

# Development Management Sub-Committee Report

**Wednesday 24 August 2022**

**Application for Planning Permission.  
Headstart Nursery 64 - 68 Morningside Drive, Edinburgh.**

**Proposal: Proposed demolition of existing nursery school and construction of seven flats with associated landscaping and cycle parking.**

**Item – Committee Decision  
Application Number – 22/01916/FUL  
Ward – B10 - Morningside**

## **Reasons for Referral to Committee**

The application has attracted more than six material objections and determination by the Development Management Sub Committee therefore is required.

### **Recommendation**

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

### **Summary**

The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals will not harm the character and appearance of the conservation area.

The proposals do not comply with policy Hou 3 as five units will not have private green space within the development. As future occupiers will still have a high level of living amenity within the development and the site is located close to a nearby park, the infringement of policy Hou 3 therefore is acceptable. Neighbouring amenity will not be adversely affected. The development design is acceptable. The proposal is therefore acceptable with regards to the Edinburgh Local Development Plan and there is no material consideration that outweighs this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The site currently forms the premises of the existing Headstart Nursery which is a single storey flat roof building and is located on the north side of Morningside Drive. It is a single unit that was previously amalgamated from three shop units. The building projects in front of the neighbouring two storey and an attic Victorian terrace to the west of the site. The site to the north is immediately bordered by an electric substation and Morningside Park beyond. Access to the park is on the east side of the site with Morningside Cemetery located nearby to the northeast of the site.

The building has operated as the Headstart nursery since the early 1990s before the area was designated as a conservation area in 2010. Historical maps suggest that the building was constructed some 20 years after the construction of its neighbouring Victorian terraces to the west of the site.

The surrounding area is predominately residential with a mix of detached, semi-detached villas and terraces from the Edwardian and Victorian period. To the east of the site, within Morningside Court is a 1960's flatted development where the architecture is at odds with the character of the surrounding area.

### **Description of the Proposal**

The proposal is to demolish the existing single storey nursery building and to erect a flatted development for 7 units. The development will be three storeys in height with a recessed top storey.

All units are two-bedrooms with dual aspects and recessed balconies to front and rear of the development. Two units on the ground floor will have private front garden space with cycle storage for two bikes each. Cycle store for 10 bikes is also to be provided within front curtilage, alongside bin stores. No off-street car parking is proposed.

The finishing treatment is to include natural sandstone for the front elevation and natural brick for the sides and rear elevation. The recessed top storey includes a mid-grey metal composite cladding. All doors and windows are to have dark frames. The recessed balconies will have frameless glass. A new low level stone wall with hedgerow to the front and east side is proposed alongside with two contemporary metal gates.

### **Supporting Information**

- Design and Access Statement
- Planning Statement
- Sustainability Statement
- Surface Water Management Plan

## Relevant Site History

20/00549/FUL

Headstart Nursery

64 - 68 Morningside Drive

Edinburgh

EH10 5NU

Planning application for demolition of existing nursery school and construction of 3 No. townhouses with landscaping, cycle and bin stores, and ancillary infrastructure (as amended).

Granted

25 May 2020

20/00550/CON

Headstart Nursery

64 - 68 Morningside Drive

Edinburgh

EH10 5NU

Complete demolition in a conservation area. Demolition of existing nursery school

Granted

25 May 2020

## Other Relevant Site History

None.

## Pre-Application process

Pre-application discussions took place on this application.

## Consultation Engagement

Archaeology

Flood Prevention

Waste Services

Environmental Protection

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

## Publicity and Public Engagement

**Date of Neighbour Notification:** 29 April 2022

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

**Press Publication Date(s):** 13 May 2022;

**Site Notices Date(s):** 10 May 2022;

**Number of Contributors:** 21

## Section B - Assessment

### Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

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

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:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

### Assessment

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

The following HES guidance is relevant in the determination of this application:

- Managing Change Designation of Conservation Areas and Conservation Area Consent

The site is located within the Plewlands Conservation area and the character appraisal states the following:

*The urban fabric of the area can be divided into a number of distinct zones defined in terms of their building types, heights and density... To the North lie a mixture of detached/semi-detached villas, tenements and terraces contrasted with the open space of Morningside Park and Morningside Cemetery.*

*Building periods are predominantly late 19th century. The area is mainly composed of Victorian/Edwardian Terraced housing. Building types in the area range from 4-storey Victorian tenement blocks to 2 and a half storey terraces to 2-storey detached/semidetached houses. Tenement blocks occupy corner plots throughout the area as building rows continue from Comiston Road. These tenements generally contain shops at ground level, a few with the original frontages remaining...*

*There is an overall architectural coherence with the houses being built of grey or red sandstone and roofed with slate. However, there is a wide range of difference in character mirroring the eclectic stylistic influences prevalent in Victorian and Edwardian architecture. There are also small pockets of Arts and Crafts cottages and a sprinkling of thirties design properties. Further unity is derived from the terraced form of most development...*

The building is not listed as a building of architectural or historic interest under the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997. The proportions of the shop frontage on the south and east elevation are traditional in appearance. However, the shop front does not include any distinctive/decorative detailing on its stallriser and pilasters and there is no external corncicing. Only one pilaster detailing remains. The upper astragal patterns on the windows of unit 68 do not match the windows on unit 66 and 64. The vertical rhythm of the shop front is largely disrupted by its elongated fascia board which is not traditional in appearance. The main entrance on the corner is the only entrance that has a recessed doorway. The building has been garishly painted in bright blue with bright yellow paint on the windows and doors. It does not make a positive contribution to the character or appearance of the conservation area.

When assessed against the Plewlands Conservation Area Character Appraisal which highlights the essential characteristics of the area, the building is atypical. The building is a 20th Century infill development of a corner site that has been the subject of various ad hoc adaptations throughout its life. The scale and the lack of distinctive detailing is not consistent with the stylistic influences of Victorian/Edwardian architecture throughout the area. In addition, the scale, form and design of the building is not consistent with commercial uses found on the ground floor of tenement buildings. The siting of the building in front of the neighbouring terraces exaggerates the oddity of the building in terms of its scale and form as it does not reflect the traditional linear arrangements of buildings in this area

Whilst atypical buildings can make a positive contribution to conservation areas, in this case the building and its detailing are not of sufficient quality to merit retention on this basis. As the building does not positively impact on the character and appearance of the conservation, there is no strong presumption against its demolition. It should be noted that the merits of the demolition within a conservation area are addressed in the concurrent application for conservation area consent.

With the exception that the proposal is for flats, the proposed development height and footprint is similar to the approved planning permission for three townhouses on the site (application reference, 20/00549/FUL). While there are some changes to the treatment finish and detailing, the overall design concept is largely consistent. A key change to the design of the proposal relates to the introduction of natural brick on secondary elevations (sides and rear). The Edinburgh Design Guidance indicates that the use of brick should not be used as a treatment finish in conservation areas. The prevailing treatment finish within the conservation area is sandstone. However, across from the site on Morningside Court is a 1960's low rise flatted development with a white render finish and small sections of brick evident. While the architecture style of these 1960's flats is at odds with its surroundings, the proposed use of brick on secondary elevations would not visually jar with its surroundings compared to the nearby use of white render. The rear of the development faces onto a substation and onto Morningside Park where the conservation area designation terminates on Balcarres Street. The proposed tone/colouring of the brick is to complement the natural stone where the development design will utilise a limited palette of materials. Owing to the proposed use of brick on secondary areas and proximity of other materials used within the conservation area, it would be unreasonable to preclude the introduction of brick in this part of the conservation area when its use will allow the proposed development design to achieve a positive and balanced architectural effect to sit comfortably within the site. As the proposals will not adversely harm the character and appearance of the conservation area, there is no presumption against granting planning permission.

### **Conclusion in relation to the conservation area**

The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policies Env 5, Env 6, Env 9, Env 12 and Env 21
- LDP Design policies Des 1, Des 4, Des 5 and Des 6
- LDP Housing and Community Facilities policies Hou 1, Hou 3 and Hou 4
- LDP Transport policies Tra 2, Tra 3 and Tra 4
- LDP Delivering the strategy policy Del 1

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policy Env 6 and the Edinburgh Design Guidance is a relevant material consideration when considering the design related policies.

### Demolition and Conservation Area Impact

The demolition of the existing building and the impact of the proposed development on the character and appearance of the conservation area is addressed in section (a) above. Accordingly, the proposals comply with LDP policies Env 5 and Env 6.

## Principle

The site lies within a defined urban area in the adopted Edinburgh Development Plan and priority for housing is given to brownfield sites. In addition, planning permission to erect three townhouses within the envelope of the site was granted by Development Management Sub Committee on 21 May 2020 and that permission does not expire until 21 May 2023. The planning history is therefore a significant material consideration as the principle of housing on the site is already established.

Subject to compliance with other policies in the plan as assessed below, the principle of housing on the site is acceptable.

The proposals comply with LDP policy Hou 1.

## Development design

The Edinburgh Design Guidance does not preclude the introduction of contemporary developments within sensitive sites, providing that it is for a high-quality scheme and would not result in adverse harm to the area.

The proposal is for a higher density on the site with the introduction of 7 flatted units as opposed to the previously approved three townhouses. The proposed development design, however, is largely consistent with the external design of the previous permission and this is a significant material consideration in the assessment of the proposals. While the proposal introduces brick to the scheme, this is a minor deviation as the proposed development would still sit comfortably within its surroundings. The proposals will have a positive and balanced architectural effect on its surroundings.

The proposed low level stone wall boundary with hedgerow to the front and east side elevation is consistent with the adjacent terrace boundary treatment and this is acceptable.

A condition requiring details of the material specification is required to ensure that the proposed development is finished to a high standard of design, using materials appropriate for the area.

The proposals comply with LDP Des 1, Des 4 and Hou 4.

## Sustainable Building

Building Standards Technical Handbook requires new developments to accord with the current carbon dioxide emissions reduction target and this will be addressed through the building warrant stage. The proposal includes provision for cycle parking. In terms of surface water management, this is addressed in more detail below.

The proposals comply with LDP policy Des 6.

## Amenity

### *Neighbouring amenity*

The proposed development to the front will face directly onto No. 63 Morningside Road with an approximate privacy distance of 30 metres. The windows, recessed balconies, and rooftop terrace on the front elevation of the development will not result in adverse loss of privacy/overlooking into neighbouring windows.

The neighbouring terraced building has windows on its gable elevation where it is not part of a designed frontage. Edinburgh Design Guidance advises that daylight to bathrooms, stores and hallways will not be protected. Daylight to gables and side windows is generally not protected.

Section 5.7 in the submitted Design and Access statement demonstrates that sunlight to neighbouring gardens will not be adversely affected.

Overall, the amenity of neighbouring developments will not be adversely affected by the proposal in terms of noise, daylight, sunlight, privacy and immediate outlook.

### *Future occupier's amenity*

All units within the development will exceed the minimum floorspace standard contained in the Edinburgh Design Guidance for a two-bedroom unit.

Section 5.10 in the submitted Design and Access statement demonstrates that all living spaces within the development will exceed the minimum requirements for daylighting. Alterations to the existing rear boundary wall will ensure that windows on the ground floor will receive adequate levels of daylight.

Future occupiers will have adequate levels of privacy within the development.

The submitted Noise Assessment demonstrates that future occupiers will not be affected in terms of noise from the existing substation to the north of the site. Environmental Protection were consulted and raised no objection to the proposals.

The proposals do not include private green space for all units within the development. Two units on the ground floor will have approximately 30 sqm of enclosed garden space to the front with a south facing aspect while the remaining five units will have none. This therefore is an infringement of LDP policy Hou 3 (Private Green Space in Housing Development). The proposal, however, has been designed in such a way to overcome the constraints of the site, including the presence of the existing substation to the north of the site and the need to broadly respect the prevailing building line and massing. While the proposed number of units are an excess of previously approved townhouses for this site, future occupiers would still have an attractive living amenity within the development with the provision of a small, recessed balcony to the front and rear. In addition, the site is adjacent to Morningside Park to the rear that would provide future occupiers with outdoor amenity space. The site is accessible to public transport and nearby amenities.



There is no requirement to make a contribution to green space to offset the impact of the development on existing green space amenity. While private green space would not be provided for all occupiers of the building, the quality of living amenity within the development is an overriding material consideration that non-compliance with policy Hou 3 is acceptable.

While the proposals do not comply with LDP policy Hou 3, future occupiers will still have an attractive living amenity within the development. The proposals comply with LDP policy Des 5 in terms of neighbouring and future occupier's amenity.

### Parking

The submitted Design and Access statement states that parking provision for the proposed development will be on the roadside. The site is not within a controlled parking zone area. There is no scope within this planning application to control the number and location of roadside parking. The site is located on a main bus route (no. 36) into the city centre with a stop directly adjacent and opposite. Compared to the existing nursery use with drop offs and pickups, the introduction of potentially 7 or 14 on-street parked cars will not adversely impact on the amenity of neighbouring occupiers in this area.

The cycle parking standard contained in the Edinburgh Design Guidance requires two cycle spaces to be provided for each two-bedroom units. A total of 14 cycle parking spaces is to be provided within the development and the proposal complies with the standards.

Cycle storage will be located to the front, comprising of vertical timber cladding. The proposed boundary treatment will screen the cycle storage from public views.

The proposals comply with policies Tra 2, Tra 3 and Tra 4.

### Flood Impacts

Flood Prevention were consulted on the proposals and advised that the application can proceed to determination. The proposal will not increase a flood risk or be at risk of flooding.

The proposals comply with LDP policy Env 21.

### Trees

The submitted Arboricultural Impact Assessment demonstrates that nearby trees within Morningside Park will not be affected by the proposal and the proposal will not result in a future pressure for the trees to be cut back.

The proposals comply with LDP policy Env 12 Trees.

## Archaeology

No archaeological features will be affected by the proposed development. It is recommended however, that a historic building survey is undertaken prior to its demolition. This is to provide an accurate and permanent record of this locally historic building.

The proposals comply with LDP policy Env 9.

## Waste

The applicants are required to liaise with Waste Services to discuss their waste requirements and informative is therefore required. Details of waste collections/provision do not preclude assessment of the proposals.

## Development Contributions

The proposal is not required to contribute towards healthcare or education and is compliant with LDP policy Del 1.

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

The principle of the proposal is acceptable. The infringement relates to policy Hou 5 as five units will not have private green space within the development. As future occupiers will still have a high level of living amenity within the development and the site is located close to a nearby park, the infringement of policy Hou 5 therefore is acceptable. Neighbouring amenity will not be adversely affected. The development design is acceptable. The proposals will not harm the character and appearance of the conservation area.

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

The following material planning considerations have been identified:

#### SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development. The proposal complies with Paragraph 29 of SPP in terms of protecting the amenity of new and existing development, consideration of flood risks, enhancing historic environment and making efficient use of land capabilities.

#### Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

### Equalities and human rights

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

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

### Public representations

A summary of the representations is provided below:

#### *material considerations*

- Impact on conservation area
- Development design/density/materials
- Impact on neighbouring amenity - privacy, sunlight, daylight, noise
- Too many units/density, flats not in-keeping with area
- Impact on on-street car parking and will result in road safety issue
- Impact on trees

The material issues raised are addressed in the assessment section of the report.

#### *non-material considerations*

- Will impact on access to the park - the proposals will not affect access to the park.
- Construction impact - does not preclude assessment of the application.
- Plans are misleading- the site and elevation plans are clear what is being proposed.
- Scope to introduce swift nest bricks - an informative is added.

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

The other material issues have been identified and addressed. There are no new material issues.

### **Overall conclusion**

The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals will not harm the character and appearance of the conservation area.

The proposals do not comply with policy Hou 3 as five units will not have private green space within the development. As future occupiers will still have a high level of living amenity within the development and the site is located close to a nearby park, the infringement of policy Hou 3 therefore is acceptable.

Neighbouring amenity will not be adversely affected. The development design is acceptable. The proposal is therefore acceptable with regards to the Edinburgh Local Development Plan and there is no material consideration that outweighs this conclusion. It is recommended that the application be approved.

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

The recommendation is subject to the following;

### **Conditions :-**

1. Notwithstanding the approved drawings, sample/s of all the proposed materials for the new flats, including details of the contemporary steel gates shall be submitted to and approved in writing by the Planning Authority before commencing work on the site. The materials, as approved, shall be implemented before work on the site is completed.
2. Prior to the commencement of construction works on site:
  - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, 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 remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

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 to the satisfaction of the Planning Authority.

3. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, analysis & reporting) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
4. Notwithstanding the approved drawings, details of all soft and hard landscaping shall be submitted to and approved in by the Planning Authority within three months of this permission. The approved soft and hard landscaping shall be implemented within six months of the completion of the development.

### **Reasons:-**

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. To ensure that the site is made safe for the proposed use.

3. In order to safeguard the interests of archaeological heritage.
4. In order to enable the planning authority to consider this/these matter/s in detail.

### **Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
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. Consideration to install swift nests is encouraged.
5. The applicant is required to liaise with Waste Services to discuss their waste strategy at their earliest opportunity.

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

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

**Further Information - [Local Development Plan](#)**

**Date Registered: 8 April 2022**

### **Drawing Numbers/Scheme**

01-13.

Scheme 1

**David Givan  
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PLACE  
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## Appendix 1

### Summary of Consultation Responses

NAME: Archaeology

COMMENT: No objection. Conditions recommended.

DATE: 5 May 2022

NAME: Flood Prevention

COMMENT: No objection.

DATE: 25 May 2022

NAME: Waste Services

COMMENT: Developer/architect required to contact Waste Services directly.

DATE: 18 May 2022

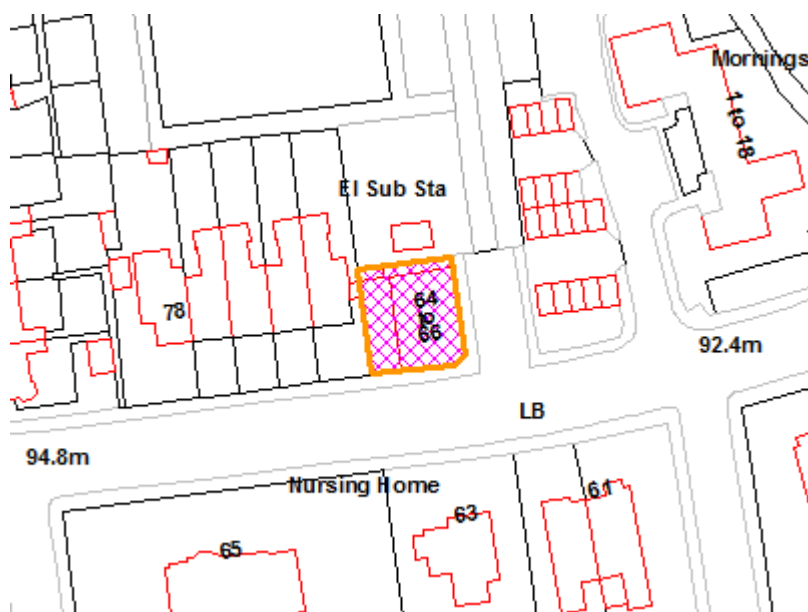
NAME: Environmental Protection

COMMENT: No objections. Conditions recommended.

DATE: 9 May 2022

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

### Location Plan



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