conditions and this currently is still the case.

The applicant proposes the affordable homes to be located either as main door entry, which is acceptable, or within a stairwell shared with the market housing. The affordable homes are located on the ground and first floors and market housing is on all floors, from ground to fifth floor. Whilst this may be acceptable to Harbour Homes in principle, this shared stairwell arrangement is unlikely to be acceptable to other RSLs.

As Harbour Homes are currently not developing new affordable homes and the suggested shared stairwell layout is unlikely to be acceptable to other RSLs, Housing Management and Housing as the consultee for Affordable Housing can only support the application if a planning condition is attached to ensure that prior to the commencement of the development, the applicant is in contract with a Registered Social Landlord to deliver the social rented homes.

Whilst the position of Affordable Housing is understood it is not considered to be a reasonable condition to limit the commencement of development to a signed contract with an RSL provider. The terms of the Legal Agreement allow for the flexibility in delivery of the affordable housing units. It is more appropriate to regulate the delivery of affordable housing through the legal agreement. A clause can be included within the legal agreement to address the concerns of Affordable Housing and to secure an RSL partner prior to commencement of development.

A legal agreement will be required to secure 25% of affordable housing. This is to comply with NPF 4 Policy 16 and Policy HOU 6 of the LDP.

Education

Impact on education infrastructure was assessed based on one house and twenty-four flats (seven one bed flats have been excluded from the assessment).

There is capacity at Hermitage Park Primary School, the catchment non-denominational primary school, to accommodate the pupils generated from the proposed development. However, additional secondary school capacity will be required to accommodate the cumulative impact of housing developments in Leith Academy's catchment area.

To mitigate the cumulative impact of development that would be anticipated if this proposal and other urban area sites progressed, the proposed development is therefore required to make a contribution towards the delivery of the following actions based on the established 'per house' and 'per flat' rates set out below.

Per unit infrastructure contribution requirement towards secondary school:

£4,914 per flat

£17,267 per house

Based on one house and twenty-four flats, the application is required to contribute £135,203 towards Secondary Infrastructure. A legal agreement will be required to secure this provision.

Overall, contributions are required towards healthcare, affordable housing, and education. A legal agreement will be required to secure this provision in line with NPF4 Policy 18 and DEL 1 of the LDP.

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 proposal is consistent with the spatial priorities of compact urban growth in terms of redeveloping a brownfield site for housing, integrating with existing infrastructure and reducing the need for green belt land. The proposals comply with Policy 1 of NPF 4.

NPF4 Policy 2 seeks to encourage, promote, and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

The requirements to achieve net zero will be addressed through the building warrant stage. Heating for the proposed dwellings will be generated by in-dwelling Exhaust Air Source Heat Pump (EASHP) combined with Mechanical Ventilation with Heat Recovery. The EASHP extracts heat from ventilation discharge to warm the supply air and generate Domestic Hot Water. They are low and zero carbon (LZC) technology. In addition, solar panels are proposed within the roofscape of Block A.

In terms of flood impacts, the proposal confirms that 1:30-year+CC event remains in drainage features and that 1:200-year+CC surface water can be attenuated safely within the site. The proposed roofscape indicates a green roof but treatment finish is not specified. A green roof is beneficial in terms of slowing down surface water run-off and introducing enhanced biodiversity measures. A condition requiring further details of the proposed green roof is required. This is to consider this matter in more detail.

The proposal is for a parking free scheme with 100% provision for secure cycle parking for the occupants. As highlighted, a car parking free scheme helps to create more sustainable, attractive place to live and helps to address congestion, air pollution and noise. The site is within walking/wheeling distance to nearby bus stops, utilising existing transport and networks.

The proposals comply Policy 2 of NPF 4.

Conclusion in relation to the Development Plan

The proposal will contribute towards sustainable, liveable, and productive places. The proposal complies with the policies contained National Planning Framework 4 and Edinburgh Local Development Plan. The proposed development design is acceptable, neighbouring amenity will not be adversely affected and future occupiers will have reasonable levels of living amenity within the development. A legal agreement is required to secure contributions towards healthcare, affordable housing, and education.

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. Impacts have been identified and addressed in the assessment section of the report. 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

Neighbours were first notified of the application on 31 March 2023 and the proposal attracted a total of sixteen comments; 13 objected, 2 supported the proposals and one raised neutral comment. Neighbours were re-notified of the application on 23 October 2023 and the revised scheme attracted eight objections. The material comments raised are addressed in the assessment section of the report.

A summary of the representations is provided below:

material considerations - original scheme – objection

- Development design, height, and massing.
- Overdevelopment.
- Residential amenity (daylight, sunlight privacy, noise, and air quality).
- Infrastructure pressure (schools, nurseries, and healthcare).
- No parking provision and existing parking pressures in the area and would result in unsafe parking.
- Would increase traffic and pollution.
- Do not provide sufficient sustainable travel or wider sustainability measures.
- Flood impacts.
- Development needs to build ahead of net zero-targeted building standards.
- New green space is needed to accommodate the population increase in the area.
- Improvements/contribution towards pedestrian and cycle infrastructure required, including safe cycle routes along Hawkhill Avenue.

material considerations - original scheme – support

- Need for housing.
- Will not change character of area.
- Will enable a neglected parcel of land where part of it has been used for dumping and fly tipping.

material considerations - original scheme - neutral

- Incorporate swift nest bricks.

non-material considerations- original scheme – objection

- Do not need more housing - does not preclude assessment.
- Will result loss of view - while loss of view is unfortunate, planning does not protect the private interests towards a particular view.
- Will devalue property - planning does not control market fluctuations.
- Reference to design statement for planning application 17/00719/FUL - the application is assessed as submitted and in line with new policy considerations (NPF4).
- Properties at 4,8,12,16,20,22 and 11/14 Hawkhill Closs were not included in the neighbour notification list - the requirement to undertake statutory neighbour notification is not based on sightlines to the development. In accordance with regulation 18 (2)(a) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, neighbours within 20 metres of the application site were notified.

material considerations - revised scheme

- Residential amenity (daylight, sunlight privacy, noise, and air quality).
- No car parking provision and no provision for taxis, carers vehicles, trades vehicles, visitors, and delivery vehicles.
- Existing car parking pressures in the area/insufficient on-street parking/particularly during football matches at the Hibs football ground surrounding roads are filled with football spectator's cars.
- Infrastructure pressure (schools, nurseries, and healthcare).

- Environmental impact - Lochend Park has recently suffered serious flooding due to the ongoing urbanisation of the near-by area. This development puts this local nature site at further risk.
- Affordable housing.
- Community safety passive surveillance - multiple access from the lane will increase anti-social/criminal behaviour.
- Impact on sustainable travel - no protection of cycle ways and pedestrian infrastructure on Hawkhill Avenue and Lochend Butterfly Way.
- Disabled car parking provision will obstruct the road.

non-material considerations- revised scheme

- Loss of view from kitchen - While loss of view is unfortunate, planning does not protect the private interests towards a particular view.
- The recent changes to bus services in the local area means there are now less buses than there used to be, with longer routes - planning does not control the supply and demand of bus operators.

Conclusion in relation to identified material considerations.

The material considerations have been identified and there are no new material considerations to resolve.

Overall conclusion

The proposal will contribute towards sustainable, liveable, and productive places. The proposal complies with the policies contained National Planning Framework 4 and Edinburgh Local Development Plan. The proposed development design is acceptable, neighbouring amenity will not be adversely affected and future occupiers will have reasonable levels of living amenity within the development. A legal agreement is required to secure contributions towards healthcare, affordable housing, and education. There are no material considerations that outweigh this conclusion. It is recommended that this application be approved.

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. 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.
3. Notwithstanding the approved drawings, details of the green roof shall be submitted to and approved in writing by the Planning Authority before works commence on the site. The approved details shall be implemented prior to first occupation of the units.
 4. Notwithstanding the approved drawings, a detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
 5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act. 1997
2. To ensure that the site is made safe for end use.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. It should be noted that:

Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation all of those matters identified in the proposed Heads of Terms.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6-month period, a report will be put to committee with a likely recommendation that the application be refused.

This matter relates to:

Education - Secondary School Infrastructure - rate of £4,914 per flat and £17,267 per house. Based one house and twenty-four flats, the application is required to contribute £135,203 towards Secondary Infrastructure.

Affordable housing - 25% (8 affordable homes) with a representative mix of house types and sizes provided.

Healthcare - £30,240 (32 x £945) towards Brunton Healthcare contribution zone.

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.
4. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity.
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. This should include information for Blue Badge users.
6. The applicant is required to liaise with Waste and Cleaning Services to discuss their waste strategy.
7. Prior to construction, the applicant should confirm that Scottish Water accept the proposed surface water discharge rate to the combined network.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 30 March 2023

Drawing Numbers/Scheme

01-02, 03B-04B, 05A-13A, 14-15, 16A, 17-20.

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer
E-mail: laura.marshall@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Flood Planning
COMMENT: Proceed to determination.
DATE: 5 March 2024

NAME: Transport Planning
COMMENT: No objection subject to conditions/informatives.
DATE: 5 February 2024

NAME: Archaeology
COMMENT: No objection.
DATE: 19 April 2023

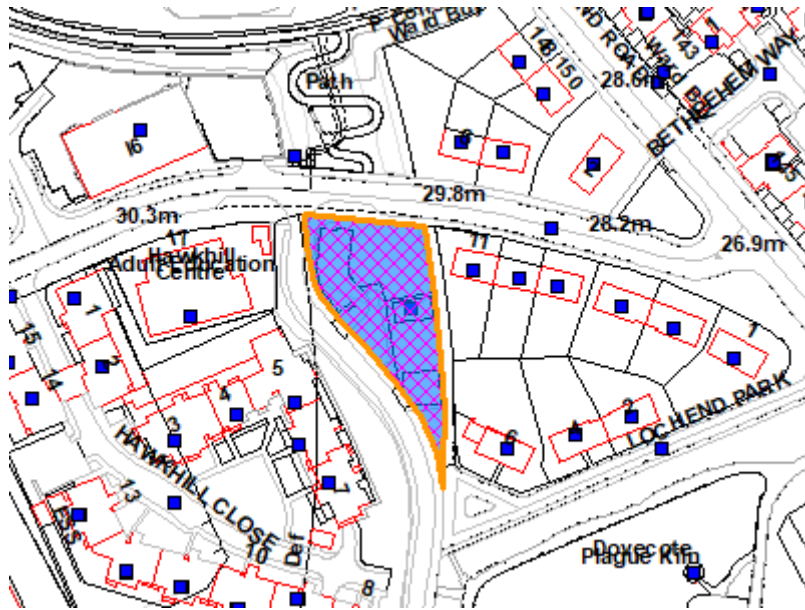
NAME: Waste Services
COMMENT: Applicant to liaise with Waste Services to discuss their waste requirements.
DATE: 6 April 2023

NAME: Children and Families
COMMENT: No objection subject to contributions towards secondary education.
DATE: 22 January 2024

NAME: Environmental Protection
COMMENT: No objections subject to conditions and informatives.
DATE: 5 April 2023

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

Location Plan



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