

Development Management Sub Committee

Wednesday 19 April 2017

**Application for Planning Permission 16/02397/FUL
At 83 Pentland View, Edinburgh, EH10 6PT
Demolition of existing building, erection of 37 Flats,
formation of new site entrance and parking area,
landscaping works and all other associated works. (as
amended)**

Item number	6.2(b)
Report number	
Wards	A08 - Colinton/Fairmilehead

Summary

The proposal is an acceptable residential development which is of an appropriate design quality, scale and density; and which will not have a detrimental impact on the character or appearance of the surrounding area or the amenity of neighbouring residents. The development will result in the creation of satisfactory living environments for future occupants, encompasses an acceptable level of parking provision, cycle parking and green space; and does not raise any issues in respect of waste collection, flooding or species protection.

The loss of trees on site is acceptable, as the retention of several large specimens along the eastern section of the site will ensure that the overall visual impact of the development is reduced and the existing visual character of the site is safeguarded.

The proposal complies with policies Des 1, Des 4, Des 5, Env 12, Env 16, Env 21, Hou 1, Hou 3, Hou 4, Hou 6, Tra 2 and Tra 3 of the adopted Edinburgh Local Development Plan, the Edinburgh Design Guidance and the Council's Parking Standards. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES04, LDES05, LEN12, LEN16, LEN21, LHOU01, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, NSG, NSGD02, NSP,

Report

Application for Planning Permission 16/02397/FUL At 83 Pentland View, Edinburgh, EH10 6PT Demolition of existing building, erection of 37 Flats, formation of new site entrance and parking area, landscaping works and all other associated works. (as amended)

Recommendations

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

Background

2.1 Site description

The site comprises a 19th century former farmhouse building its associated curtilage and a triangular section of grassland; all of which are located on the western side of Swan Spring Avenue and to the north of Pentland Drive. The farmhouse building is enclosed around the entirety of its curtilage by a high stone boundary wall and is accessed via a sole vehicle and pedestrian access lane which leads onto the northern side of Pentland Drive. The site has a total area of 0.44 hectares. The building was most recently in use as a child support centre and is currently vacant.

The site is entirely bounded to its south and west by mature trees and to its north by an area of open space. The surrounding area is predominantly residential in nature, being characterised by detached and semi-detached dwellinghouses. Two blocks of five storey flats are situated to the south of the site.

The building located on the site is not listed.

The entire site is currently owned by the City of Edinburgh Council.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The proposal seeks planning permission for the demolition of the existing vacant building and the construction of a new residential development consisting of four blocks of flatted buildings in a t-shaped configuration. The eastern and western blocks, blocks A and C will each be four storeys and measure 12 metres in height at their highest point. Blocks B and D will each be five storeys high and measure 14.7 metres in height above ground level at their highest points. Blocks B, C and D will incorporate glass screens on their respective top floors. The properties on each floor of block D will also incorporate curved balconies on the principal (north) elevation of the block.

The proposal is for a development of 37 flatted properties. The density of the proposal is 84 dwellings per hectare. The four blocks will each incorporate the following number of flats:

- Block A - Eight two bedroom flats each with a floor area of 66.2 square metres;
- Block B - Four two bedroom flats with a floor area of 73.4 square metres, four two bedroom flats with a floor area of 71.1 square metres, four one bedroom flats with a floor area of 52 square metres and one top floor four bedroom flat with a total floor area of 146 square metres;
- Block C - Three two bedroom flats with a floor area of 72.8 square metres, three two bedroom flats with a floor area of 68 square metres and one two bedroom flat with a floor area of 101 square metres, and;
- Block D - Eight two bedroom flats with a floor area of 85.8 square metres and one top floor three bedroom flat with a floor area of 97 square metres.

The principal (northern) elevation of the northernmost block, block D, will be finished in reconstituted sandstone. The side elevations of this block will be finished primarily in reconstituted sandstone and dark grey render (reference: RAL 7031).

The northern elevations of blocks A and C will be finished in a mixture of reconstituted stone, zinc cladding and dark render (reference RAL 7031).

The side elevation of block A will be finished in dark render and the side elevation of block C will be predominantly finished in reconstituted sandstone.

A total of 39 car parking spaces will be provided. Vehicle access will be facilitated by the creation of a new access road across the triangular strip of land at the north eastern edge of the site and the access road will narrow on entering the site so that only one vehicle will be able to enter or leave the development at any one time. Pedestrians will be able to access the site through the new access road and via a section of the existing access lane leading to Pentland Drive which will be retained.

A total of 74 cycle parking spaces will be provided through two bike stores within the site. Waste and recycling services will be provided through two bin stores.

Two trees in the triangular strip of grassland and one tree adjacent to the boundary wall will be removed to facilitate the creation of the new vehicle access. Within the curtilage of the existing building, two trees will be removed to assist with the creation of the new vehicle access and section of vehicle parking and a cycle store; and one tree on the northern boundary will be removed to create vehicle parking and a new pedestrian access to the open ground to the north. Two trees which are located out with the site but overhang its western boundary are denoted to be removed and two trees which overhang the southern boundary of the site will be trimmed back.

Supporting Documents

The applicant has submitted the following supporting documents which are available to view on Planning and Building Standards on-line services:

- Revised Flood Risk Assessment and Drainage Strategy;
- Revised Transport Statement;
- Revised Swept Path Analysis;
- Stage 2 Road Safety Audit;
- Surface Finishes Plan;
- Surface Water Management Plan;
- Tree Survey and Arboricultural Constraints Report, and;
- Ecological Assessment Report.

Scheme 1

The original scheme was amended to alter the position of the main vehicle access, change the layout of the blocks of flats and reduce the number of trees on site which were to be removed.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) The principle of the proposal is acceptable;

- b) The design, scale, form and density of the proposal is acceptable and the proposal will have a detrimental impact on the character and appearance of the surrounding area:
- c) The proposal will result in the creation of a satisfactory living environment;
- d) The proposal will have a detrimental impact on the amenity of neighbouring residents;
- e) The proposal raises any issues in respect of parking provision and road safety;
- f) The proposal raises any issues in respect of landscaping, loss of trees or species protection;
- g) The proposal raises any issues in respect of flooding;
- h) The proposal raises any issues in respect of refuse collections;
- i) The proposal raises any issues in respect of education and affordable housing infrastructure;
- j) The proposal raises any issues in respect of aerodrome safeguarding;
- k) Any comments or representations have been addressed, and;
- l) The proposal raises any issues in respect of equalities and human rights.

a) Principle of the Proposal

Policy Hou 1 of the adopted Edinburgh Local Development Plan (LDP) states that in respect of housing development, priority will be given to the delivery of the housing land supply and the relevant infrastructure as detailed in part 1 section 5 of the plan on suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The application site is designated within the LDP as being in the urban area. The principle of residential development in this location is acceptable and the proposal complies with policy Hou 1

b) Design, Scale and Form, Density and Impact on the Character and Appearance of the Surrounding Area

Policy Des 1 of the LDP states that planning permission will not be granted for poor quality or inappropriate design which would be damaging to the character or appearance of the area around it. Policy Des 4 states that planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape.

The surrounding area is almost entirely residential in nature. The only non-residential building located in close proximity to the site is Pentland Primary School situated directly to the south west. The majority of the surrounding dwellings were constructed in the post war period with detached and semi-detached dwellinghouses forming the predominant residential building form. However, two blocks of five storey flatted buildings and a three storey flatted building are located directly to the south of the site and contribute to a mixture in building types. Given the established mixture of residential buildings, the principle of a flatted development in this location would be in keeping with the character of the area and is acceptable in principle.

The surrounding properties encompass a variety of exterior materials including red and buff brick, smooth render and pebbledash in a variety of colours including grey, white brown and cream; and concrete tiles. Set within this context, the proposed materials for the exterior of the development are appropriate and suitably relate to the character of the surrounding area.

The proposed development will be greater in height than neighbouring houses and marginally greater in height than the two flatted buildings to the south. However, the development will be set back from its main point of access on Swan Spring Avenue, with the block located nearest to this street, block C, being located 35 metres from the street. Four large trees situated along the eastern boundary of the site will be retained and will serve to screen and reduce the overall visual impact on the development when approached from the north along Swan Spring Avenue; and from the east along Pentland View. During the spring and summer months, the extent of foliage on these trees is such that they will almost entirely obscure any view into the western portion of the site when viewed from Swan Spring Avenue and Pentland View.

Adjacent to its southern and western boundaries, the site is bordered by an extensive tree line. As with the trees situated along the eastern boundary, these trees will serve to reduce the overall visual impact of the site when viewed from the west and when approaching the site from the south along Pentland Drive. The trees located directly to the south and west of the site are protected under a Tree Preservation Order (TPO) and cannot be removed or pruned/trimmed without the consent of the planning authority.

Having regards to the above, the proposal will not have a detrimental impact on the character of the streetscape, or the character and appearance of the surrounding area as a whole.

Policy Hou 4 of the LDP states that the Council will seek an appropriate density of development on each site.

The development proposes 37 dwellings over a total area of 0.44 hectares, giving a total density of 84 dwellings per hectare (ha).

The development density of the surrounding area differs and is reflective of the variance in residential building styles. The western side of Swan Spring Avenue between the northern boundary of the application site and the junction with Fox Spring Crescent comprises 10 dwellings set over a total area of 0.32 ha, with a resultant density of 31 dwellings/ha. However, the three flatted buildings located to the south have the following density levels:

- 1 Pentland Drive - 17 flats in a total area of 0.3 ha. Density of 56 dwellings/ha;
- 2 Pentland Drive - 17 flats in a total area of 0.46ha. Density of 37 dwellings/ha, and;
- 10 Pentland Drive - 10 flats in a total area of 0.1ha. Density of 100 dwellings/ha

Taken together, these three buildings have an average density of 64 dwellings/ha. Given the variance in development density in the surrounding area, the density of the development is appropriate and will not have a detrimental impact on the character of the surrounding area.

The design, density, scale and form of the proposal are acceptable. The proposal complies with policies Des 1 and Hou 4.

c) Creation of a Satisfactory Living Environment

Policy Des 5 of the LDP states that planning permission will be granted for development where it is demonstrated that future occupiers have acceptable levels of amenity in relation to noise, daylight sunlight, privacy or immediate outlook.

All of the individual flats will receive adequate levels of daylight.

In respect of floor areas, the Edinburgh Design Guidance (EDG) states that new dwellings should have the following minimum floor areas:

- One Bedroom Dwelling - 52 square metres;
- Two Bedroom Dwelling - 66 square metres;
- Three Bedroom Dwelling - 81 square metres, and;
- Three Bedrooms or More With Enhanced Storage - 91 square metres.

All of the new flatted dwellings meet the minimum floor area requirement outlined in the EDG.

In respect of amenity space, policy Hou 3 states that in flatted or mixed housing/flatted developments where communal provision will be necessary a minimum of 20% of total site area should be useable greenspace. The proposal includes provision for a total of 1398 square metres (0.14 hectares) of greenspace. This represents 38% of the total site area and will ensure that future occupants have a sufficient level of communal greenspace.

The proposal will result in the creation of a satisfactory living environment and complies with policies Des 5 and Hou 3.

d) Impact on the Amenity of Neighbouring Residents

In addition to the criteria outlined in section c) of the report, Policy Des 5 of the LDP also states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected.

The proposal has been assessed against the relevant tests in the EDG for determining the impact of a development on the level of daylight received by a neighbouring property, or the level of overshadowing which may be caused by the development. Due to the position of the development within the centre of the site the proposal will not result in any overshadowing or loss of daylight to any neighbouring property.

The balconies on the principal elevations of the properties located within block D will be situated a minimum distance of 16 metres from the nearest residential property. The distance is sufficient to ensure that the privacy of neighbouring residents is not adversely affected.

The proposal will not have a detrimental impact on the amenity of neighbouring residents and complies with policy Des 5.

e) Parking Provision and Road Safety

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.

The application site is designated as being in zone 4 in the Council's Parking Standards. The parking standards outline that flatted properties in this location with 3 habitable rooms for sale or private rent should have a minimum provision of 1 space per dwelling. Visitor parking should be provided at a ratio of 0.2 spaces per unit.

In respect of flatted properties in this location with 3 habitable rooms for local authority/housing association for rent, parking should be provided at a ratio of 0.25 spaces per unit, with visitor parking provided at a ratio of 0.2 spaces per unit. It will be a requirement of any consent that a legal agreement is entered into to ensure that a minimum of 25% of the units on site are affordable housing.

In order to satisfy the requirements of the parking standards, 28 residents spaces and 6 visitor spaces are required in respect of the properties which will be for sale or private rent. Two residents spaces and 2 visitor spaces are required in respect of the 9 units which will be earmarked for affordable housing; giving a total requirement of 38 spaces. The parking provision on site is sufficient to comply with the requirements of the Council's Parking Standards.

The original scheme proposed creating a new vehicle access to the site adjacent to the existing Pentland Drive/Swan Spring Avenue junction. The access arrangements have been revised and the main vehicle access will now be taken from Swan Spring Avenue and across the triangular strip of land adjacent to the eastern boundary wall. The access will be located further than 20 metres from the Swan Spring Avenue/Pentland Drive and Swan Spring Avenue/Fox Spring Rise junctions. The access has also been designed so it narrows on approach and will only allow one vehicle to pass at any time.

The Roads Authority were consulted on both the parking provision and revised vehicle access for scheme 2 and raised no objection.

The proposal does not raise any issues in respect of parking provision and road safety; and complies with policy Tra 2 and the Council's Parking Standards.

f) Landscaping, Loss of Trees and Species Protection

Policy Env 12 states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or any other tree or woodland worthy of retention unless necessary for good arboricultural reasons .

The proposal will result in the removal of the following trees from the site:

- One rowan tree situated on the triangular strip of land - (4431) (Category A);
- One cherry kasan tree situated on the triangular strip of land - (4432) (Category A);
- One gean tree situated close to the eastern boundary wall- (4406) (Category B);
- One deodar cedar tree situated in the south east of the site - (4409) (Category A), and;
- One sycamore tree situated adjacent to the northern boundary wall- (4428) (Category C).

The proposal includes provision to trim back two trees located adjacent to the southern boundary wall.

Two trees adjacent to the western boundary wall of the site but outwith the application site boundary, (4474 and 4473); are earmarked for removal on the submitted site plan. Two trees situated adjacent to the southern boundary wall are also earmarked to be trimmed back. These trees are covered under a Tree Preservation Order, TPO-4. The removal or trimming of these trees will require an application under the Tree Preservation and Trees in Conservation Areas (Scotland) Regulations 2010.

Three sizeable lime trees located along the eastern boundary of the site (4408, 4410 and 4411) will be retained, in addition to a large deodar cedar located slightly further back from the boundary wall (4407). The retention of these trees will ensure that the essential character of the site as being wooded along its eastern boundary will be retained. The sycamore tree located along the northern boundary wall does not contribute significantly to the character of the site. The retention of these trees will also assist in screening the development from public view. Given that these specimens will be retained, the loss of the trees described above is acceptable in this instance.

The new eastern bin store and an access pavement will be located in close proximity to the trunk of the large deodar cedar (4407). In order to avoid any damage to the roots of this tree a condition will be applied to this consent requiring specific protection measures to be submitted to and agreed in writing by the planning authority prior to development commencing on site. Such measures may include the realignment or redesign of the bin store and pavement to any extent deemed necessary.

The proposal complies with policy Env 12.

Policy Env 16 states that planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law.

An ecological assessment was carried out and submitted in support of the proposal. Natural Heritage were consulted on the proposal and raised no objection. The proposal will not have an adverse impact on species protected under European or UK law and complies with policy Env 16.

g) Flooding

Policy Env 21 states that planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself.

Flood Risk Assessments and Drainage Strategies were submitted for both schemes. Flood Prevention were consulted on the proposal and raised no objection.

The proposal will not increase a flood risk or be at risk of flooding itself. The proposal complies with policy Env 21.

h) Refuse Collections and Waste

The proposal includes two bin stores situated in the east and west of the site. The bin stores provide the following provision for waste and recycling on site:

- Six 1280 litre residual waste bins;
- One 500 litre residual waste bin;
- One 360 litre and one 500 litre glass recycling bin;
- One 360 litre and one 500 litre food recycling bin, and;
- Two 1280 litre mixed recycling bins.

A swept path analysis was submitted in support of the proposal to confirm that refuse vehicles will be able to access and manoeuvre within the site. Waste Services were consulted on the proposal and raised no objection.

The proposal does not raise any concerns in respect of waste provision.

i) Infrastructure

Communities and Families were consulted on the proposed development. Two additional primary school pupils are expected to be generated as a result of the development and less than one secondary school pupil. No contribution towards increasing school capacity will be required.

Policy Hou 6 of the LDP states that planning permission for residential development consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed.

The Council's Affordable Housing Service were consulted on the proposal and stated that they had no objection to the proposal but that the applicant will be required to provide 25% on site affordable housing. The affordable housing provision will be secured by a Section 75 Legal Agreement.

The proposal complies with Policy Hou 6.

j) Aerodrome Safeguarding

Edinburgh Airport were consulted on the proposal and raised no objection; provided that details of a Bird Hazard Management Plan and Landscaping Plan are submitted and agreed prior to the commencement of development. Conditions will be attached to any consent to require the submission of these documents prior to any development commencing on site.

The proposal does not raise any issues in respect of aerodrome safeguarding.

k) Representations

Material Representations - Objections

- Existing farmhouse is a historic building and should be retained and refurbished - Historic Environment Scotland have inspected the premises and have determined that it does not meet the relevant criteria to be listed. The proposal is not subject to any specific designation which would prohibit its demolition.
- Parking Provision on site - addressed in section 3.3 (e).
- Overspill of parking onto surrounding streets - addressed in section 3.3 (e).
- Road Safety and Generation of Extra Traffic - addressed in section 3.3 (e).
- Road Safety relating to access - addressed in section 3.3 (e).
- Impact on the local school system - addressed in section 3.3 (j).
- Proposal will have an adverse impact on the privacy of neighbouring residents - addressed in section 3.3 (d).
- Proposal will have result in loss of daylight and adverse overshadowing for neighbouring residents - addressed in section 3.3 (d).
- Proposal will result in adverse overlooking of neighbouring residents and will result in adverse overlooking - addressed in section 3.3 (d).
- Impact of the proposal on protected species - addressed in section 3.3 (f).
- Loss of trees - addressed in section 3.3 (f).
- Proposal will have a detrimental impact on the character and appearance of the surrounding area/design is inappropriate - addressed in section 3.3 (b).
- Proposal represents over development of the site/density is too great - addressed in section 3.3 (b).
- Drainage arrangements and impact on flooding - addressed in section 3.3 (g).
- Collection of rubbish from the site and refuse vehicle movements - addressed in section 3.3 (h).

Material Representations - Support

- Principle of the development is acceptable - addressed in section 3.3 (a).
- Revised access arrangements are acceptable - addressed in section 3.3 (e).

Non-Material Representations - Objection

- Vehicles accessing the site during construction.
- Sale of nearby site at Hunters Tryst will generate more vehicle movements in addition to this site - The planning authority must assess each application on its own merits.

- Impact on local GP surgery's and Dental practices.
- Disturbance from engine noise and headlights.
- Impact on private views.
- Impact of the proposal on private property values.
- Additional neighbours will create more noise on nearby streets.
- Bike Stores will be targeted for vandalism.
- The submitted plans include land not owned by the developer at the time of the application being made - There is no statutory requirement for an applicant to have ownership of the land prior to submitting an application.
- Repositioning of a lamppost.
- The submitted plans are inaccurate.
- Future occupants may close off the pedestrian access path.
- Proposal would result in the loss of open space - the site is not designated within the adopted Local Development Plan (LDP) as being open space.
- Overlooking of Pentland Primary School - Pentland Primary School is not a residential property and is not afforded protection under Non-Statutory Guidance or Local Plan Policy in respect of overlooking.
- Issues relating to the advertisement, bidding process and sale of the site.
- Emergency services vehicles may be unable to enter the site.
- Stage 2 Road Safety Audit not undertaken for revised scheme - A Stage 2 Road Safety Audit was requested for the initial scheme due to the proximity of the vehicle access to the Pentland View/Pentland Drive junction. A further stage 2 Road Safety Audit would only be requested for the revised access if the Roads Authority deem it to be a necessary requirement.
- Proposal is contrary to the 'Sustainable Edinburgh 2020' Framework - The Sustainable Edinburgh 2020 Framework is not a provision of the development plan or a material consideration in the determination of this application.
- Excavations may damage the foundations of nearby buildings.

l) Equalities and Human Rights

The proposal has been assessed and raises no issues in respect of equalities and human rights.

Conclusion

In conclusion, the proposal is an acceptable residential development which is of an appropriate design quality, scale, density; and which will not have a detrimental impact on the character or appearance of the surrounding area or the amenity of neighbouring residents. The development will result in the creation of satisfactory living environments for future occupants, encompasses a satisfactory level of parking provision, cycle parking and green space; and does not raise any issues in respect of waste collection, flooding or species protection. The loss of trees on site is acceptable, as the retention of three large (species here) specimens along the eastern section of the site will ensure that the overall visual impact of the development is mitigated and the existing character of the site is safeguarded. The proposal complies with policies Des 1, Des 3, Des 4, Des 5, Env 12, Env 16, Env 21, Hou 1, Hou 3, Hou 4, Hou 6, Tra 2 and Tra 3 of the adopted Edinburgh Local Development Plan, the Edinburgh Design Guidance and the Council's Parking Standards.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Sample/s of the proposed exterior materials shall be submitted to and approved in writing by the Planning Authority before work commences on site.
2. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
3. No trees on the application site shall be lopped, topped or felled without the approval of the Planning Authority.
4. Prior to the commencement of development, specific root protection measures to safeguard the existing condition of the deodar cedar tree (4407) shall be submitted to and approved in writing by the planning authority.
5. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:
 - monitoring of any standing water within the site temporary or permanent
 - sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).
 - management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' attached
 - reinstatement of grass areas
 - maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow
 - which waste materials can be brought on to the site/what if any exceptions e.g. green waste

Edinburgh Airport Limited, incorporated in Scotland (Company number: SC096623). Registered office is at Edinburgh Airport, Edinburgh EH12 9DN. VAT registration number 123 4230 62.

 - monitoring of waste imports (although this may be covered by the site licence)
 - physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste
 - signs deterring people from feeding the birds.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

6. No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Planning Authority, details must comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at <http://www.aoa.org.uk/operations-safety/>). These details shall include:
- any earthworks
 - grassed areas
 - the species, number and spacing of trees and shrubs
 - details of any water features
 - drainage details including SUDS - Such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).
 - others that you or the Authority may specify and having regard to Advice Note 3: Potential Bird Hazards from Amenity Landscaping and Building Design and Note 6 on SUDS].

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

7. Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS). The submitted Plan shall include details of:
- Attenuation times
 - Profiles & dimensions of water bodies
 - Details of marginal planting

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to safeguard protected trees.
3. In order to safeguard protected trees.
4. In order to safeguard protected trees.
5. It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.
6. It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.

7. To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site

Informatives

It should be noted that:

1. The applicant will be required to provide 25% on site affordable housing. These will be secured by a Section 75 Legal Agreement.
 - The applicant is requested to enter into an early dialogue with a Registered Social Landlord (RSL) to deliver the affordable housing.
 - 25% of the homes delivered are required to be affordable homes and integrated within the site.
 - The affordable housing will be required to include a variety of house types and sizes to reflect the provision of approved affordable tenures across the wider site.
 - In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as "tenure blind".
 - The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.
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.

Financial impact

4.1 The financial impact has been assessed as follows:

The sale of the site was concluded under delegated authority as stated in the report to the meeting of the Finance and Resources Committee on Thursday 27 August 2015.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Neighbouring residents were initially notified about the proposal on 27 May 2016. The proposal attracted 190 letters of objection and two letter of support. Neighbouring Residents were re-notified about the submission of scheme 2 on 10 February 2016. Scheme 2 attracted 171 letters of objection and one letter of support. A full assessment of the representations can be found in section 3 of the report.

Fairmilehead Community Council submitted an objection to the proposal the content of which can be viewed in the consultations appendix section of the report.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The site is defined as being within an urban area in the adopted Edinburgh Local Development Plan (LDP).

Date registered

24 May 2016

Drawing numbers/Scheme

01 - 02, 03A, 04, 05A - 07A, 08, 09A, 10, 11C, 13B,
,18A-19A, 20 - 24,

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Appendix 1

Application for Planning Permission 16/02397/FUL At 83 Pentland View, Edinburgh, EH10 6PT Demolition of existing building, erection of 37 Flats, formation of new site entrance and parking area, landscaping works and all other associated works. (as amended)

Consultations

Affordable Housing

1. Introduction

I refer to the consultation request from the Planning Department about this planning application.

Services for Communities have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.

This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.

2. Affordable Housing Provision

This application is for a development consisting of 37 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (9) homes of approved affordable tenures. We request that the developer enters an early dialogue with a Registered Social Landlord (RSL) in order to deliver a well integrated and representative mix of affordable housing on site.

The affordable homes are required to be tenure blind, fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides.

In terms of accessibility, it is important that affordable homes are situated within close proximity (400 metres) of regular main bus links.

3. Summary

The applicant will be required to provide 25% on site affordable housing. These will be secured by a Section 75 Legal Agreement.

- The applicant is requested to enter into an early dialogue with a Registered Social Landlord (RSL) to deliver the affordable housing*
- 25% of the homes delivered are required to be affordable homes and integrated within the site*
- The affordable housing will be required to include a variety of house types and sizes to reflect the provision of approved affordable tenures across the wider site*
- In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as "tenure blind"*
- The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

We would be happy to assist with any queries on the affordable housing requirement for this application.

Children and Families

The education actions required to mitigate the impact of planned and anticipated housing development, including school land safeguards, have been established on a city-wide contribution zone basis. This requirement is set out in guidance on Developer Contributions and Affordable Housing (December 2015).

This site falls within the 'Firrhill Education Contribution Zone'. The proposal is for 37 flats, although 6 one-bedroom flats have been excluded from this assessment.

The Contribution Zone assessment concluded that contributions towards increasing primary school capacity would not be required from developments within this Zone.

Although the potential for new housing on this site was not part of the assessment, no additional primary school infrastructure is required to mitigate the impact of the two non-denominational primary school pupils expected to be generated from this development.

Using the pupil generation rates set out in the guidance, the proposal is expected to generate less than one secondary school pupil. No contribution towards increasing secondary school capacity is therefore required.

In summary, Communities and Families does not require a contribution towards education infrastructure.

Edinburgh Airport

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below:

Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:

- monitoring of any standing water within the site temporary or permanent*
- sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).*

- management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' attached
- reinstatement of grass areas
- maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow
- which waste materials can be brought on to the site/what if any exceptions e.g. green waste

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VAT registration number 123 4230 62.

- monitoring of waste imports (although this may be covered by the site licence)
- physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste
- signs deterring people from feeding the birds.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.

Submission of Landscaping Scheme

No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Planning Authority, details must comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at <http://www.aoa.org.uk/operations-safety/>). These details shall include:

- any earthworks
- grassed areas
- the species, number and spacing of trees and shrubs
- details of any water features
- drainage details including SUDS - Such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS)' (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).

- others that you or the Authority may specify and having regard to Advice Note 3: Potential Bird Hazards from Amenity Landscaping and Building Design and Note 6 on SUDS].

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

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Submission of SUDS Details

Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)'. The submitted Plan shall include details of:

- Attenuation times
- Profiles & dimensions of water bodies
- Details of marginal planting

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)' (available at <http://www.aoa.org.uk/operations-safety/>).

We would also make the following observations:

Lighting

The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting near Aerodromes' (available at <http://www.aoa.org.uk/operations-safety/>). Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft

We, therefore, have no aerodrome safeguarding objection to this proposal, provided that the above conditions are applied to any planning permission.

It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.

Fairmilehead Community Council

Planning Application : 16/02397/FUL : Demolition of Existing Building, Erection of 37 Flats, Formation of new Site Entrance and Parking Area, Landscaping Works and all other associated works at 83 Pentland View, Edinburgh EH10 6PT.

I refer to the revised drawings and other papers recently put up on the Planning Portal in relation to this application.

Background

FCC wrote to the Council on 6 July 2016 expressing a number of concerns about the original application. The revised drawings were discussed by members at the FCC monthly meeting on Tuesday evening.

At that meeting, I was asked by FCC members to write to the Council with further comments. This letter should be read in conjunction with the previous FCC letter dated 6 July 2016, as these together comprise the FCC comments on this application. In summary, we still have a number of concerns with this application (as now revised) and do not consider it can be approved as lodged.

FCC Concerns

1. Proposed Development

FCC, while accepting some form of development is inevitable, still consider this to be an over development of this site with too many apartments proposed. This proposed development does not respect the character and setting of the surrounding area.

FCC note the middle section of the proposed T-shaped apartment block will now be 5 storeys in height, rather than 4. This will make the development even more visible from the surrounding area and overlook neighbouring houses.

2. Demolition of Comiston Farmhouse

As mentioned previously, it is disappointing Comiston Farmhouse, a Victorian Farmhouse dating back to the 1850s, will be demolished. This property is in a sound external structural condition as is the interior. It has been well looked after by its owner, the Council.

3. Trees within the Site

FCC is pleased to note that a few mature trees within the site will not now be removed, because of the change in the access road arrangements. FCC consider the east bins store will be too near an existing tree (No. 4407) and the concrete base could impact on the tree roots. It is not clear what replanting is proposed for any trees being removed ?

4. Access to the Site and Parking

While the new access road is an improvement on the original proposal, concerns on safety remain.

It appears the new access road narrows to a single lane a short distance into the site, then crosses a raised "table-top" section before widening out again. (It is understood this raised section is there to protect tree roots.) Accordingly only one vehicle can pass there at a time. This could inhibit vehicles entering and leaving the site. This could potentially result in vehicles backing out into Swan Spring Avenue at peak times during the day. In addition nearby parked cars may affect sightlines when exiting the site.

The new access road will impact on the owners of 78 Swan Spring Avenue, making reversing out of their driveway dangerous. The same will apply to vehicles reversing out of the driveways immediately opposite the new junction.

Children and others walk along Swan Spring Avenue on their way to Pentland Primary School and Fairmilehead Park. They will require to cross 2 road junctions in an area where there is already a heavy volume of traffic.

Traffic flow in the surrounding area is already restricted by the amount of on street parking. This development will only exacerbate this problem.

While there is a parking space "provided" for each apartment, this is not considered sufficient for this development and may result in more parking outwith the site. It is understood the spaces will not be designated to individual apartments because the new access road will be adopted by the Council. The proposal for double yellow lines within the site is welcome and may reduce indiscriminate parking.

On the north of the site, an opening in the stone wall will be made to allow pedestrian access out onto the footpath leading to Pentland Primary School. Parents may be tempted to park in the development to drop off/accompany children to school. This could cause access issues as this will coincide with residents leaving for work.

Conclusion

If so advised, FCC reserve the right to lodge further comments in the event that further relevant information comes to its attention.

FCC would welcome the opportunity to address the Development Management Sub-Committee with our concerns on this application when the relevant Report is placed before it for consideration.

If you require any further information or have any questions please do not hesitate to contact me.

Flood Prevention

The revised drainage submission (version 3, February 2017) submission addresses all of Flood Prevention's comments and as such we are happy to support it to planning determination.

Waste Services

Waste Management Responsibilities

The Waste and Cleansing Services will be responsible for managing the waste from households and any Council premises only. I am assuming this would include this development.

Although it does not appear to be pertinent for this case, for completeness, it would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be storage space off street for segregated waste streams arising from commercial activities.

Any appointed waste collection contractors, appointed to manage commercial waste, could be expected to have similar requirements to the Council in terms of their need to be able to safely access waste for collection.

Compliance with Waste Strategy (Domestic Waste Only)

The provision of a full recycling service is mandatory in Scotland, so developers must make provision for the full range of bins (either individual containers for each property, or communal bins for multiple properties). These must be stored off street at all times, except on the day of collection (in the case of individual bins).

The waste collection teams will require safe and efficient access to these from the earliest occupation, and therefore cognisance must be taken of my comments below in relation to operational viability.

For high density properties such as these flats, we would recommend communal waste containers for landfill waste, mixed recycling for paper and packaging, glass, and food. The calculations in the plan "PL21 Bin Store" for the number of bins required is not based on the correct type or size of bins, so this would need to be reassessed, with consideration to which properties would be using which bin store. The number of bins required is calculated on the number of properties using each bin store, therefore it is important to contact us at the planning stage to ensure each bin store is of adequate size.

Key points are:

- Each bin store must accept the full range of materials in bins, segregated as outlined above. It is not acceptable to have some types of bin in one bin storage area, and others in a different collection point, as recycling is a fully integrated part of the service*
- The maximum size of a food bin is 500 litres; and that of a glass bin is 660 litres, which are both smaller than other types of waste due to weight issues*
- Provision must be made for the storage and disposal of bulky wastes such as furniture produced by the residents, and indeed access to those by our collection teams.*

Developers can either source their own bins in line with our requirements, or can arrange for us to do so and recharge the cost - this will probably be most convenient for them.

Operational Viability

Developers need to ensure that services are accessible so that our collection crews can provide the service in a safe and efficient manner, taking account of turning circles, length and width of vehicles, distance bins must be pulled, surfaces, slopes and so on. Obviously sufficient capacity must also be provided to allow successful collection of each segregated waste stream.

The swept path analysis shows that parking outwith the allocated spaces would inhibit access for the refuse collection vehicle. Therefore we would require line markings to prohibit parking where it would cause access issues.

I would strongly recommend early contact with me to ensure adequate provision of segregated household waste bins include all of the above and suitable access for the refuse collectors is arranged.

Roads Authority

No objection was raised in respect of scheme 2.

Location Plan



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