

Development Management Sub Committee

report returning to Committee - Wednesday 21 April 2021

Application for Planning Permission 19/01036/FUL at Car Park, Torphin Road, Edinburgh Application for a new residential building, comprising 9 flats and 2 houses, with associated infrastructure, landscaping and engineering works (as amended).

Item number

Report number

Wards

B08 - Colinton/Fairmilehead

Recommendations

It is recommended that this application be Refused for the reasons below.

Background information

This application was previously considered at the Development Management Sub-Committee on 1 July 2020. The Committee continued the application to:

- clarify that a legal agreement for class 8 use could be agreed with the applicant and to include legal arguments for housing land supply.

This returning report sets out information in relation to this request along with additional information.

Main Report

Development Use Class

The application as originally submitted describes the use as residential. This is supported by the planning statement submitted with the application and the further addendum submitted 9 June 2020 which assesses the application against the principle housing policy and housing land supply position. The applicant has not applied for a Class 8 use and the decision maker can only assess the application submitted and not an alternative proposition.

The committee has asked to consider if Class 8 use could be agreed. Class 8 use is defined as residential institutions in the Town and Country Planning (Use Classes) (Scotland) Order 1997.

In the statement submitted by the applicant in October 2020 following committee discussions, the applicant has stated that the use is not readily reflected in the use class order and that they would consider a Sui Generis use (a use within a class of its own) most appropriate.

The development of the flats already reflects a sui generis residential use. The two houses fall under Class 9 (Houses).

Housing Land Supply

The latest Housing Land Audit and Completions Programme was reported to Planning Committee on 3 February 2021. This monitored the completion of housing and the supply of housing land in the period for 2020.

It concluded that there is more than sufficient unconstrained housing land to meet the housing land requirement and that the five-year completions programme is above target. This most recent report updates and reaffirms the position that was expressed at the original committee.

Further Information

Following the committee discussions on 1 July 2020 and on the request of the planning service, the applicant has submitted a statement of further information. This statement is available to view on the Planning Portal. A summary of this further information is set out below.

Occupancy of Residential Units

The proposal includes 11 residential units as a mixture of one bedroom to four bedroom flats and two three bedroom houses. The applicant has stated that the two three bedroom houses and one of the two bedroom flats would be occupied by care givers and their families. The remaining flats would be occupied by people with special care needs.

From the bed spaces indicated on the plans the development would provide 14 spaces for people with special care needs and 8-10 spaces for care givers and their families. The applicants statement states there would be spaces for 18 residents with care needs though this is understood to be an error.

The applicant has advised that the caregivers would be employed by Tiphereth or volunteers with Tiphereth and that the care givers may wish to bring their families. This mix of residents is intended to form a shared living community.

Location of Development

It was requested that the applicant provide specific details of how the use was physically connected to Hoyland House. Hoyland House is the former golf club house for which the proposed development site was previously the car park. This information was to provide evidence of the need for the development to be in this particular location in proximity to Hoyland House.

The applicant has advised that Hoyland House is not the organisation's only site nor is it its primary site. They have stated that they run a number of sites along Torphin Road including homes and day service buildings. A map has been provided showing these locations spread over approximately 800 metres. Planning application history shows that these include class 8 care uses and various facilities.

There is no physical connection to Hoyland House specifically. The applicant has stated: *'Residents will be part of the wider Tiphereth community. Due to the specific support needs of the residents and Tiphereth's philosophy, the proposed facility needs to be located close to the existing Tiphereth facilities at Hoyland House (150m from the site) and along Torphin Road (500m from the site).'*

Conclusion

The original report raises significant issues on the design of the proposal and its appropriateness for this location within the green belt, Special Landscape Area and Pentlands Regional Park

Specifically, the proposal fails to address the overarching requirement that development would not detract from the landscape quality and/or rural character of the area in respect of green belt development. As such, it is contrary to policy Env 10 on Green Belt and no substantive case has been provided which would justify an exception to this policy.

The previous report concludes that the design quality of the development falls far below that which would be expected for this highly sensitive site and that the proposal would fail to provide an adequate level of amenity for future occupiers. This position has not changed.

The applicant has submitted sketch layouts which, though limited in detail, may enable a more suitable approach to design. The applicant has indicated the potential for a scheme with a revised design and more clearly defined and precise use could be submitted. Any revisions to the scheme of this extent would require the submission of a new application. The applicant has requested that the scheme be determined as it currently stands.

In the event that committee was minded to grant planning permission on the basis of a restricted use this should be secured by legal agreement. This would be based upon the following informative:

A legal agreement shall be formed which secures the occupancy of the development as follows: At least eight of the dwellings shall be occupied by at least one individual who has a physical or learning disability and who requires care or support at their place of residence. The remaining dwellings shall be occupied by care givers and their families. Care givers shall provide care to occupants of this development or to the Class 8 residential use at 'Hoyland House' 37 Torphin Road, Edinburgh or 'Torphin House' 49 Torphin Road, Edinburgh.

The applicant has indicated that they would be willing to enter into such a legal agreement.

Links

Policies and guidance for this application

LDPP, LHOU01, LHOU02, LEN10, LEN11, LEN18, LDES01, LDES04, LDES05, LTRA02, LTRA03, LEN17, NSG, NSGD02, NSGCGB,

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=documents&keyVal=PNON9KEWGK100>

or [Council Papers online](#)

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynne McMenemy, Senior Planning Officer

E-mail: lynne.mcmenemy@edinburgh.gov.uk