

Development Management Sub Committee

Wednesday 13 December 2017

Application for Planning Permission 17/00108/FUL At Land 88 Metres East Of 1-15, Winton Gardens, Edinburgh Residential and associated development (as amended)

Item number 4.13

Report number

Wards A08 - Colinton/Fairmilehead (Pre May 2017)

Summary

The proposed housing development is contrary to the adopted Edinburgh Local Development Plan (LDP). There is an effective five year land supply for Edinburgh. The site is not a suitable site in the context of Edinburgh Local Development Plan Policy Hou 1 Part 2. The proposal is in the Green Belt and will impact upon the character of the Morton Mains Conservation Area and the setting of the neighbouring listed buildings. It is recommended that the application is refused as it is contrary to SDP policy 7, and Local Development Plan Policies HOU1, ENV10, DES6, ENV3, ENV6 and ENV11.

Links

[Policies and guidance for this application](#)

LDEL01, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES09, LEN03, LEN06, LEN08, LEN09, LEN10, LEN11, LEN12, LEN16, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LTRA02, LTRA03, LTRA04, LTRA08, LTRA09, LRS06,

Report

Application for Planning Permission 17/00108/FUL At Land 88 Metres East Of 1-15, Winton Gardens, Edinburgh Residential and associated development (as amended)

Recommendations

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

Background

2.1 Site description

The site is prime agricultural land, located between the urban area of Fairmilehead and the city by-pass. The site comprises a field, currently in agricultural use, which extends to 4.5ha. The field is bounded by a tree belt to the north along Winton Loan, and north eastern edge. The west is bound by the houses in Winton Gardens. Further west the area is residential in nature with a mix of tradition detached homes built out from mid to late 20th century.

The site has an open aspect to the south. Beyond the southern boundary of the site the land drops down to the Swanston Burn and the city by pass, A720. There are good views back to the site from beyond the city bypass A720. Planning permission was granted by Midlothian Council for a hotel and restaurant development and park and ride on the south side of the bypass, close to the roundabout. That proposal is within the area covered by the Midlothian Local Development Plan and is yet to be built out. Morton House lies to the north east of the site. A series of farm buildings and workers cottages are also present, outwith the application boundary.

Listed Buildings

The listed buildings below are within the Conservation Area and lie outside the north east boundary of the application site.

Morton House Category A Listed Building (LB28092) listed 14/7/66.

Morton House dates from early 18th century, and is believed to be either a remodelling or reconstruction of an earlier structure. A house existed on the site since before 1630. Morton House is approached along Winton Loan from the west through a tree lined avenue. The house is aligned east-west defined by entrance pavilions to the west and a sunken lawn. Its gardens to the west are surrounded by dense mature woodland.

The Pavilions and gate piers to the west of the house frame its entrance and the key principle frontage of the house. To the west of the pavilions, between them and the proposed site, is a rectangular area of gardens/allotments, bounded by mature woodland. The pavilions, entrance gateway and boundary wall are category B listed building (LB28093) listed 14/7/66.

Belvedere Category A Listed Building (LB28094) listed 14/7/66. The Belvedere, which dates from the early 18th century, is situated to the south-east of Morton House.

17 Winton Loan is a Category B listed Building (LB28095) listed 14/7/66 is a single storey stone-built cottage dating from the 18th century sits at the end of Winton Loan adjacent to the entrance to Morton House.

21 and 23 Winton Loan (LB45850) listed 3/12/98, 25 Winton Loan (LB45851) listed 3/12/98, and 27-31 Winton Loan (LB45852) listed 3/12/98 are category C Listed Buildings, these are single storey estate cottages.

The site lies within the Green Belt.

This application site is located within the Morton Mains Conservation Area.

2.2 Site History

19 April 2012 - Planning permission was refused for the erection of residential development with associated parking, landscaping, footpaths and open space at Land 88 Metres East Of 1-15, Winton Gardens, Edinburgh (application reference 11/03948/FUL).

18 June 2015 – A Prior Application Notice was submitted for Residential and associated development at Land 88 Metres East Of 1-15, Winton Gardens, Edinburgh (application reference 15/02778/PAN).

Main report

3.1 Description Of The Proposal

Scheme 2

The application is for full planning permission and proposes 86 residential units, comprised of 64 private and 22 affordable houses.

Housing form and layout

The housing is presented in two distinct forms. A regular layout of terrace form focussed around an area of open space is proposed to the south eastern half of the site and a lower density mix of detached and semi detached housing, is proposed to the western side of the site. The housing will be finished with a mix of brick and render with dark grey upvc windows and doors and concrete roof tiles.

The proposed residential development would be accessed from one entrance, via Winton Gardens to the west. A vehicle access point is proposed to the south west corner of the site, with the primary access forking east and north to serve the site. Secondary vehicle access routes are proposed within the development form.

A point of pedestrian access is proposed to the north western corner of the site linking into a proposed pedestrian footpath which would circumnavigate the site and link through the housing development. This would require the removal of four trees. The existing informal footpath around the site would be connected to the new footpath on the eastern boundary.

The application proposes a green buffer along the western edge of the site at a width of 9 metres, new woodland is proposed along the eastern boundary at up to 20m out with the application boundary. Further woodland is proposed along the northern boundary to reinforce the boundary and provide a buffer between the proposed development and the established community woodland.

The proposal includes avenue/street planting through the site, with trees at 5m centres proposed. An area of greenspace is proposed around the west and southern boundary of the site. This will include the SUDs system and a play space.

Additional information received 27 April 2017

The applicant submitted additional information on 27 April 2017 which removed the allotments originally proposed outside the application boundary. The information received was supporting information or clarification material and did not require further neighbour notification.

The revised drawings show an acoustic fence proposed to the rear of plots 50-61 in the south eastern corner of the site. This will be 1.8m high close board fence.

A detailed plan was submitted annotating the public and private open space. The usable open space area equates to 11,332m², 28% of the gross area. Private green space equates to 8529 m² and the woodland area is 6976 m².

The materials plan illustrates dark grey concrete roofs and brick finish elevations of buff and red/brown brick. Full details to be agreed post decision. The Schedule of Accommodation includes 64 private housing units and 22 affordable housing units.

The private housing units include:

19 x 2 bed house;
8 x 3 bed house;
28 x 4 bed house, and
9 x flats.

The affordable housing units include:

4 x 3 bed housing;
10 x 2 bed house; and
8 x flats.

Scheme 1

The original application was for the same proposal but also proposed allotments to the east of the application boundary.

Statement

The following documents were submitted in support of the application:

- Pre-Application Consultation Report;
- Design and Access Statement;
- Transport Assessment;
- Landscape Appraisal, Design Statement and Landscape and Visual Impact Assessment - (revised 6 March 2017);
- Tree Survey;
- Air Quality Assessment;
- Noise Impact Assessment;
- Ecology Report;
- Archaeological Desk Based Assessment; and
- Heritage Impact Assessment.

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

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 harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

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 development proposed is acceptable including whether there is an effective housing land supply;
- b) the proposal will have acceptable transport impacts;
- c) the proposal will detrimentally affect flooding;
- d) the proposal will detrimentally impact on the conservation area;
- e) the proposal will detrimentally impact upon the setting of a listed building;

- f) the proposal will detrimentally impact upon trees;
- g) the proposal will affect the biodiversity of the area;
- h) the proposal will provide an acceptable landscape infrastructure;
- i) the proposal will preserve and enhance archaeology;
- j) the proposal will have a detrimental impact upon air quality;
- k) the proposal will impact adversely upon neighbouring sites;
- l) the proposal will provide adequate amenity for future residents;
- m) the proposal meets the sustainable standards in the Edinburgh Design Guidance;
- n) the proposal will impact upon existing infrastructure;
- o) the proposals have any equalities or human rights impacts; and
- p) material representations or community council comments raise issues to be addressed.

a) The principle of the development proposed is acceptable including whether there is an effective housing land supply

The development plan consists of the approved SESplan Strategic Development Plan (SDP), and the adopted Edinburgh Local Development Plan (LDP).

SDP Policy 1A identifies the spatial strategy for development location. The site is outwith west Edinburgh and south east Edinburgh Strategic Development Areas.

Policy 7 of the SDP states that greenfield housing proposals may be granted planning permission to maintain a 5 year effective housing land supply subject to identified criteria:

Housing land supply

The latest assessment of the housing land supply in the City of Edinburgh is the 2017 Housing Land Audit and Delivery Programme (HLADP) which was reported to Planning Committee on 12 October 2017. The supply of effective housing land and the delivery programme within the HLADP were agreed as reasonable with Homes for Scotland.

The HLADP examines both the supply of effective housing land (an input) and the expected delivery of new homes (the output). The 2017 HLADP concludes that there is more than sufficient effective housing land for the next five years, and in the longer term, to meet the housing land requirements set by the SDP. The delivery of new homes anticipated over the next five years, however, is still below the five year delivery target (90%).

Delivery of new homes is affected by many economic and demand factors unrelated to the supply of effective land available for development. The anticipated output programme, therefore, is not the only assessment that the Council considers to measure the adequacy of the land supply. Land supply is also considered in terms of the capacity of unconstrained land available for development. The 2017 HLADP recorded a supply of effective housing land for 23,329 units - more than sufficient for the next five years and sufficient to meet the housing land requirement for the entire LDP period (to 2026).

This approach to assessing the adequacy of the effective land supply is consistent with SPP paragraph 123: Maintaining a 5-year Effective Land Supply.

SPP's glossary defines 'Effective housing land supply' as:

'The part of the established housing land supply which is free or expected to be free of development constraints in the period under consideration and will therefore be available for the construction of housing.'

As there is no deficit in the maintenance of the five year effective land supply, Local Development Plan policy Hou 1 part 2 does not apply. However, should more weight be given to the deficit in the five year delivery programme when compared to the five year delivery target, the site should be assessed against the criteria specified in Policy Hou 1 part 2.

The site has already been assessed under 'Winton Gardens' in the LDP Environmental Report (Second Revision, Volume 2). Development of the site was found to impact upon the essential character of the Morton Mains Conservation Area and a green wedge of open landscape between Blackford Hill and the Pentlands, recognised as of value to the wider landscape setting of the City. Development of the site would therefore undermine Green Belt objectives to protect and enhance the landscape setting of the city. Development could continue the pattern of the settlement to the west of the site. However, it would impact upon the open setting to the Morton Mains Conservation Area and its seclusion from urban activity to the west. In this regard, the site was not considered a reasonable site. As a result development of the site could not be effectively integrated with the character of the settlement and local landscape and therefore is contrary to LDP Policy Hou1 and SDP Policy 7 a.

Green Belt

The LDP identifies the site within the Edinburgh Green Belt. Policy Env 10 states that development will only be permitted where it is for the purposes of agriculture, woodland, forestry etc, or where a countryside location is essential. The proposal does not satisfy this criteria.

Policy 12 of SESplan states that the purposes of greenbelts are to maintain the identity and character of Edinburgh and neighbouring towns, prevent coalescence, direct planned growth to the most appropriate locations, support regeneration, maintain the landscape setting of these settlements and provide opportunities for access to open space. The green belt in this location provides a setting for Morton Mains Conservation Area and the development of this site would impact detrimentally upon the character of this historic part of Edinburgh.

The application site was considered in the examination of the LDP, as the applicant had submitted a representation requesting that the site was allocated for housing. The reporter agreed with the Council and stated the following;

"I consider the established woodland around Morton Mains provides a strong and established urban edge. I share the council's concerns in so far as these open fields provide a foreground and setting to the mature wooded policies associated with Morton Mains Conservation Area. These woodlands also form a strong and established green belt boundary. I consider this area of agricultural land, whilst not widely visible, continues to contribute to the rural character and setting of the conservation area. This site is important in continuing to maintain the rural character of the conservation area. I do not consider that development could be achieved without detriment to this character."

The reporter also stated on p.599 of the report that;

"The green belt boundary to the north is formed by a robust woodland belt. Whilst garden boundaries of homes to the west of the site lack the qualities of defensible green belt boundary, the surrounding agricultural fields are open in character and lack strong physical features capable of forming an alternative urban edge treatment. Development of the site would therefore undermine Green Belt objectives to protect and enhance the landscape setting of the city."

Conclusion

It is concluded that the LDP has identified an effective 5 year housing land supply and that the site is not required to meet that demand. The proposal is contrary to LDP policy Hou 1. To release this site from the greenbelt would undermine the green belt and would result in a development out of keeping with the character of the settlement and the local area contrary to LDP policy ENV 10.

b) The proposal will have acceptable transport impacts

Local Development Plan Policy Tra 8 states that development proposals relating to major housing or other development sites, and which would generate a significant amount of traffic, shall demonstrate through an appropriate transport assessment and proposed mitigation that the overall cumulative impact of development proposals throughout the SESplan area (including development proposals in West Edinburgh, East Lothian and Midlothian) has been taken into account in so far as relevant to the proposal. Assessment should be drawn on the findings of the Cumulative Impact Transport and Land Use Appraisal Working Group once these become available.

The applicant has carried out a Transport Assessment (TA). The TA includes a high "growth to background traffic flow" assumption. This is a relative impact assessment of the signals on Comiston Road /Biggar Road/ Frogston Road West/ Oxgangs Road West traffic signals.

Given the scale of development proposed, this is considered an acceptable approach in this location. The Roads Authority has raised no objection to the proposal.

The Scottish Fire and Rescue Team is satisfied that the site access is satisfactory. Some waiting restrictions on the access route may be imposed by Roads Authority, if planning permission is granted.

The applicant has provided a swept-path diagram which demonstrates that a 12 metre long Refuse Collection Vehicle can enter and exit the development in forward gear and the proposal meets road safety requirements.

The proposed internal road layout is not approved by Roads Authority at this time. Therefore with regards to the internal layout, a Quality Audit as set out in Designing Streets will be required prior to the grant of Road Construction Consent.

If Committee is minded to grant planning permission a series of conditions has been recommended by the Roads Authority as set out in their consultation response.

c) The proposal will detrimentally affect flooding

LDP policy Env 21 advises that planning permission will not be granted for development that would increase flood risk or be at risk from flooding itself.

SEPA has advised that the site (or parts thereof) lies adjacent to the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map and therefore may be at medium to high risk of flooding. However, SEPA acknowledges that the proposed site layout indicates a significant height difference between the proposed development and the Swanston Burn and as such the site would be at little or no risk of fluvial flooding.

SEPA is satisfied with the SUDs proposal which indicates that, in the event of failure of the surface water drains, the surface water would pool on the road prior to flowing into the Swanston Burn and therefore places no buildings at risk. SEPA has raised no objection to the proposal.

The application proposes constructing a culvert to discharge into the Swanston Burn, outwith the application site. The Council's Flooding Team raise no objection to the proposal. However, construction of the site cannot start until all necessary permissions and agreements for the culvert construction have been obtained from Scottish Water and relevant landowners. If Committee is minded to grant planning permission for the development, an appropriate condition would be required.

In conclusion, satisfactory measures could be put in place to ensure that the development will not result in increased flood risk for the site being developed or elsewhere. If Committee is minded to grant planning permission for the development, appropriate conditions and a legal agreement should be attached to the decision.

d) The proposal will detrimentally impact on the conservation area

LDP policy Env 6 aims to protect and enhance the character and appearance of Edinburgh's conservation areas.

The entire application site is contained within the Morton Main Conservation Area. The Morton Mains Conservation Area Character Appraisal of 2001 identifies the application site as crucial in creating the rural setting. The boundary of the Morton Mains Conservation Area was extended in 2007 to include this site.

The character appraisal emphasises the significance of local topography and landscape to the form and setting of the conservation area, the vernacular and rural nature of the farm buildings contrasting with the classical appearance of Morton House, the extensive views out to the surrounding countryside, mature trees and woodland as a key feature and the use of traditional building materials, predominantly sandstone and Scots slate.

The character appraisal states that the area "is particularly associated with the landscape of the Pentland Hills to south and west. It is also part of an area of open landscape that extends south from the city centre with enclosure being provided by the more elevated ground of Braid Hills."

The character appraisal identifies that;

The open fields combined with the tree belts form a logical boundary to the conservation area that is supported by historical maps, indicating that the boundaries would appear to cover the original extent of the Morton House estate.

The main approach to the conservation area is along Winton Loan. This was part of the original tree lined avenue to Morton House. The north side is developed but has the character of leaving the city and entering into a country estate.

The character appraisal states that the green belt designation has been a significant factor in terms of protecting the special qualities of the conservation area. The inclusion of the application site within the Conservation Area boundary in 2007 reinforced the protected rural character of Morton Mains.

CEC Archaeology consultation response to the current application states that;

"The scale of the proposed new development will clearly have a significant impact upon the existing Conservation Area by adding new development to over 10% of the Area, an area which appears to have been historically farmland. As such it could be regarded as being contrary to Policy Env 6a, which seeks to protect and where possible enhance the character and appearance of Conservation Areas. In this case, the addition of new housing to such a scale and prominent location will clearly affect the essential rural character identified in CEC's Conservation Area Appraisal."

In response to comments from Archaeology and from Historic Scotland with respect to the setting of the category A listed Morton House and Belvedere, the applicant has submitted a Heritage Impact Assessment dated 14 July 2017. The statement contends that;

"The proposed development has the potential to enhance the Conservation Area by (i) improving the existing belts of mature woodland which are a key element of the existing character of the Conservation Area; (ii) providing public access and facilities in areas of the proposed development site that are not at present publicly accessible; and (iii) sympathetically improving the western boundary of the Conservation Area."

The application proposes to enhance the existing woodland boundary to the north of the site. However, its status as a rural approach avenue to the estate will be lost once this development is permitted.

The proposal which includes increased public access to the site will further urbanise the area, eroding the rural setting that the greenbelt provides. The western boundary of the conservation area is defined by its rural agricultural nature. The proposal aims to improve upon the western boundary through the planting of a nine metres woodland belt. Whilst this would better define that edge of development, it does not mitigate against the impact of the erection of a housing development and associated access routes within the conservation area. The proposed development would not enhance or protect the character of the conservation area.

The application includes a Landscape Appraisal (Rev A) which refers to The Lothians Landscape Character Assessment. The appraisal shows that views to the site are limited to and from the city by pass. Looking northwards from Swanston Golf course and Hillend ski centre from the south, the open agricultural nature of the site is apparent with the woodland to the northern site boundary providing a definitive backdrop.

It is concluded that the introduction of new build housing in this locality would have an unacceptably adverse impact on the special qualities which give rise to the conservation area's designation and would neither preserve nor enhance its special character or appearance.

This approach was upheld by the Reporter in considering planning appeal refer PPA-230-2078 for application reference 11/03948/FUL in which he states that "the development of 15 dwelling units would significantly harm the essential relationship between the wooded setting of the core conservation area and the surrounding open landscape." The Reporter did not consider that the proposed structural planting around the housing site would mitigate the impact on Morton Mains Conservation Area.

The Heritage Impact Assessment dated 14 July 2017 does not present any new information that counters the Reporter's finding.

It is concluded that the proposal is therefore contrary to policy Env 6 of the LDP.

e) The proposal will detrimentally impact upon the setting of a listed building

LDP policy ENV3 aims to protect the setting of listed buildings. Edinburgh's Listed buildings add to the unique quality of the city, its historic environment and the character of Morton Mains.

The Morton Mains Conservation Area is focused around the A listed 18th century mansion of Morton House and its associated buildings, designed gardens and approaches. It also includes the un-listed Morton Mains farm steading and a group of Listed 19th century workers cottages sited along Winton Loan.

Historic Environment Scotland (HES) has advised that the proposal will impact on the setting of the Category A listed Morton House, including walled courtyard, garage and well, and the Category A listed Morton House Belvedere. HES concludes that the development would be harmful to the wider setting of the Category A listed Morton House and Belvedere. The semi-rural green-belt setting of the estate, especially the historic approach to the A-listed house, would be significantly harmed by the proposed new housing development.

In analysing the setting to the listed buildings, HES advised that the landscape is relatively unchanged over the last 200 years. The proposed development site lies immediately to the south of the historic access route to the house and is an area of open agricultural ground that is part of the open semi-rural setting of the estate. Its lower level and sloping ground help to identify and emphasise the wooded core of the estate and serve as valuable borrowed landscape for the estate and its buildings, including the A listed house and Belvedere. The semirural setting of the estate and the development site can be observed from the A720 Edinburgh by-pass.

HES identify that the Belvedere has a more open aspect, built on the highest part of the estate it was specifically designed to contain an upper room that took in panoramic views and its wider setting can be considered to extend over areas within its view. It is likely that the building formerly enjoyed views over the land which is the subject of this application.

The important wider setting of the house, Belvedere and estate includes the open rural countryside setting that provides the estate core with borrowed landscape and a breathing space between it and mid-late 20th Century expansion. The applicant has proposed to provide enhanced woodland around the boundary of the core estate. However, it is considered that this would fail to preserve the rural setting of the house and Belvedere especially from the historic entrance route to the estate and Morton House, but also from open views from the south (A720).

In response to the consultation response from Historic Environment Scotland, the applicant submitted a Heritage Impact Assessment (HIA) on 14 July 2017. The HIA identifies the historic assets that might be affected by the proposed development and assesses the impact of the proposed new development on the setting of the historic assets. The assessment argues that the Conservation Area is compartmentalised and that the listed buildings outwith the application site are well screened and not seen from the development site.

Whilst the listed buildings are well screened by long established woodland belts, the HIA does not address the issue of the loss of rural setting to the historical assets. In the appeal (reference PPA-230-2150) for 15 dwellings on part of the site, the Reporter dismissed the appeal, stating that the development "would encroach upon the open rural setting" of the site, in particular harming "the essential relationship between the wooded setting of the core conservation area and the surrounding open landscape."

Historic Environment Scotland responded to the Heritage Impact Assessment on 4 August 2017. They advise that the potential impact on both listed buildings would not be significant enough to raise issues of national significance and therefore they have not raised an objection on this ground. They do however conclude that the wider setting of the house and belvedere would be affected.

It is concluded that the proposal is contrary to policy Env 3 of the Local Development Plan as it will be detrimental to the setting of the category A listed buildings by encroachment into its green belt setting.

f) The proposal will detrimentally impact upon trees

LDP policy Env 12 aims to protect trees or woodland worthy of protection from development.

It is proposed to remove four trees from the north western corner of the application site to make provision for a new access path. These trees fall outwith the main block of woodland covered by a Tree Preservation Order (TPO) to the north of the site. It is thought that they were planted in the 1980's in a short line running parallel with Winton Drive. As the trees fall within a conservation area, this would be subject to a section 172 notice for tree felling.

The Tree Survey submitted in support of the application identifies that the removal of the trees would not have any significant impact on the landscape and amenity of the local area as a whole given the wooded context. One of the trees is very small and stunted and not suitable for retention. The loss of trees would be compensated by the new proposed planting.

If Committee is minded to grant planning permission for the development, conditions should be imposed to ensure that adequate root protection is provided and that a suitable planting scheme that would not intrude upon the existing woodland belt can be achieved.

g) The proposal will affect the biodiversity of the area

LDP policy Env 16 aims to safeguard European Protected Species from development.

The applicant submitted an ecology survey in support of the proposal. The survey was undertaken to identify all areas of ecologically important habitat within and including a 100m buffer around the proposed construction footprint. A protected species walk-over survey was undertaken.

The site survey considers the proximity of the development to two local biodiversity sites (LBS) including Braid Hills and Mortonhall Swanston Burn. It concludes that there is no predicted impact, given the distance of the LBS from the development site.

No badger setts were found within the area of the development. However, there are signs that badger have been using the site.

The site does not offer a suitable habitat for otter or water vole.

The mature trees on the periphery of the site offer potential for roosting bats. The Ecology survey concludes that the woodland on the northern boundary is likely to be affected to some degree by the development and may be subject to some tree loss, loss of overhanging branches or impact on the trees root-zone. The development therefore could affect potential bat roost and reduce the nesting habitat for birds.

A number of representations have raised concern with regards to the impact of the development upon the local ecosystem. A wide variety of birds and local wildlife has been spotted in and around the site. Whilst these may not be European protected species, they are of valuable biodiversity and vulnerable to loss should development progress.

The Ecology report suggests mitigation measures against biodiversity impact.

In conclusion, no European Protected Species will be directly impacted upon as a result of the development. However, if Committee is minded to grant planning permission, conditions should be applied to ensure protective Heras fencing is erected to protect adjacent woodland habitats throughout construction and that all site contractors are aware of their ecological responsibilities and adopt best practice throughout development.

h) The proposal will provide an acceptable landscape infrastructure

The site sits in the Edinburgh Green Belt and within the Braids, Liberton and Mortonhall Special Landscape Area (SLA). The SLA designation reflects the importance of the hills and ridges in this area which form a prominent skyline on the southern edge of the city and contribute to the city's identity and landscape setting. LDP policy Env11 makes it clear that development which would have a significant adverse impact on the special character or qualities of the Special Landscape Areas would not be granted planning permission.

The existing green belt edge is formed by a mixed broadleaf tree belt along the southern side of Winton Loan and smaller trees and bushes to the rear of properties on Winton Gardens. A more extensive area of tree belts and woodlands surrounds Morton Mains to the east. These areas form a substantial and well established boundary between the suburban housing areas to the north and the open agricultural landscape to the south which slopes down towards the city by-pass and the Pentlands beyond.

The landscape elements included in the proposal are woodland, SUDs, greenspace, avenue and street tree planting, home zones, footpath and cycle-ways.

The applicant has submitted a Landscape Appraisal (REV A) which aims "to establish a clear and robust landscape structure which will contain the proposed development and integrate it with the surrounding landscape."

Having regard to this appraisal, the application includes proposals for an enhanced woodland boundary along the north, east and west boundaries. Whilst this may reduce views into the site from these directions, the development will be viewed from the Pentland Hills Regional Park to the south and will breach the established woodland boundary which defines the urban containment.

The woodland along the western edge of the site is proposed at nine metres in depth indicated to grow to around seven metres in height. Whilst potentially reinforcing the western boundary and strengthen the site edge, it could give rise to overshadowing of gardens lying to the west of Winton Gardens, many of which have conservatories and extensions which would be overshadowed by the tree belt.

The avenue/street planting is proposed at five metre centres and as it matures may assist in reducing the local visual impact of the hard surfaces of roads and areas of parked cars.

The application proposes that the SUDs system will be fully integrated within the development's proposed open space system, thus providing opportunities to extend habitat diversity. The final details of landscape elements would be subject to a planning condition should committee be minded to grant planning permission.

The application proposes a variety of measures within the landscape framework. However, these will take time to mature. The enhanced woodland to the north will take time to establish and integrate with the existing tree belt. It needs to be done sympathetically so as not to encroach on existing tree roots.

Despite the proposed landscape infrastructure measures, the development will be highly visible from the south and will impact negatively on the rural setting of the conservation area and the designated Special Landscape Area.

It is concluded that the proposal is contrary to LDP policy Env 11 as the development will result in the loss of the rural character of the Special Landscape Area.

i) The proposal will preserve and enhance archaeology

LDP policy Env12 aims to protect and enhance archaeological remains from development.

The development of housing on the site which has been historically farmed will require significant ground breaking works. Such works will have significant impact upon any surviving archaeological remains principally associated with the neighbouring state and potentially also prehistoric remains including burials.

Given the potential for unrecorded significant archaeological remains to occur across the site, the City Archaeologist has requested that, if consent is granted, an archaeological programme of works is undertaken prior to development commencing.

If Committee is minded to grant planning permission an appropriate condition should be applied as recommended by archaeology.

j) The proposal will have a detrimental impact upon air quality

LDP policy Env22 aims to protect against pollution of air, water and soil quality.

The applicant has submitted an Air Quality Impact Assessment (AQIA). The assessment considers the impact of increased road traffic likely to be generated by the scheme along with how air pollution from the A720 and the A702 is likely to affect existing and future residents within the study area.

The AQIA relies on the information from the Transport Assessment which predicts that the proposed scheme will generate up to 317 additional vehicle movements per day on local roads. The impacts have been assessed in accordance with the non-statutory guidance published by the Institute of Air Quality Management (IAQM) and Environmental Protection UK (EPUK). The scope of assessment considers the proposed development site only.

The AQIA assessment concludes that the predicted air quality impacts from the proposed development are of negligible significance in terms of the IAQM/EPUK assessment framework. The report concludes that air quality within the proposed development site is predicted to comply with the statutory EC annual mean Limit Value for NO₂ and Scottish Government objectives for exposure to PM₁₀ and PM_{2.5}.

The AQIA identifies dust control measures to be carried out by the contractor during works.

Environmental Protection has raised concerns regarding committed and proposed developments in this area and the cumulative impacts if they are all developed out with regards to the impacts on local air quality.

The proposed development is low density with a high level of supporting car parking spaces. If this site is developed in association with LDP allocated housing sites, HSG 10 Fairmilehead and housing proposals HSG 21-25 and HSG 39 in south east Edinburgh, then they will put pressure on the road network and increase the likelihood of congestion. Any additional developments over that allocated in the Local Development Plan will add to the pressure and if unmitigated will further increase the detriment of local air quality along residential road corridors.

The proposed housing is located in an edge of town location that will be heavily reliant of cars. The proposal will remove the site from its current agricultural use will add to increased pollution of the area in the form of air, noise from the change to residential use and light from dwellings, streets and car movements. The proposal is likely therefore to prove detrimental to local air quality however it is concluded, having regard to the findings of the submitted AQIA, that the proposal will not prove contrary to LDP policy Env 22.

k) The proposal will impact adversely upon amenity of neighbours

Local Development Plan Policy Des 5 aims to ensure that amenity of neighbours is not affected by new developments.

The proposal will change the current use of the land from agricultural to residential and as such there will be an increase in traffic movements, noise and light within close proximity to an established residential development and conservation village.

The layout and design of the proposed development has regard to the amenity of the existing dwellings to the east by providing a proposed woodland boundary screen and adequately set back from that boundary to ensure that direct overlooking does not occur. The proposed woodland boundary could result in loss of light to the gardens of those existing properties on the western side of Winton Gardens, should it grow beyond a certain height.

As discussed in assessment section (f) on the north of the site the boundary is defined by a TPO'd woodland and whilst there is a reinforced woodland buffer proposed around the edge care must be taken that the introduction of the new dwellings and associated domestic requirements, such as sheds and structures, lighting, pets and pedestrian movements, does not result in damage to the protected woodland. This could affect the outlook of historic properties to the west and north of the site and further impact upon the conservation area and historic estate.

The proposed density would appear to be of a scale generally reflective of the neighbouring development. The general site layout reflects the cul de sac sub-urban approach of the existing development to the west. The layout of the new housing is around a cul de sac and courtyard where good surveillance would be provided. However, single access residential layouts are discouraged as a design solution as they do not integrate well into the wider neighbourhood.

The proposed housing layout is dominated by car parking to the front of the properties which is contrary to the Council's Designing Streets guideline. The parking levels proposed in the development at this edge of town location will encourage the occupants to be heavily reliant upon use of the private car for transportation. The subsequent traffic movements will have an impact on amenity and convenience of the neighbours accessed through a single access.

The proposed change of use of the land from agricultural to residential will be detrimental to neighbouring amenity by the introduction of more vehicle movements, lighting and domestic activity, contrary to policy DES 5 of the Local Development Plan.

l) The proposal will provide adequate amenity for future residents

Local Development Plan Policy Des 5 aims to ensure that good amenity is provided for the occupiers of the development.

The layout of the development is such that occupiers will all have a private garden and access to a play park and amenity space. The proposed dwellings are well spaced and will receive adequate daylight, privacy and sunlight.

The application site is exposed to noise from road traffic on the by-pass. Environmental Protection has raised concerns regarding the possible impact noise may have on the amenity of the proposed residential properties.

The applicant has carried out a Noise Impact Assessment in accordance with guidance set out in PAN 1/2011 "Planning and Noise". The assessment considers the range of acoustic standards indicated by BS 8233:2014 "Sound Insulation and noise reduction for buildings" appropriate for a residential assessment.

The assessment concluded that road traffic from the A720 City Edinburgh Bypass will impact directly on the south facades of the development.

To alleviate potential noise impact the applicant proposes a 1.8 metre high acoustic barrier and appropriate insulation to achieve a reasonable level of protection for amenity for gardens and habitable rooms. Environmental Protection is satisfied that noise can be mitigated using these methods, subject to detail. The visual impact of the acoustic barrier is of concern as it will give a hard edge along the southern side of the housing development and is out of character with the rural character of the area.

It is considered that subject to the proposed mitigation measures, the proposed development will provide adequate amenity to the future occupants. If Committee is minded to grant planning permission, then a condition is recommended to ensure that the acoustic barrier is appropriately screened with landscaping. Additionally, to achieve satisfactory internal noise levels, the south facades of the proposed dwellings overlooking the A720 road should be fitted with glazing as specified in RMP report of 7 February 2017 (Ref R-7669-RGM1-M1), specifically glazing units with a minimum of 4/12/6mm double glazing to be installed in the living rooms located on the south facades of plots facing the A720. All properties should also be fitted with attenuated trickle ventilation with a minimum performance of Dne, w35dB.

m) Sustainability

The applicant has submitted a sustainability statement in support of the application. The site is within 15 minutes walking distance of Frogston Road West bus stop and provision is included in the application to link the occupants of the development to the surrounding footpaths.

The proposal has been classed as a major development and has been assessed against Part B of the standards. The points achieved against the essential criteria are set out in the table below:

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	10
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	70

The proposal fails to meet the essential criteria in terms of energy needs and is therefore contrary to policy Des 6 of the Local Development Plan. The applicant has advised that it will submit further information regarding carbon reduction as part of the building warrant submission. The site orientation would allow for the promotion of passive design.

n) Infrastructure and Affordable Housing

Residential development is required to contribute to the cost of the required education infrastructure. Communities and Families have advised that if Committee are minded to grant the proposed development that a contribution of £422,050 index linked, to education infrastructure, will be required from the developer towards identified actions within the Firrhill Education Contribution Zone. This should be secured through an appropriate legal agreement.

The applicant has shown a willingness to enter into a legal agreement to secure affordable housing. The proposal includes that 22 of the 86 units would be for affordable housing (25%) offering a range of unit sizes. Affordable Housing support the proposal.

With regards to water provision to serve the site, Scottish Water has raised no objection to the proposal and advises that there is sufficient capacity in the Edinburgh Waste Water Treatment Works and the local network service to meet demands, at the time of writing. Scottish Water is unable to reserve capacity and connections are granted on a first come first serve basis.

Scottish Water supports the principle of a sustainable urban drainage system (SUDs) and the developer should consider utilising this in the surface water drainage design.

The Council's Waste team requires domestic properties to provide for off street recycling with safe and efficient access included in the development layout for collection. If Committee are minded to grant planning permission it is recommended that the application be continued to ensure waste requirements are met.

A number of residents have raised the issue of road gritting and the problem of going uphill on Winton Loan on icy days. Should permission be granted the developer will be required to comply with Road Construction Consent and meet Transport requirements.

A number of objections have been received from local residents with respect to dwindling capacity in local doctor surgeries. Health Care and Social Partnerships has not been consulted on this application as it is not an allocated site and is not in a contribution zone, it is therefore not in the Action Plan. If Committee are minded to grant planning permission for the development it is recommend that Health Care and Social Partnerships are consulted on the local GP capacity and that a mechanism for calculating contributions to be achieved through an appropriate legal agreement.

Conclusion

The site is not allocated for housing in the Local Development Plan and therefore details of infrastructure requirements have not been fully assessed. If Committee are minded to grant then appropriate legal agreements to seek necessary contributions should be applied.

o) Equalities and Human Rights Impact

The proposal provides for a mix of housing sizes with affordable housing provision. It will be required to meet with current building standards to ensure access for disabled people where appropriate.

If the development proceeds, the proposed pedestrian/cycle route will be required to meet transport adoptable standards.

Car parking for disabled users is accommodated within the layout. Issues with respect to neighbouring amenity are assessed in section 3.3(k). An Equalities and Rights Impact Assessment has been completed.

Impacts on human rights and equalities are acceptable.

p) Material representations or community council comments raise issues to be addressed

The application was advertised on 17 January 2017. In total 113 letters of objection have been received including from The Architectural Society of Scotland and Winton Loan Woodlands Trust. The main reasons for objection to the proposal are summarised as follows;

Housing Need

- The recent Local Development Plan inquiry ruled out this site for housing (addressed in section 3.3a).
- Miller Homes should be exploring more suitable sites for housing (addressed in section 3.3a).
- Within a three mile radius more than 1000 houses have been built to address the housing need set out in SESplan, therefore there is no need for any more (addressed in section 3.3a).
- The proposal will not make an essential contribution to Edinburgh's housing need (addressed in section 3.3a).
- The housing type proposed will not meet the demand for affordable homes in the city (addressed in section 3.3n).

Green Belt

- The proposal is contrary to greenbelt policy not necessary for agriculture, forestry countryside recreation or other uses appropriate to a rural area (addressed in section 3.3a).
- The proposal will impact upon scenic area - undermines the designation of the adjoining land as Special landscape area (addressed in section 3.3h).
- The proposal will have a detrimental Impact on rural setting (addressed in section 3.3h).
- The proposal will have a detrimental loss of green belt irrevocably (addressed in section 3.3a).
- The greenbelt is becoming more precious with the increase level of development in the area (addressed in section 3.3a).

- Scheme will be an eyesore from popular viewpoint at Hillend (addressed in section 3.3h).

Transport

- Increase in cars into the local network (addressed in section 3.3b).
- Unsuitable site access for the large level of traffic proposed - 86 homes with 2 cars each totals 172 vehicles (addressed in section 3.3b).
- One sole access to the site is not sufficient - the main access is a cul-de-sac serving up to 170 existing dwellings (addressed in section 3.3b).
- Impact on access to Frogston Road from Winton Drive (addressed in section 3.3b).
- By pass problems force traffic on to Frogston Road as a diversion route (addressed in section 3.3b).
- Increase traffic through the residential area will increase risk of accidents and incidents through the existing residential area) addressed in section 3.3b).
- The proposal will impact on junction of Winton gardens and Winton Drive (addressed in section 3.3b).
- The development will have a cumulative impact with development of the waterworks site (addressed in section 3.3b).
- There is limited potential of the existing bus service (number 11) (addressed in section 3.3b).
- Access for construction traffic is not fit for purpose (addressed in section 3.3b)
The development will conflict with horses, pedestrians, cyclists, Pentland Primary and Morton Main's nursery school (addressed in section 3.3b).
- The traffic assessment is a theoretical exercise based on one day's observations and assumptions from old census data and is not realistic (addressed in section 3.3b).

Countryside

- Loss of open land (addressed in section 3.3a).
- Loss of informal recreation facility (addressed in section 3.3a).
- Increasing urbanisation (addressed in section 3.3a).
- Loss of prime agricultural land (addressed in section 3.3a).
- Important green gateway to Edinburgh (addressed in section 3.3h).
- Historical interest in the area (addressed in section 3.3e).
- On the fringe of Pentland National Park (addressed in section 3.3h).

Conservation Area

- Detrimental Impact on the Morton Mains Conservation Area (addressed in section 3.3d).
- Negatively affect the setting of the built conservation area (addressed in section 3.3d).
- Negatively impact on views out from the conservation area (addressed in section 3.3d).
- The proposal does not respect the integrity and relationship of the historic buildings (addressed in section 3.3e).

Listed Building

- Detrimentially impact upon the setting of two category A listed buildings (addressed in section 3.3e).
- Detrimentially impact upon the setting of category c listed buildings (addressed in section 3.3e).

Wildlife

- Loss/impact on hedgerows - birds and local wildlife (addressed in section 3.3g).
- Encroach on natural vegetation (addressed in section 3.3g).
- Natural habitat (addressed in section 3.3g).
- Site includes red-listed and amber-listed birds as recorded on the Birds of Conservation Concern 4 Report Red-listed. The vulnerability of the eco-system in the area can be seen from the recent disappearance of lapwings, and the summer calls of grasshopper warblers, following changes in farming practice (addressed in section 3.3g).
- There has been sightings of great spotted woodpeckers, heron, nuthatches, hedgehogs, bats, house martins roe deer and foxes (addressed in section 3.3g).
- The proposal, cumulatively with others in the area, will curtail habitats to protected species (addressed in section 3.3g).
- The proposal impacts on broad leaved woodland, impact on woodland of approx. 1.57 acres to the south of Winton Loan, proposal may impact on root damage and boundary treatments could cause long term damage (addressed in section 3.3f).

Amenity

- Congestion of traffic (addressed in section 3.3b).
- Noise from traffic and residents (addressed in section 3.3k).
- Fumes and air quality pollution (addressed in section 3.3j).
- Disturbance (addressed in section 3.3k).
- The erection of a 1.8m high acoustic barrier is a poor solution (addressed in section 3.3l).

Infrastructure

- School capacity already exceeded/Pentland Primary oversubscribed (addressed in section 3.3n).
- GP surgeries oversubscribed/ Braid Hills Medical Centre have closed their list to new patients (addressed in section 3.3n).
- Existing struggling waste services (addressed in section 3.3n).

Design

- Proposal is out of character with the agricultural character of the area (addressed in section 3.3d).
- Proposed buildings do not blend in to the character of the area they are modern design and rendered little use of natural stone (addressed in section 3.3d).

- Boundary walls not reflective of historic sandstone walls out of character with the conservation area (addressed in section 3.3d).

Community Council

Fairmilehead Community Council submitted an objection on the following grounds:

- Site not zoned for housing
- Site within the Green belt
- Site is Prime Agricultural Land
- Site is within the Conservation Area
- Traffic and Access
- Other Issues.

Non-Material Comments

- Disturbance through building work.
- Proposal differs from that set out at PAN stage.
- Gritting roads.
- Previously refused application and dismissed at appeal by Scottish Government
- Abuse of the planning process – repeatedly.
- Contempt for planning process. The application process itself requires amendment. Once rejected, applicants should be unable to reapply for a period of perhaps 10 years. Re-hashing applications and increasing the number of homes proposed is simply an attempt to wear down opposition.
- The proposal will set a precedent for further encroachment into the greenbelt.
- The proposal will result in the loss of view.
- The process is driven by profit.

Conclusion

The proposed housing development is contrary to the adopted Local Development Plan. There is an effective five year land supply for Edinburgh. The site is not a suitable site in the context of LDP Hou1 Part 2. The proposal is in the Green Belt and will impact upon the character of the Morton Mains Conservation Area and the setting of the neighbouring listed buildings.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to Strategic Development Plan policy 7 in that the proposal will not be in keeping with the rural character of the area and will undermine the green belt objectives.

2. The proposal is contrary to the Local Development Plan Policy Hou 1 in respect of Housing Development, because it is not required to meet a deficit in the five year housing land supply and it will undermine green belt objectives as it is not in keeping with the character of the local area.
3. The proposal is contrary to the Local Development Plan Policy Env 10 in respect of Development in the Green Belt and Countryside, as the proposal is a non conforming use in the green belt detracting from landscape quality and rural character.
4. The proposal is contrary to the Local Development Plan Policy Des 6 in respect of Sustainable Buildings, as it has not been demonstrated that carbon dioxide reduction target can be met.
5. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as the proposal would impact upon the rural setting of Morton Mains House and the Belvedere.
6. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it fails to preserve or enhance the special character or appearance of the Conservation Area.
7. The proposal is contrary to the Local Development Plan Policy Env 11 in respect of Special Landscape Areas, as the proposal will result in the loss of the rural character of this special landscape area.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

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:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to 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

The application was advertised on 17 January 2017. 113 letters of objection have been received including from The Architectural Society of Scotland and Winton Loan Woodlands Trust. A full assessment of the representations can be found in the main report in the Assessment Section.

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 application site is identified within the Local Development Plan as part of the green belt. The site is also within the designated Morton Mains Conservation Area.

Date registered

12 January 2017

Drawing numbers/Scheme

1,2b,3b,4a,5b,6a,7-11, 12a, 13a, 14a, 15-32, 33a, 34a,35a,36-44,45a,46a,47,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Jennifer Paton, Senior Planning Officer

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Links - Policies

Relevant Policies:

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

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 Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Des 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Env 10 (Development in the Green Belt and Countryside) identifies the types of development that will be permitted in the Green Belt and Countryside.

LDP Policy Env 11 (Special Landscape Areas) establishes a presumption against development that would adversely affect Special Landscape Areas.

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 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

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

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

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

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

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 Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

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.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

LDP Policy RS 6 (Water and Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

Appendix 1

Application for Planning Permission 17/00108/FUL At Land 88 Metres East Of 1-15, Winton Gardens, Edinburgh Residential and associated development (as amended)

Consultations

Archaeology comment

The site lies across the southern boundaries of the Conservation Area encapsulating the post-medieval Morton Mains Estate, occupied since before 1630. A detailed historical background report was undertaken by CFA Archaeology (DBA report 3505) and accompanies this application, in summary although no sites have been recorded from its boundaries its close association with the adjacent late/post-medieval Morton Estate and surrounding prehistoric evidence indicates that the site occurs within and area of archaeological potential.

Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and also CEC's Edinburgh Local Development Plan (2016) Policies ENV6, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Conservation Area

The scale of the proposed new development will clearly have a significant impact upon the existing Conservation Area by adding new development to over 10% of the Area, an area which appears to have been historically farmland. As such it could be regarded as being contra to Policy ENV6a, which seeks to protect and where possible enhance the character and appearance of Conservation Areas. In this case the addition of new housing to such a scale and prominent location will clearly affect the essential rural character identified in CEC's Conservation Area Appraisal.

Buried Archaeology

The proposals will require significant ground breaking works in regards to the construction of the various phases of development. Such works will have significant impacts upon any surviving archaeological remains principally associated with the neighbouring estate but potentially also prehistoric remains including burials.

Given the potential for unrecorded significant archaeological remains to occur across the site, it is essential that if consent is granted that an archaeological programme of works is undertaken prior to development. In essence this strategy will require the undertaking of phased programme of archaeological investigation. The first phase of works will require the undertaking of an archaeological evaluation (min 10%) linked to a comprehensive metal detecting & field walking survey.

The results from these initial phases of evaluation work will allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains.

Public Engagement

As stated the site may contain a significant archaeological remains dating back to prehistory. It is therefore considered essential that should such remains be discovered that a programme of public/community engagement is undertaken during development the full the scope of which will be agreed with CECAS but will include: site open days, viewing points, temporary interpretation boards and exhibitions.

In consented it is essential therefore that a condition be applied to any consent if granted to secure this programme of archaeological works based upon the following CEC condition;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis, reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Police Scotland comment

We would welcome the opportunity for one of our Police Architectural Liaison Officers to meet with the architect to discuss Secured by Design principles and crime prevention through environmental design in relation to this development.

Waste Services comment

Waste Management Responsibilities

The Waste and Cleansing Services will be responsible for managing the waste from households and any Council premises only. We are 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.

Confirmation will be required on the number of flatted properties, where we would recommend communal waste containers, for: landfill waste, mixed recycling for paper and packaging, glass, and food. 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.

Historic Environment Scotland comment

Our Advice

The development has the potential to impact on the setting of the Category A listed Morton House and the similarly A-listed Belvedere, both to the E/NE of the development site. Other heritage designations include the B-listed pavilions of Morton House and the C-listed farm cottages that abut the site. In addition, the site is wholly contained within the Morton Mains Conservation Area.

In assessing the setting of the A listed Morton House and Belvedere we have used our Managing Change guidance on Setting. This proposes three stages in assessing the impact of a development on the setting of a historic asset or place: Stage 1: identify the historic assets that might be affected by the proposed development; Stage 2: define and analyse the setting by establishing how the surroundings contribute to the ways in which the historic asset or place is understood, appreciated and experienced; Stage 3: evaluate the potential impact of the proposed changes on the setting, and the extent to which any negative impacts can be mitigated.

The assets

In this case the assets are the Category A listed Morton House and Belvedere. Morton House dates from 1702 with an additional wing to the north dated 1713. The main house faces east/west with C18th entrance pavilions flanking the west elevation. Onto the C18th house a new west entrance front was added in c1810. It was historically (and currently is) accessed from an entrance on Frogston Road West via Winton Drive & Loan. Later still the Mains Farm increased in prominence and an ancillary drive was taken directly to the house from the north adjacent to its walled garden. This drive was later abandoned.

The Belvedere is a very unusual early C18th 2-storey tower designed in the form of a tower house and built on a rocky outcrop on the highest point of Morton House's grounds. It formerly had a fine timber panelled upper room and was designed to take in extensive panoramic views of the surrounding land.

Analysis of setting

We have looked at how the surroundings of Morton House and Belvedere contribute to the ways in which the historic asset or place is understood, appreciated and experienced.

The house and belvedere are contained within a small core historic landscape clearly identified by its mature tree belts, woodland and stone walled enclosures. This landscape is relatively unchanged and can be traced directly from map evidence over the last 200 years.

In terms of the immediate setting of Morton House the main views to and from the house are on its east-west axis. The eastern view is formalised out over open countryside, framed by obelisks. Views to and from the north and south are not immediately apparent, being mainly shielded by planting, although historically the north of the site to Frogston Road was more-open garden ground with a walled garden and later access drive, introduced to bypass and separate access to the C19th farm Morton Mains. (This northern ground has been the subject of a recent appeal for housing which was dismissed).

The western approach to the house has an immediate setting of forecourt contained by two handsome B listed pavilions, with a western approach to the house from Winton Drive and Loan, as above, the original historic access. Although there is development on Winton Drive, it contains houses within large well-landscaped and wooded plots, as does the north side of Winton Loan. The south side of Winton Loan retains its historic tree-belt. The development site is immediately to the south of the historic access route and is an area of open agricultural ground that is part of the open semi-rural setting of the estate. Its lower level and sloping ground helps identify and emphasise the wooded core of the estate and serves as valuable borrowed landscape for the estate and its buildings, including the A listed house and belvedere. The semi-rural setting of the estate, and the development site, can even be clearly appreciated from the A720 Edinburgh by-pass.

The Belvedere has a more open aspect. Built on the highest part of the estate it was specifically designed to contain an upper room that took in panoramic views, and its wider setting can be considered to extend over areas within its view. It is likely that the building formerly (and may still) contain views over the land which is the subject of this application.

Evaluation of impact

The immediate, or primary, setting of Morton House includes views to and from its east-west axis and the core of the estate within its wooded and walled enclosure. The belvedere has an immediate setting surrounded by woodland, but its purpose was to take in wider views, including the development site. Thus, building on the SW fields may impact on its setting.

The important wider setting of both house, belvedere and estate includes the open rural countryside setting that provides the estate core with borrowed landscape and a breathing space between it and mid-late C20th suburban expansion.

In looking at mitigation, we note it is proposed to provide 'enhanced woodland' around the boundary of the core estate. Although this would help shield some views it would fail to preserve the rural setting of the house and belvedere, especially from the historic entrance route to the estate and Morton House, but also from open views from the south (A720).

We note an application, (on a smaller parcel of land), concerning this site was refused planning permission by your Council in 2011.

Conservation Area

The entire site is contained within the Morton Mains Conservation Area. Your Council's detailed Morton Mains Conservation Area Appraisal (2001) makes clear that the site concerned has been specifically added to the designated conservation area as it is 'crucial in creating its rural setting'. The impact on the conservation area would be an issue for your Council to assess, but we note a recent application refused at appeal for a site to the north of Morton House led the Reporter to note 'that the introduction of new build housing would have an unacceptably adverse impact on those special qualities which give rise to the conservation area's designation and would neither preserve nor enhance its special character or appearance'.

Conclusion

We strongly believe the development would be harmful to the wider setting of the Category A listed Morton House and Belvedere. The semi-rural green-belt setting of the estate, especially the historic approach to the A-listed house, would be significantly harmed by the proposed new housing development.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Historic Environment Scotland further comment

Our Advice

Thank you for the Heritage Impact Assessment prepared since our original response of 6 February 2017. We have now considered the information contained within the HIA.

To recap, we have been consulted by your Council on the impact the development may have on the setting of the Category A listed Morton House and the A listed Belvedere.

We considered that the potential impact on both listed buildings would not be significant enough to raise issues of national significance, and hence for us to object. This is mainly because the immediate setting of the house, and to a lesser extent, the belvedere, are shielded from the site in question by mature planting.

However, it is the wider setting of the house and belvedere that would be affected. Whilst we agree enhanced planting would help shield some potential views, e.g. from the historic approach road, it is the inclusion of the house and belvedere (the core of the estate) within an open countryside setting, still separated from suburban expansion, that would be harmed by the proposed development. We had a similar view in the more recent application for housing to the north, refused at appeal in November 2015 (PPA-230-2150). In this case the Reporter agreed with 'Historic Environment Scotland that the site is within the important wider setting of the listed house whether or not it is now visually separated from it'.

An appeal against development on a small part of the site in question (for only 15 houses) was refused in November 2012 (PPA-230-2078). In this case the Reporter found that development 'would encroach upon the open rural setting' of the site, in particular harming the 'essential relationship between the wooded setting of the core conservation area and the surrounding open landscape'.

Although we consider the direct impact on the A listed buildings would not be so significant as to raise an objection, we nevertheless consider there would be considerable harm to the wider setting of Morton House and its historic core estate, by the substantial encroachment of housing on its semi-rural setting.

A key consideration is the potential impact on the character of the conservation area, which specifically includes the development site, but, as noted in our previous letter, this is a matter for your Council alone to assess.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Edinburgh Airport comment

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

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 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/>).

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.

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.

Environmental Assessment comment

The applicant proposes developing 86 new residential properties with associated 155 car parking spaces. The site is predominantly comprised of farmland; bound to the north by Winton Loan with Frogston Road West (B701) further north and to the east by farmland and children's nursery. The A720 lies approximately 140m to the south of the proposed development and residential housing bounds the west of the site. The application site is not considered for residential use in the Local Development Plan and associated Transport Appraisal.

Environmental Protection has raised concerns regarding developments in this area and the cumulative impacts they may have if all developed out in regards to the impacts on local air quality. The applicant has investigated potential transport noise impacts and suggested mitigation measures in a supporting noise impact assessment.

Local Air Quality

It has been noted that this development is relatively low density with a high level of supporting car parking spaces. Environmental Protection is concerned with the level of development anticipated in the wider area as per the Local Development Plan. Environmental Protection believe that when the area is developed out in full (in accordance to the Local Development Plan) then this will put pressure on the existing road network and increase the likelihood of congestion. Any additional developments will therefore likely add to this pressure and if unmitigated further increase congestion to the detriment of local air quality on roads which have existing residential properties in close proximity to the kerbside.

Noise

Environmental Protection raised concerns regarding the possible impact noise may have on the amenity of the newly proposed residential properties. The development site is exposed to noise from road traffic. The applicant has submitted a noise impact assessment in support of the application. The noise impact assessment has demonstrated noise can be mitigated by careful building layout and design along with 1.8m high acoustic barrier and appropriate insulation can provide a reasonable level of protection for amenity for gardens and habitable rooms.

Environmental Protection is satisfied that noise can be mitigated using the above methods. Planning has confirmed that they would be able to support the erection of the acoustic barrier required to mitigate the road noise. Therefore Environmental Protection offers no objections to this application with regards noise impacts subject to conditions.

Contaminated Land

Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable)

Therefore in conclusion Environmental Protection cannot support this application due to concerns with the overall level of development in the wider area and possible adverse impact this may have on local air quality. If consent is granted Environmental Protection would require the following included as conditions;

Conditions

Prior to the commencement of construction works on site:

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

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.

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.

The following noise protection measures to the proposed development, as defined in the Robin Mackenzie Partnership 'Environmental Noise Assessment' report (Ref R-7669-RGM1-MI), dated 7 February 2017:

Glazing units with a minimum of 4/12/6mm double glazing shall be installed for the living rooms and bedrooms located on south façade of plots overlooking the A720. They shall all be should also be fitted with attenuated trickle ventilation with a minimum performance of Dne,w 35dB

The private gardens that overlook the A720 shall be protected with the erection of a 1.8m acoustic barrier be constructed along the boundary facing the A720. The acoustic barrier should consist of a solid material with a minimum density of 15 Kg/m². Two barrier types are proposed, one a masonry wall, the other will be a close boarded timber fence, with minimum 20mm close fitted boards. The required locations are highlighted on the architects plan 16118(PL)011 dated 5 September 2016.

Scottish Water comment

Water

There is sufficient capacity in the Rosebery Water Treatment Works and also the local network to service the demands from your development.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head in the public main. Any property which cannot be adequately serviced using this pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws.

Wastewater

There is sufficient capacity in the Edinburgh Waste Water Treatment Works and the local network to service the demands from your development.

General

Water connection is approved, connect to 3 inch Cast Iron main in Winton Loan and loop through to 100mm Ductile Iron in Winton Gardens.

Based on calculations provided foul is approved, all surface water must discharge to the water course as per application.

Scottish Water supports the principal of a sustainable urban drainage system (SUDS) and the developer should consider utilising this in the surface water drainage design. It is important to note that Scottish Water will not adopt surface water drainage systems that require the flows to be pumped.

However, it is important to note that Scottish Water is unable to reserve capacity and connections to the water & wastewater networks can only be granted on a first come first served basis. For this reason we may have to review our ability to serve the development on receipt of an application to connect.

SEPA comment

We have no objection to this planning application. Please note the advice provided below.

Flood risk

We have reviewed the information provided in this application and it is noted that, the application site (or parts thereof) lies adjacent to the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding. However, the Site Layout (drawing number J3656-001; dated 17.01.17) indicates that there is a significant height difference between the proposed development and the Swanston Burn and as such the site is at little or no risk of fluvial flooding.

A Flood Risk Assessment and Drainage Strategy Report (dated January 2017) has been submitted with the application which we have reviewed along with the pre and post development overland flow paths. These indicate that the risk of surface water runoff has been addressed by the use of sustainable drainage systems (SUDS) and more specifically by a detention basin. The post development overland flow paths drawing also indicates an area that could potentially flood if all other surface water drainage were to fail. This area of surface water will pool on the road prior to flowing towards the Swanston Burn and places no buildings at risk. The Council should satisfy themselves that the discharge rate from the detention basin to the Swanston Burn is appropriate.

Surface water drainage

The surface water drainage proposal outlined in the Flood Risk Assessment and Drainage Strategy Report (dated January 2017) is acceptable to us in terms of water quality as it provides the required level of treatment for surface water run-off from the residential development. The output from the Simple Index Approach tool has also been submitted which indicates that the SUDS treatment proposed is suitable for the development.

We have not considered the water quantity aspect of this scheme. Comments from Scottish Water, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on any water quantity issues.

Waste water drainage

The planning application details that the proposed development will be utilising the public sewer for foul drainage which we support. The applicant should consult with Scottish Water to ensure a connection to the public sewer is available and whether restrictions at the local sewage treatment works will constrain the development. If the proposal should change we would require to be contacted at the earliest opportunity.

Air quality

The proposed development will be in an area that is currently not affected by poor air quality. An air quality modelling assessment has been undertaken and the findings are reported. We note and welcome the decision to use ADMS Roads to assess the impact of traffic on local air quality. The modelling assessment has shown that the completed development is unlikely to have a significant impact on local air quality. Please refer to the appended Air quality report for further detailed comments.

Detailed advice for the applicant

Flood risk

The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland.

We refer the applicant to the document entitled 'Technical Flood Risk Guidance for Stakeholders'. This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction Policy 41 (Part 2).

Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to the City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation.

Fairmilehead Community Council comment

Background

FCC note this is the fourth application by Miller Homes to develop this site, previous applications having been refused in 1981,1986 and 2012, including an appeal to a Reporter appointed by Scottish Ministers.

At the pre-application consultation in August 2015 considerable local opposition to this development was expressed and this is detailed in the Pre-Application Consultation Report. FCC wrote to the developer at this time objecting to what was being proposed. At the further Public Exhibition of the amended plans held in November 2016, again the significant majority of respondents objected to this development.

This application does differ in some respects from that at the PAN stage in August 2015 when only planning permission in principle was being sought. At that stage, 75 houses were proposed, now it is 86 houses. There are now no 5 bedroom houses, no trees are to be planted along the South boundary and the benefits of an open outlook to the Pentland Hills are now being promoted. The layout and type of housing is very different from the existing housing in Winton and the Fairmilehead area, in general.

This development has been a regular item on the agenda of FCC meetings over the past 18 months. Opposition to this development has been expressed by members on a regular basis. This application was discussed at length at the FCC meeting on 7 February 2017 and following that a letter was delivered by FCC to all houses in Winton.

It is on the basis of the comments and feedback received from members that FCC are objecting to this application.

FCC Objections

Site not zoned for housing

This site was not zoned for housing in the Edinburgh Local Development Plan (LDP), adopted in November 2016. Miller Homes have made attempts to have this site so zoned but these were rejected by the Reporter following the recent Public Examination (Issue 17). For that reason this application should be refused.

Site lies wholly within the Green Belt

This site lies wholly within the Green Belt and various Policies apply to any proposed development in such an area - Policies Des 9 and Env 10 in the LDP. Development will only be permitted where it meets specified criteria and would not detract from the landscape quality and/or rural character of the area. None of these criteria apply to this development.

In relation to the appeal on the 2012 application, the Reporter said, inter alia, that the areas forming the existing Green Belt edge in the vicinity of the site 'form a substantial and well established boundary between the suburban housing areas to the north and the open agricultural landscape to the south which slopes down towards the city bypass and the Pentlands beyond'. He went on to say that he considered the 2012 application (which was for a much smaller development than that now proposed) 'would adversely impact on the attractiveness of the local landscape and reduce the effectiveness of the existing green belt boundary'. The same considerations apply to this application.

New woodland planting is proposed on the eastern boundary of the site. Miller Homes state such planting 'will appear as an extension to the mature woodland surrounding Morton House'. FCC does not agree with this view.

Site is Prime Agricultural Land.

Restrictions, similar to those for the Green Belt mentioned above, apply to agricultural land. Again none of the criteria for permitting development apply to this site which has historically been farmland.

Site Lies Completely Within the Morton Mains Conservation Area

Any development in conservation areas is covered by Policies Env 6 and Env 11 in the LDP.

The Morton Mains Conservation Area Character Appraisal states in relation to new development:

'With the Green Belt designation, there is already a presumption against new development other than for uses appropriate to a rural area. The open space around the conservation area provides a rural setting to the buildings and the conservation area in general hence its inclusion within the conservation area. The Green Belt has therefore been a significant factor in terms of protecting the special qualities of the conservation area.

In assessing new development within a conservation area, the Memorandum of Guidance states that the first priority should be to have regard to those special architectural and visual qualities which give rise to an area's designation and whether any proposals could erode these qualities. Apart from the conversion of the existing buildings, it is considered that the introduction of new build would be detrimental to the conservation area. It would inevitably require the loss of the existing open space and landscape that is vital to the rural character of Morton Mains. New build would also affect the integrity of the existing historic grouping and relationship between the buildings'.

The scale of this development will clearly have a significant impact on the Conservation Area, and affect the essential rural character of it.

As the Reporter said in the 2012 application, the development 'would significantly harm the essential relationship between the wooded setting of the core conservation area and the surrounding open landscape'.

In 2015 the Reporter in relation to an appeal for a site to the North of Morton House (which was refused) noted 'that the introduction of new build housing would have an unacceptably adverse impact on those special qualities which give rise to the conservation area's designation and would neither preserve nor enhance its special character or appearance'. FCC endorse these observations.

FCC agree with the comments made by the Council's Archaeology Officer in his letter dated 24 January 2017 commenting on this application.

In addition FCC endorse the conclusion reached by Historic Environment Scotland in their letter of 6 February 2017 that 'the development would be harmful to the wider setting of the Category A listed Morton House and Belvedere. The semi-rural green-belt setting of the estate, especially the historic approach to the A-listed house, would be significantly harmed by the proposed new housing development'.

Traffic and Access to the Site

It is noted there will be one access road into this development off Winton Gardens; access being by extending the existing road into this site. Winton Drive and Gardens are themselves narrow residential roads and it is debatable whether they would be able to cope with the increase in traffic generated by this development. This development may also lead to an increase in on street parking in Winton Drive and Gardens, it being more convenient for visitors, service traffic and deliveries to park there and use the new footpath to walk into this development.

The access for traffic during the construction phase will use the same access road off Winton Gardens. FCC consider this to be inadequate as regards turning circle, road width and could result in safety issues.

An emergency access for service vehicles only is proposed over the ground at the North West corner of this site in the vicinity of the new footpath. FCC question whether this is practicable. Existing mature healthy trees would require to be removed. There does not appear to be any provision made for a dropped kerb to allow access. With the bend in Winton Gardens at this point, there could also be safety issues.

This development will lead to an increase in the traffic exiting out from Winton Drive onto Frogston Road West. Traffic emerging from Winton Drive could have difficulty getting into the flow of traffic. Parked cars on Frogston Road West in the vicinity of that junction could obscure sight lines when exiting. There are no yellow lines on that section of Frogston Road West. That road is already busy and traffic volumes increase considerably in the summer months when the caravan and camping site at Mortonhall is in full use. Another time that traffic is increased on Frogston Road West is when it is used as the official diversionary route in the event of the Edinburgh City Bypass being closed. Depending upon when such an occurrence happens, there can be considerable volumes of traffic of all types in the area.

The new large housing developments approved at Burdiehouse and Broomhills will inevitably result in increased traffic volumes on Frogston Road West. This should also be taken into account.

Other Issues

Enhanced Woodland

The developer proposes to plant trees around the boundaries of the site, with the exception of the South boundary. Between these new trees on the North boundary of the site (the 'enhanced woodland') and the existing mature and fully grown woodland (protected by a TRO), there would be a new footpath. Any such new planting will be significantly less substantial than the existing woodland and would not provide any form of boundary or shelter for many years.

FCC agree with Historic Environment Scotland when they say in their letter of 6 February 2017 that although the enhanced woodland 'would help shield some views it would fail to preserve the rural setting of Morton House and the Belvedere, especially from the historic entrance route to the estate and Morton House, but also from open views from the south (A720).'

It is disappointing the developer has not engaged with the owners of the existing woodland (Winton Loan Woodland Trust) to assess the impact of this development on the woodland. This development will isolate the woodland from the surrounding open fields and have an impact on the woodland as a wildlife habitat. FCC are concerned that the formation of the adjacent footpath and the new tree planting could damage the trees in the woodland and their root system, and steps must be taken to protect the woodland in the event there is any development.

Built Environment

This development provides for a contemporary courtyard style development on the eastern section of the site. Miller Homes suggest this will act as an extension to the conservation area. FCC do not accept this. This proposal does not truly represent the built environment of the conservation area nor provide a link to the nearby cottages and farm buildings.

LDP - Housing Development

Policy Hou 1

Housing Development states that priority will be given to sites allocated through tables 3 and 4 and on the proposals map. This site does not feature in these. There should be no building on the Green Belt or the Countryside until the priority sites have been taken up.

FCC do not accept there is a shortfall in the housing land supply as Miller Homes contend. Reference is made to the Council's response in Appendix 1 of the Report submitted to the Planning Committee on 8 December 2016.

FCC also note the Council's Environmental Protection Department in their memo of 9 February 2017 state they 'cannot support this development due to concerns with the overall level of development in the wider area and possible adverse impact this may have on local air quality.'

Conclusion

In conclusion FCC would urge the Development Management Sub-Committee to reject this application.

Affordable Housing comment

Introduction

Housing and Regulatory Services 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.

Affordable Housing Provision

This application is for a development consisting of 86 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (21) homes of approved affordable tenures. We request that the developer enters an early dialogue with the Council:

The tenure of the affordable housing must be agreed by the Council and; The Council will identify the Registered Social Landlord(s) (RSLs) to take forward the affordable homes, and deliver a well-integrated and representative mix of affordable housing on site.

The applicant has stated that 'The proposed mix has been designed to provide a mix of house types for all family needs'.

In addition to the one and two bedroom properties, we would require 3 bed properties for affordable housing, in order for a representative mix of accommodation to be provided across the wider 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, the affordable homes are situated within close proximity (within 400 metres) of regular public transport links at the entrance to Swanston Drive.

Summary

The applicant has made a commitment to provide 25% on site affordable housing and this is welcomed by the department. These will be secured by a Section 75 Legal Agreement. This department seeks that the applicant provides affordable 3 bedroom properties as well as the one and two bedroom homes in order to deliver a representative mix of family housing.

The applicant is requested to enter into an early dialogue with the Council who will identify Registered Social Landlord(s) (RSLs) to deliver the affordable housing

The tenure of the affordable housing must be agreed with the Council

The affordable housing must include a variety of house types and sizes to reflect the provision of homes across the wider site

All the affordable homes must meet the Edinburgh Design Guidance and also meet the relevant Housing Association Design Guidance size and space standards

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.

Communities + Families comment

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (Updated March 2017), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

The Council's assessment has identified where additional infrastructure will be required to accommodate the cumulative number of additional pupils from development. Education infrastructure 'actions' are set out in the Action Programme and current Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery'.

Residential development is required to contribute towards the cost of the required education infrastructure to ensure that the cumulative impact of development can be mitigated. To ensure that the total cost of delivering the new education infrastructure is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established.

Assessment and Contribution Requirements

Assessment based on:

5 Flats (16 one bedroom flats excluded)

65 Houses

This site falls within Sub-Area F-1 of the 'Firrhill Education Contribution Zone'.

The site is located the following catchment areas:

Pentland Primary School

St Peter's RC Primary School

Firrhill High School

St Thomas of Aquins RC High School

The Council's Education Appraisal did not consider the impact of new housing from the proposed development site and its impact on education infrastructure is not part of the current actions and delivery programme set out in the Action Programme and Supplementary Guidance.

The proposed development will generate additional primary and secondary pupils.

A three classroom extension to Pentland Primary School was completed in 2015. School projections show there is sufficient capacity to accommodate the additional pupils generated from the proposed development.

The Education Appraisal identifies additional secondary school accommodation is required to support the planned housing development in the area because Firrhill High School and St Thomas of Aquin's RC High School are both projected to require additional capacity to accommodate pupil growth. The education infrastructure action identified in the Action Programme is not sufficient to accommodate the increase in the cumulative number of pupils generated as a result of the proposed development therefore an appropriate contribution is required to mitigate its impact. The Supplementary Guidance sets out a pro-rata contribution of £6,149 per house and £963 per flat (as at Q1 2015) for secondary school extensions.

If the appropriate infrastructure contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

£422,050

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q1 2015 to the date of payment.

Roads Authority Issues - response dated 22 November 2017

No objections to the application subject to the following being included as conditions or informatives as appropriate:

A contribution of £2,000 is required to progress a suitable order to introduce waiting and loading restrictions as necessary;

A contribution of £2,000 is required to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;

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. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;

The roads layout should comply with Designing Streets, specifically there should be a shared surface type arrangement, parking should not dominate the streetscape, roads should be designed to 20-mph standards, shared paths to be 4m in width;

A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent. As such, the proposed internal road layout is not approved at present;

In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;

Parking should be provided to the required quantity in accordance with current Council Parking Standards. Visitor parking should be provided to the required numbers at suitable locations through the development;

The applicant must be informed that any proposed on-street car 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;

The applicant should ensure that the access road and associated accesses are large enough, and of a shape, to accommodate any vehicles which are likely to use it, in particular refuse collection and emergency service vehicles;

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 he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

Under new RAUC(S) standards any existing footway should not be narrowed to less than 1.8m;

Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;

The developer must submit a maintenance schedule for the SUDS infrastructure for approval.

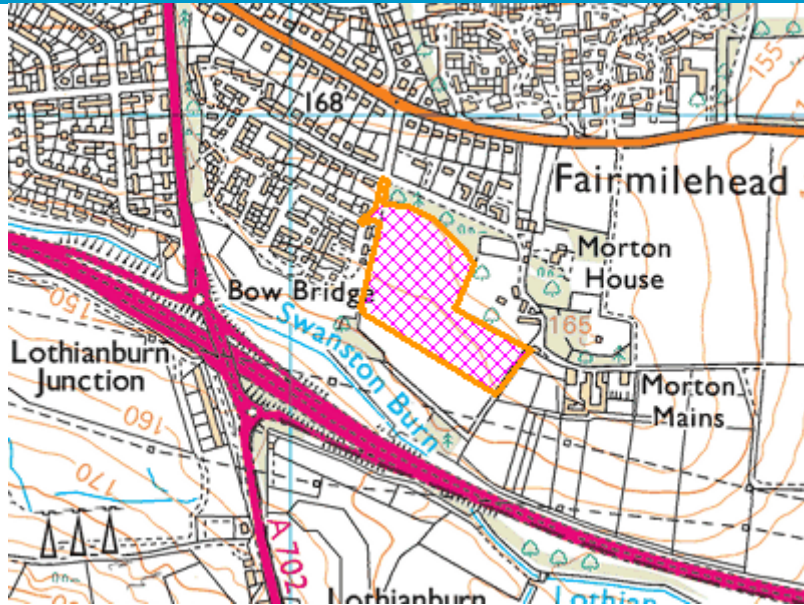
Notes

The applicant's site does not lie within a contribution zone with respect to the Council's LDP Supplementary Guidance, 'Developer Contributions & Infrastructure Delivery (Finalised September 2017)';

The applicant has provided a swept-path diagram which demonstrates that a 12m long RCV can enter and exit the development in a forward gear, in the interests of road safety.

The Scottish Fire and Rescue Service has confirmed that the development access arrangements are acceptable and meet their requirements.

Location Plan



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