

Development Management Sub-Committee Report

Wednesday 25 January 2023

**Application for Planning Permission
7 Murrayburn Gate, Edinburgh, EH14 2SS**

Proposal: Proposed affordable housing development comprising 73 units with associated infrastructure and landscape.

**Item –
Application Number – 22/03302/FUL
Ward – B02 - Pentland Hills**

Reasons for Referral to Committee

Recommendation

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

Summary

The proposed development is in accordance with the Local Development Plan and is compatible with the character of Wester Hailes and the surrounding area.

There is no significant adverse impact on neighbouring amenity and the future occupiers of the residences will be afforded adequate residential amenity.

A reduced reliance on car usage is supported through low levels of car parking and cycle store provision . No specific road or pedestrian safety issues will occur as a result. The proposal minimises environmental resource use and incorporates sustainable features.

The proposals comply with all of the relevant sustainability principles set out in SPP.

The proposals do not conflict with equalities & human rights.

The proposals are acceptable and there are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is located in Wester Hailes at 7 Murrayburn Gate. The site was previously developed as the former Wester Hailes Health Centre.

The site is bounded to the west by Murrayburn Gate and the Westside Plaza shopping centre, to the north by a public footway beyond which lies residential properties at Murrayburn Place which measure between three and five storeys in height, to the south by a telecommunications exchange building and to the east by a public footway with Canal View Primary School located beyond in an open space setting. The public footway also provides a southward connection beneath a nearby railway line.

Previous health centre buildings at the site have been cleared, and there are a number of trees around parts of the site associated with the former landscaping scheme of the health centre and the telephone exchange building. The site's gradient where the health centre once stood varies with a noticeable slope at its northern extents. A retaining wall is located immediately north of the site, where it transitions to Murrayburn Place, and the site slopes down to Murrayburn Gate and its pavement at the west side of the site, signifying the varied land levels. There is also a difference in levels between the site's south east corner and the adjacent public footpath that runs along the site's eastern boundary. A raised footway provides a link from the site over Murrayburn Gate to the neighbouring shopping centre.

Description Of The Proposal

The proposal is for an affordable housing development comprising of 73 units (100% of the proposed units) with associated infrastructure and landscape; comprising of 5 to 6 storey flats across a modern perimeter block.

The split between the private and affordable is as follows:

	No.	%
Tenure Type		
Social Rent	41	56
Mid-Market Rent	32	44
Wheelchair Accessible	5	7
Total no units		73

The design of the proposal is based around a central, south facing communal courtyard area which provides shared amenity space. The block plan infills the frontage to the street on Murrayburn Gate and returns around the northern and eastern boundaries, continuing the urban form from Murrayburn Place to the north.

The design of all flatbed buildings is contemporary. The roof of the blocks are flat while the external materials are a combination of grey-facing brick, red multi-facing brick and buff facing brick. Juliet balconies are also proposed across the vast majority of window openings.

Access is proposed to be retained from Murrayburn Gate and is required for servicing and parking provision for accessible parking (2 spaces) and car club spaces only (2 spaces). The site is located close to the city's active travel network, a train station and is well served by the bus network. Lower levels of car parking are proposed given the site's proximity to public transport and the city's active travel network.

The refuse storage will be provided within integral stores within Blocks 2, 3 and 7.

It is proposed to provide a total of 188 cycle spaces are proposed, which exceeds the minimum requirements as sets out in the Edinburgh Design Guidance. These will be contained within two-tier cycle stands within secure integral stores comprising of high level Josta type racks and low level. Sheffield stands to achieve max 50% two-tier racks & internal Sheffield stands to achieve 20% non-standards cycle spaces.

The landscape framework includes a central recreational space with play facilities, tree/structured landscape planting to the northern embankment and eastern edge of the site, private gardens provided to ground floor dwellings and private terraces provided to ground floor dwellings along the Murrayburn Gate frontage.

The drainage strategy includes: an underground surface water storage structure located within the central recreational space and a smaller structure located adjacent to Block 3; a rain garden 'strip' within the central recreational space; filtration trenches within the private gardens facing the courtyard; an aco channel on footpath to the north-eastern corner of the central area of the site; proposed water surface water/foul water sewers and supplementary areas of porous paving.

Supporting Information

- Design & Access Statement
- Architectural drawings
- Archaeological Assessment
- Flood Risk Assessment and Drainage Strategy
- Noise Impact Assessment
- PAC Report
- Extended Phase 1 Habitat Survey
- Preliminary Ecological Assessment (PEA)
- S1 Sustainability Form
- Site Investigation Report
- Tree Report
- Daylight Sunlight Study
- Visual Appraisal

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

Relevant Site History

21/06024/PAN

7 Murrayburn Gate

Edinburgh

EH14 2SS

Proposed affordable housing development with associated infrastructure and landscape.

Pre-application Consultation approved.

1 December 2021

22/00837/SCR

7 Murrayburn Gate

Edinburgh

EH14 2SS

EIA screening request.

EIA Not Required

3 March 2022

Other Relevant Site History

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Environmental Protection

Affordable Housing

Communities and Families

Archaeology

Waste Management

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

Publicity and Public Engagement

Date of Neighbour Notification: 28 July 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 1

Section B - Assessment

Determining Issues

This report will 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:

a) 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 8, Env 12, Env 16, Env 18, Env 20
- LDP Housing policies Hou 1, Hou 2, Hou 3 Hou 4, Hou 6
- LDP Design policies Des 1, Des 2 , Des 3, Des 4, Des 5, Des 6, Des 7, Des 8, Des 9 , Des 11
- LDP Transport policies Tra 2, Tra 3
- LDP Delivering Strategy policies Del 1

Principle of use of the site

The application site is located within the urban area, as defined in the Edinburgh Local Development Plan. LDP Policy Hou 1 (Housing Development), states that priority will be given to the delivery of the housing land supply and relevant infrastructure. Criteria (d) of Hou 1 covers other suitable sites in the urban area, provided the proposals are compatible with other policies in the plan.

Housing within the urban area is acceptable where it conforms to other policies in the Local Development Plan. There is a need for affordable housing across the city. Housing is acceptable on this brownfield site at this location and the intention to provide

100% affordable units of a mix of tenures is supported. Therefore, the principle of the proposal on the part of the site within the urban area is acceptable.

LDP Policy Env 18 (Open Space Protection) states that proposals involving the loss of open space will not be permitted unless it is demonstrated that certain criteria are met. These criteria relate to ensuring there would be no significant impact on the quality and character of the local environment; the open space is a small part of a larger area or of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area; biodiversity value, and; local community benefit.

A small strip of land in the north-eastern corner of the application site has been identified as 'open space' in the Local Development Plan. This area is provisioned as 'private garden space' in the site masterplan.

It is considered that this strip of land in its current form contains limited amenity value and its use as a private garden space will not contribute towards the loss of landscape character.

Density, layout, scale, form and design

LDP Policies Des 1 - Des 8 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials.

LDP Policy Des 2 (Co-ordinated Development) presumes against development that would prejudice the effective development of adjacent land.

Proposed formal footpaths/cycleways connect to existing footpaths/cycleways on adjacent sites including Westside Plaza Shopping Centre, therefore the proposed development is a comprehensive development and thus it complies with Policy Des 2.

LDP Policy Des 3 (Development design Incorporating and Enhancing Existing and Potential Features) supports development where existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

Existing features such as the retaining wall which is located immediately north of the site, where it transitions to Murrayburn Place and where the site slopes down and meets the pavement at the west of the site have been incorporated and enhanced through the development's design.

LDP Policy Hou 4 (Housing Density) promotes an appropriate density of development, taking account of the character of the site and its surroundings, and access to public transport. This policy also requires that in established residential areas, care should be taken to avoid inappropriate densities which would damage local character, environmental qualities or residential amenity.

There is a consistent residential density within the surrounding area. The proposed development has a density of 182 dwellings per hectare. This is not too dissimilar to the density in neighbouring residential development to the north (Murrayburn Place) and south (Harvesters Way).

Higher density development is encouraged where it is characteristic of the surrounding area and there is good access to a full range of neighbourhood facilities, including immediate access to the public transport network. The density of the proposal would not detract from the established density of the area. The site is in a relatively accessible location where higher density development should be encouraged. Proposals would maximise the use of the site, part of which is a brownfield site, in a relatively accessible location, where high density development can and should be directed to.

LDP Policies Des 4 Development Design - Impact on Setting states that planning permission will be granted for development where it makes a positive impact on its surroundings, including the character of the wider townscape and landscape and impact on existing views.

The area is characterised by buildings from different periods with the density and scale of buildings similar across the surrounding area. The development pattern, building types and uses to the north of Murrayburn Place is predominantly mid 20th century low to mid-rise modern flatted form while the housing developments to the south at Harvesters Way are modern perimeter blocks, varying from 4-6 stories flatted block and three-storey terraced form with spacious central courtyard space and private gardens. The proposed development is a mixture of five-six-storey flats in the style of a modern perimeter block. The continuation of buildings heights in the surrounding area largely defines the visual character. The building form and heights of the proposed development would not have an unsympathetic relationship with the existing neighbouring built form. The proposed scale and massing of the new buildings are well-suited to the character of this part of Wester Hailes, and the proposals respond well to the wider setting.

The surrounding area contains a variety of building styles and materials. This includes render on the flats to the north and a mixture of brick and render on the flatted development to the south.

The proposed design of the flatted blocks is modern form, with ordered fenestration. The architectural detailing is also modern and includes a variety of opening widths including wide openings, and Juliet balconies. The flat roofs of the proposed block reference the flat roofs of the existing buildings to the south at Harvesters Way.

The primary materials are a combination of grey-facing brick, red multi-facing brick and buff-facing brick which is not dissimilar to many modern developments found within the south-west of the city. The proposed use of brick on external walls will complement the render of the flatted blocks to the north at Murrayburn Place and the brick of the flatted blocks at Harvesters Way and is an appropriate material in the context of this site. Variety and interest are achieved with varied brick tones used to break up the elevation and accentuate verticality, with the key corners of the development highlighted in red multi-facing brick to define key entrances points/stair cores.

The primary finishing materials of the proposed buildings is sympathetic to the character and appearance of the area and are acceptable, subject to a condition for samples to be provided.

Policy Des 7 (Layout Design) set out that developments should have regard to the position of buildings on the site and should include a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths and open spaces.

There is a series of well-connected pedestrian and cycle accesses which surround the site. The proposed new buildings are positioned and orientated to front onto these principal routes. The primary north-south active travel route runs past the site, connection points are well positioned to core paths, NCR 754 and the pedestrian bridge to the west which allows pedestrians to access the Westside Plaza Shopping Centre. The proposed footpaths and connections to active travel routes are acceptable in transportation terms.

Active frontage and surveillance over the streets are achieved by communal entrances of flats and windows facing onto them. The buildings have narrow front gardens bounded by hedges, which provide defensible space between the residences and the public streets/central courtyard space. Hard surfaces are broken up with street trees and boundary treatments which results in an attractive streetscape.

The new buildings have clearly defined fronts and backs and have been designed around the constraints of the site. The layout is acceptable and compliant with Policy Des 4 and Des 7.

LDP Policy Des 8 Public Realm and Landscape Design supports development where all external spaces, and features, including streets, footpaths, civic spaces, green spaces, boundary treatments etc. have all been designed as an integral part of the scheme as a whole.

The landscape design concept is built form and new landscape proposals integrated with the existing surroundings. This includes: (i) new trees and structured to the northern embankment and eastern edge of the site; (ii) private garden space for all ground floor dwellings; (iii) central recreational space; (iv) play facilities located centrally within the central recreational space; and (v) a rain garden 'strip' within the central recreational space. Detailed landscape planting plans have been submitted with the application and are considered acceptable. Subject to the new landscaping being carried out timeously the proposed landscaping scheme accords with Policy Des 8.

Affordable housing provision

LDP Policy Hou 2 (Housing Mix) seeks the provision of a mix of house types and sizes where practical.

LDP Policy Hou 6 (Affordable Housing) in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.

The applicant has stated that all 73 of the homes will be affordable housing. There will be a mix of one, two and three bed flats. A total of 41 of the homes will be delivered for social rent and 32 will be delivered for mid-market rent to help meet local housing needs.

The affordable homes have been designed to be tenure blind. They have also been designed to housing for varying needs standards and to the City of Edinburgh Council

housing design requirements. Five of the homes are designed specifically for wheelchair accessible.

The Council's Affordable Housing Supplementary Guidance states that the Council aims to secure 70% of new onsite housing for social rent. Given that 100% affordable housing is proposed with the largest proportion being social rent, the 70% social rent expectation does not apply.

The proposal complies with the recommended minimum internal floor areas for flat sizes set down in the Edinburgh Design Guidance.

Fifteen units (21% of the total) contain three bedrooms, which exceeds the expectation of the Edinburgh Design Guidance of 20% family housing.

The Council's Housing Management and Development Section have stated that the proposal is acceptable.

The provision of affordable housing proposed in the scheme is acceptable. The applicant has made a commitment to provide a minimum 100% onsite affordable housing and will issue a memorandum of understanding to the Planning Authority to commit to the delivery of the affordable homes.

The proposals comply with Local Development Plan Policies Hou 2 and Hou 6 and the Affordable Housing Guidance.

Impact on amenity of existing and proposed residences

Dual-aspect units

The Edinburgh Design Guidance (EDG) recommends that no more than 50% of the total units should be single aspect. All of the 73 flats are dual aspect.

Potential noise from existing sources

A Noise Impact Assessment (NIA) has been carried out by an acoustic consultant which covered noise from road and train traffic. During the day measurements were made of ambient noise at site including road traffic, trains, activities from the school and plant. In addition, measurements were made close to the trains and the B701 dual carriageway. Furthermore, night-time measurements were taken of background noise, plant noise and road traffic noise. Measurements of commercial delivery noise were not possible at Murrayburn Gate but were substituted by alternative measurements. Environmental Protection concurs with the NIA recommendation of a glazing and ventilation specification to ensure that transportation noise will be within acceptable internal noise levels.

Other environmental health matters

The applicant has submitted site investigation reports that will be assessed throughout the development stage. Environmental Protection does not object on contamination grounds subject to a planning condition to ensure the appropriate investigation and mitigation is undertaken.

All of the controls recommended by Environmental Protection are reasonable and they can be secured by planning conditions.

Daylighting and Sunlight

A Daylight and Sunlight Assessment has been submitted in support of the application.

The proposed Block 4 is the closest building to the existing properties at Murrayburn Place. Windows of residences in Murrayburn Gate have been assessed applying the Vertical Sky Component (VSC). This is where the amount of daylight reaching an external wall measured is required to be more than 27% or 0.8 of its former value. The assessment confirms that these windows are not affected by the proposed development and thereby no further analysis is required for these windows.

The impact on the daylighting to the proposed buildings has been assessed using the No Skyline methodology which relates to skylight penetrating at least halfway into a room. 21 of the 301 rooms assessed using this methodology failed. Overall, 93% of the rooms pass this methodology and across 73 units on a brownfield site this is an acceptable level.

Privacy

There are generally good separation distances between the proposed development and existing neighbouring properties/buildings, with a range of 20-30 metres provided between north-facing elevation of Block 4 and the gable ends of the existing properties at Murrayburn Place and a range of 20-25 metres between south-facing elevation of Block 1 & 7 and the telecommunications exchange building. Regarding the western and eastern elevation, there would be no significant overlooking due to the large distance which separates the development from the Westside Plaza Shopping Centre and Canal View Primary School respectively.

Internally within the development, there are generally good separation distances with there being at least 30 metres directly facing window to window distance between the different blocks.

In terms of their height, scale, massing and positioning the proposed buildings would not have an unduly dominant impact on existing neighbouring properties or a significant impact on their immediate outlook.

The proposals comply with Local Development Plan Policies Des 5 and the Edinburgh Design Guidance.

Open Space, Landscaping and Trees

LDP Policy Env 20 Open Space in New Development relates to development proposals other than housing. It does not set out specific requirements but does indicate that the Council will negotiate the provision of new publicly accessible and useable open space in new development when appropriate and justified by the scale of the development and the needs it will give rise to.

The proposal includes a central recreational space with play facilities and rain garden 'strip', tree/structured landscape planting to the northern embankment and eastern edge of the site, private gardens provided to ground floor dwellings and private terraces provided to ground floor dwellings along the Murrayburn Gate frontage.

The quantity and quality of formal and informal publicly accessible open space provision is appropriate for the number of dwellings proposed.

LDP Policy Hou 3 Private Green Space sets out that for flatted developments there should be 10 sqm of open space provision per flat except where private space is provided. A minimum of 20% of the site should be open space.

All of the ground floor flats have direct access to their own private garden space to the front and rear of the block (this accounts for a total of 451 sqm of the overall amenity provision). The central courtyard and amenity space equates to 1154sqm or 15.8 sqm per flat. This excludes the flats which are afforded private gardens. This amenity provision exceeds the minimum requirements of 10sqm per flat. The total amenity provision onsite is 1,605 sqm, which exceeds the minimum requirement of 800sqm at 20% of the total site coverage.

Trees

Regarding trees, the tree report has stated that the majority of the surveyed trees provide little amenity value to the site. The loss of existing trees is proposed with the applicant stating that their removal is a result of the "previous land use where a series of platforms had been created on the site with trees within the sloped areas between the platforms and now demolished buildings. To facilitate development on this urban brownfield site, the existing levels require to be regraded to provide level access to each block, allow gravity drainage and deliver a suitable density to make the site viable / align with the council aspirations on densities which result in the loss of trees. This is unavoidable to facilitate development on such a sloping site and new compensatory tree planting is proposed within the site".

The reasons provided above are acceptable and subject to the recommended conditions of a grant of planning permission the proposals comply with Local Development Plan Policies Env 12, Env 20 and Hou 3.

Access, Car and Cycle Parking

The proposed development was assessed by transport officers and was considered to be acceptable due to low numbers of traffic which was likely to be generated by the development.

Access is proposed to be retained from Murrayburn Gate and is required for servicing and parking provision for accessible parking and car club spaces only. The site is located close to the city's active travel network, a train station and is well served by the bus network. A low approach to parking was supported given the site's proximity to public transport and the City's active travel network. The addition of ramped access from the pedestrian path to the site's east is supported.

Car parking

LDP Policy Tra 2 (Private Parking) requires that developments make provision for car parking levels that comply with and do not exceed the parking levels set out in the non-statutory guidance.

Applications should include reasoned justification for the parking provision proposed. In the Design & Access Statement (DAS) it is stated that the reduced levels of parking provision are justified by the site's location where there are good levels of accessibility at the site and it being within walking or cycling distance of a range of services and that public transport availability is adequate.

The site is situated within City Standards Parking Zone 2, which permits a maximum of 1 parking space per unit. The standards allow for a maximum of 73 spaces for the proposed residential flats. As a result of the site's connectivity to existing public transport infrastructure 4 parking spaces are proposed (2 Enterprise Car Club bays and 2 accessible bays) within the parking court to the south of the site.

An informative for the provision within the area of car club space(s) is recommended.

In summary, the site is within an accessible location with very good levels of accessibility to local services and good access to public transport. Based on the justification provided, the proposed low level of car parking is considered acceptable at this location.

Cycle parking

LDP Policy Tra 3 (Private Cycle Parking), requires that cycle parking and storage within the development complies with Council guidance.

It is proposed to provide 116% cycle parking for the proposed development. These are contained within integral cycle stores within blocks 2, 7 and 8. The cycle storage will consist of two-tier stands, comprising of high level Josta type racks and low level/ internal Sheffield stands.

The proposals comply with Local Development Plan Policies Tra 2 and Tra 3 and the Edinburgh Design Guidance.

Waste Planning

The refuse storage will be provided within integral stores within Blocks 2, 3 and 7. The layout of the development delineates a direct and unobstructed access for refuse storage and collection vehicles to/from the collection points contained within the site. Swept path analysis has been provided to demonstrate that a refuse vehicle can access the site. Waste Services does not raise a concern with the proposal. They advise further input from the applicant/developer to ensure waste and recycling requirements have been fully considered. This can be adequately dealt with through the quality audit and Road Construction Consent process.

Sustainable Energy

The applicant has submitted the sustainability form in support of the application. Part A of the standards is met through the provision of: (i) Rooftop Photo Voltaic (PV) panels; (ii) Air Source Heat Pump (ASHP). The proposal is a major development and has been assessed against Part B of the sustainability standards.

LDP Policy Des 6 (Sustainable Buildings) requires that developments can demonstrate that the current carbon dioxide emission reduction targets are met (including at least half of the target being met through the use of low and zero carbon generating technologies) and that other sustainable features are included in the proposals. This can include measures to promote water conservation, SUDS, and sustainable transport measures.

The applicant submitted a Sustainability Statement in support of the application. This examined the suitable low and zero carbon technologies which would be most appropriate for the development. In this case the abovementioned (i)-(ii) measures are proposed.

The applicant certifies that the results from the Standard Assessment Procedure (SAP) which is used to assess and compare the energy and environmental performance of buildings to ensure they meet Building Regulations. The SAP calculations demonstrate that compliance with Policy Des 6 is achieved for all the above strategies.

With regards to carbon dioxide reduction, the proposed development is required to comply with Section 6 (Energy) of the Scottish Technical Handbooks. The buildings meet the carbon dioxide reduction targets set out in Section 6 - "Energy" and Section 7 - "Sustainability" of the current Scottish Building Regulations through a combination of energy efficiency and the abovementioned low or zero carbon technology. Thereby, the proposal is in accordance with LDP Policy Des 6.

Archaeology

LDP Policy Env 8 (Protection of Important Remains) seeks to protect archaeological remains from being adversely impacted from development.

Given the scale of previous development on the site it is considered unlikely that significant archaeological remains will have survived on this site. Accordingly, it has been concluded that there are no known archaeological implications regarding this development.

Subject to the abovementioned controls, the proposal complies with Local Development Plan Policies Env 8.

Infrastructure

LDP Policy Del 1 (Developer Contributions) requires contributions to the provision of education infrastructure to mitigate the impact of development. The Action Programme and Developer Contributions and Infrastructure Delivery Supplementary Guidance sets out contributions required towards the provision of infrastructure.

The delivery of on-site affordable housing is addressed above.

Education

Education contributions will be applied in accordance with the methodology set out in the finalised Developer Contributions and Infrastructure Delivery supplementary guidance and the figures set out in the Edinburgh Local Development Plan Action Programme of December 2021.

Communities and Families are seeking a sum of £274,750 (index-linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment). No indexation will be applied to land costs.

23 studio / one bed flats have been excluded from the assessment. The finalised sum will be agreed between Communities and Families and the Chief Planning Officer prior to the memorandum of understanding being agreed.

Drainage and Flooding

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The proposals meet the Council's requirements. A self certification certificate has been submitted to Flood Planning.

Ecology

A report on an ecological assessment analysis undertaken by an ecologist has been submitted as part of the application. In general, the Preliminary Ecological Assessment (PEA) concluded that: (i) the development will not result in any negative impact upon designated sites: (ii) The habitats within the site are of low ecological value and include areas of ephemeral/short perennial vegetation, rank amenity grassland, introduced shrub and hardstanding: (iii) Some trees and shrubs on site may provide nesting habitat for a range of passerine birds and commuting and foraging habitat for small mammals. However, there is sufficient habitat in the surrounding landscape to support these species should these habitats be removed for development: (iv) Some mature trees have low bat roost potential (BRP). These trees are likely to be removed for the development. No further survey work is required but trees should be felled in a sensitive manner.

In order to encourage wildlife into the site the Ecological Assessment recommends that bat boxes could be placed in some of the building facades throughout the development could incorporate under eaves swallow and swift nesting bricks. An informative for the

inclusion of bat boxes and swallow/swift bricks within the development is recommended.

The proposals comply with Local Development Plan Policy Env 16.

Conclusion in relation to the Development Plan

The proposed development is in accordance with the adopted local development plan. There are no material considerations which indicate that the proposal should be refused.

b) Other material considerations have been addressed

The following material considerations have been identified:

- Scottish Planning Policy (SPP)
- Emerging policy context
- Equalities & human rights
- Public representations

SPP- Sustainable Development

Scottish Planning Policy presumption in favour of sustainable development is a significant material consideration due to the development plan being over 5 years old.

For the reasons explained above in this report, the proposals comply with all of the relevant sustainability principles set out in SPP, which are:

- Principle 1 of giving due weight to net economic benefit.
- Principle 2 by responding to economic issues, challenges and opportunities, as outlined in local economic strategies.
- Principle 3 of supporting good design and the six qualities of successful places.
- Principle 4 of making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities.
- Principle 5 by supporting delivery of accessible housing, business, retailing and leisure development.
- Principle 6 by supporting delivery of infrastructure, for example transport, education, energy, digital and water.
- Principle 7 by supporting climate change mitigation and adaptation including taking account of flood risk.
- Principle 8 of improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.

- Principle 9 by having regard to the principles for sustainable land use set out in the Land Use Strategy.
- Principle 10 of protecting, enhancing and promoting access to cultural heritage, including the historic environment.
- Principle 11 by protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.
- Principle 12 of reducing waste, facilitating its management and promoting resource recovery.
- Principle 13 of avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

Emerging Policy Context

The Revised Draft National Planning Framework 4 was approved by the Scottish Parliament on 11 January 2023 to proceed to adoption. On adoption the Revised Draft NPF 4 (2022) will form part of the Council's Development Plan, but at present it remains a material consideration. As adoption of the Revised Draft NPF 4 (2022) is understood to be imminent, and it is now the settled position of Scottish Ministers and the Scottish Parliament, it requires to be given significant weight. Revised Draft NPF 4 (2022) lists various policy provisions under the themes of Sustainable Places, Liveable Places and Productive Places.

Policy 1 of the Draft NPF 4 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 application addresses this through:

- The proposals will maximise the use of brownfield land through sustainable design approaches . The proposals will also utilise rooftop photovoltaic (PV) panels and air source heat pumps.
- SUDs measures are incorporated into the scheme through rain gardens and filter trenches.
- Low levels of car parking are proposed within the development with the site accessible by alternative transport modes and on-site cycle parking is to be provided.

The proposed development is considered to broadly comply with the provisions of NPF 4 and there is not considered to be any significant issues of conflict.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and Human Rights

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

All ground floor flats will have level access from the street or paths leading to the doors. This also applies to the communal access doors to the common stairs.

Five dwellings are specifically designated for wheelchair users. These will be designed to allow the residents to live independently and provides a safe and secure environment as their needs change over time. Housing for Varying Needs Standards Older and Ambulant Disabled requirements will be met for this tenure.

Two parking spaces are for disabled people in recognition that there may a need for disabled people to have access to a car.

Noise issues will be mitigated against with the aforementioned proposed mitigation measures.

The proposals do not have negative impacts on equalities & human rights. No comments have been received in relation to human rights.

Public Representations

One neutral representation was received.

Material Representations - Neutral:

- Cycle parking does not comply with guidance- addressed in part (a)

Conclusion in relation to identified material considerations

There are no material considerations that indicate the application should be granted. The material considerations support the presumption to refuse planning permission.

Overall Conclusion

The proposed development is in accordance with the Local Development Plan and is compatible with the character of Wester Hailes and the surrounding area.

There is no significant adverse impact on neighbouring amenity and the future occupiers of the residences will be afforded adequate residential amenity.

A reduced reliance on car usage is supported through low levels of car parking and cycle store provision. No specific road or pedestrian safety issues will occur as a result. The proposal minimises environmental resource use and incorporates sustainable features.

The proposals comply with all of the relevant sustainability principles set out in SPP.

The proposals do not conflict with equalities & human rights.

The proposals are acceptable and there are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. 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.
2. The noise mitigation and ventilation measures as specified within New Acoustics Report No. 7420-00-02 and dated 17th June 2022 should be installed and operational prior to occupation of the development.
3. Prior to the use of any external finishing materials a sample panel(s) of them no less than 1.5m x 1.5m shall be produced and made available for the prior written approval of the Planning Authority.
4. Prior to any external finishing materials being used on the buildings a specification and detailed drawings of adequate scale, delineating the distribution of the external finishing materials and colours be submitted for the prior written approval of the Planning Authority. The details shall be implemented as approved.
5. Notwithstanding that delineated on application drawings the development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i proposed new planting in communal areas, road verges and open spaces, including trees, shrubs, hedging, wildflowers and grassed areas;
 - ii location and design of proposed walls, fences and gates, including those surrounding ancillary structures;
 - iii schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - iv programme for completion and subsequent maintenance of all soft and hard landscaping;

v proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
and,
vi details of existing and proposed services; water, gas, electric and telephone.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (iv).

Any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reasons

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In the interests of safeguarding the residential amenity of the future occupants of the residences hereby approved.
3. In order to enable the planning authority to consider this/these matter/s in detail in the interests of safeguarding the character and visual amenity of the area.
4. In the interests of safeguarding the character and visual amenity of the area.
5. To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies Dev 8 and Dev 9 of the adopted Edinburgh Local Development Plan.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement or Memorandum of Understanding relating to education and affordable housing has been concluded and signed. The legal agreement/Memorandum of Understanding shall include the following:

- a. Education - £274,750
- b. Affordable Housing - affordable housing is to be provided in accordance with Council policy.

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.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

3. 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.

4. 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.

5. Regarding the provision of car club spaces, this would require a contribution of £1,500 per order plus £5,500 per car.

6. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification.

7. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation

8. A Quality Audit, as set out in Designing Streets, should be submitted prior to the grant of Road Construction Consent.

9. The applicant should note that new road names may be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at the earliest opportunity.

10. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.

11. 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 they wish the bays to be enforced under this legislation. A contribution of £2,000 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 regulations.

12. In order to encourage wildlife into the site bat boxes should be placed in some of the existing trees and throughout the development under eaves swallow and swift nesting bricks should be incorporated within building facades.

13. Prior to the commencement of works on site, further details of the cycle parking will be provided for approval by the Planning Authority. For the Avoidance of doubt, the

cycle parking will contain a higher proportion of single tier racks to comply with Council guidance.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 4 July 2022

Drawing Numbers/Scheme

1-2, 3(B), 4(B), 5(A), 6-10, 11(A), 12(A), 13(A), 14, 15(A)16(B), 17(B), 18(C), 19, 20(B), 21, 22(B), 23(A), 24(B)25(A), 26(A), 27(B)

Scheme 4

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Adam Cairns, Planning Officer
E-mail:adam.cairns@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Environmental Protection
COMMENT: No objections to proposed development
DATE: 13 July 2022

NAME: Affordable Housing
COMMENT: No objections to proposed development
DATE: 8 August 2022

NAME: Communities and Families
COMMENT: If the appropriate infrastructure contribution is provided by the developer, as set out in consultation response, Communities and Families does not object to the application.
DATE: 9 January 2023

NAME: Archaeology
COMMENT: No objections to proposed development. Given the scale of previous development on the site it is considered unlikely that significant archaeological remains will have survived on this site. Accordingly, it has been concluded that there are no, known, archaeological implications regarding this application.
DATE: 13 July 2022

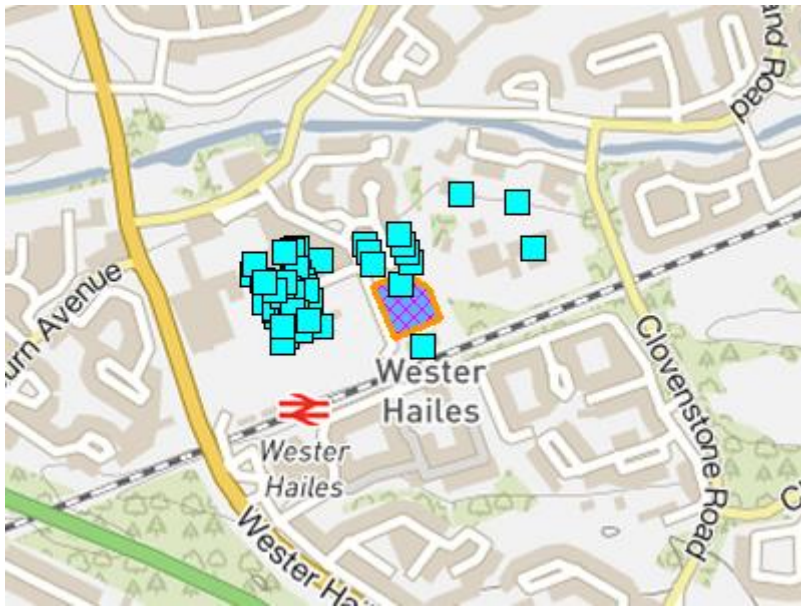
NAME: Waste Management

COMMENT: Waste strategy previously agreed with agent

DATE: 19 July 2022

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

Location Plan



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