

Development Management Sub Committee

Wednesday 1 August 2018

**Application for Planning Permission 18/01355/FUL
At 46 Park Road, Edinburgh, EH6 4LD
Proposed alterations, extension and new works to existing
building to create 4 new residential dwellings (as amended).**

Item number	4.6(a)
Report number	
Wards	B04 - Forth

Summary

The proposed development is acceptable and the impact on the character and appearance of the conservation area and upon the listed building is acceptable. The proposals comply with the Local Development Plan and non-statutory guidance. No other material considerations outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDEL01, LDPP, LHOU01, LHOU05, LDES03, LDES05, LHOU04, LEN04, LEN03, LEN06, LEN12, LTRA02, LTRA03, NSG, NSLBCA, NSGD02, OTH, CRPNEH,
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Report

Application for Planning Permission 18/01355/FUL At 46 Park Road, Edinburgh, EH6 4LD Proposed alterations, extension and new works to existing building to create 4 new residential dwellings (as amended).

Recommendations

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

Background

2.1 Site description

The property is a large, detached Victorian villa, located at the end of a cul-de-sac linked to the dog-leg section of Park Road. The property faces south onto a small, privately-owned park, with modern flats on the opposite side of the park. A church standing on much lower ground to the north has been converted to residential use. Ground levels to the west fall dramatically in the engineering work usually called the "Craighall Cut" where 8 metre to 10 metre retaining walls separate the site from Laverockbank Terrace to the west.

The property was in guest house/HMO use for many years and had many alterations and extensions (including fire escapes added to the rear and side). These were recently removed as part of the approved redevelopment as a single large house (see Planning History), which is currently paused on site.

The site as a whole extends to 0.19 hectares. Mature trees line the southern boundary to the park, most notable of which is a very substantial copper beech to the south-west.

The building was listed category C on 17 October 1996 reference 43721.

This application site is located within the Newhaven Conservation Area.

2.2 Site History

16 June 2005 - change of use to guest house approved (application number 05/00707/FUL)

14 March 2014 - planning permission and listed building consent granted for reversion to a single house plus restoration and alterations (application numbers 14/00427/FUL and 14/00425/LBC))

19 January 2016 - application for listed building consent approved for redevelopment as a single house (application number 15/05517/LBC)

4 February 2016 - parallel application for planning permission granted (application number 15/05788/FUL)

2 April 2018 - a pair of applications (similar to the current applications) were withdrawn (application numbers 18/00410/FUL and 18/00412/LBC). These differed from the current applications in relation to parking layout, garden division and access arrangement.

A parallel application (application number 18/01357/LBC) has been lodged for listed building consent. In relation to the April applications the current applications amended site access, parking and garden division.

Main report

3.1 Description Of The Proposal

The application seeks to redevelop the site using the previous approvals of planning consent granted in 2016 (and which have commenced) as a base.

Instead of extending and altering the property to form a single dwelling house, it is proposed to redevelop the property as four dwellings.

Taking each unit of the four units in turn (in relation to the extant consent in terms of built form) the changes are:

- Unit 1 - east wing- created as a single house - this is more or less identical to the approved scheme. A three bedroom house is created, replacing the pre-existing 10 metre long extension with a 4 metre long extension. Total area 163 square metres.
- Unit 2 - main villa - the house continues to be restored, but now as a four bedroom house. The rear extension is now only 4 metres long as opposed to the previously approved 10 metre extension. Total area 300 square metres.
- Unit 3 - a new-build replacing the former west wing, now creating a new four bedroom house. This has a pitched zinc roof added in relation to the last consent, but is otherwise similar in scale and footprint. Total area 130 square metres.
- Unit 4 - this building was previously approved as a freestanding garage with ancillary accommodation above, but this is now proposed as a separate three bedroom house in a one storey and attic structure. In relation to the previous consent it is around one metre taller and one metre deeper than last approved. The design concept remains the same. Total area 156 square metres.

Materials for the new-build elements are primarily natural stone, with areas of render. Unit 3 has a pitched zinc roof. Unit 4 has a pitched slate roof.

A central parking courtyard provides eight parking spaces. Two mature trees mentioned in the Design Statement for removal are retained in the amended scheme. There are now no trees proposed for removal.

The vehicle access is altered, widening on its north side by relocation of the existing stone pillar. A new pedestrian access gate is added. The rendered sections flanking the original gateway are to be rebuilt in natural stone.

Amendment

The scheme was amended to reduce the height of unit 3 and change its rear elevation. Boundary positions of gardens were altered to create more equitable garden areas. Parking layout was adapted to increase green space. Vehicle access was improved.

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 consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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) residential use is acceptable in principle;
- b) the proposed density is acceptable;
- c) the proposed scale, form and design are appropriate to the character and appearance of the conservation area;
- d) the proposals have an acceptable impact on the character of the listed building and its setting;
- e) amenity of the units is acceptable;
- f) impact on neighbouring amenity is acceptable;
- g) parking and access are acceptable;
- h) impact on trees is assessed;

- i) infrastructure needs are addressed;
- j) comments are addressed; and
- k) equality and human rights are considered.

a) Principle of Residential Use

Local Development Plan (LDP) Policy Hou 1 (Housing Development) section d) supports housing development on suitable sites in the urban area, provided that proposals are compatible with other policies in the plan.

The site lies within a wholly residential area and residential use is acceptable subject to other policy requirements being met.

b) Proposed Density

LDP policy Hou 4 (Housing Density) considers appropriate density of housing development.

The density of the development equates to 25 units per hectare, which is low by current development standards. The development density is appropriate for this street (which ranges from 20 to 40 units per hectare).

c) Impact on the Conservation Area

Newhaven Conservation Area Character Appraisal identifies the site as being within Zone 2: the Residential Zone

The appraisal is silent on the villas on Park Road but does include a paragraph on the park: *"The park located off Park Road is a key open space, and dwellings with well-maintained front gardens and a variety of boundary treatments assist in creating a varied townscape"*.

LDP policy Env 6 (Conservation Areas - Development), considers the impact of development on the character and appearance of the conservation area. This should be considered in conjunction with LDP policy Des3 (Development Design), and with non-statutory guidelines on Listed Buildings and Conservation Areas.

The proposal largely reiterates a footprint and form approved within the still live consent for conversion (and alterations) to create a single, large house (see history).

Considering the four proposed units, each in relation to the existing permission, the following comparisons may be made:

- The eastern wing is also almost identical to the previous permission, and has no further impact on the conservation area.

- The original house is still retained and restored as previously but a smaller extension than that previously approved is added to its rear. This is less onerous than the existing permission and has less impact on the wider area.
- The new-build element (replacing the modern west wing) - unit three - is the area of greatest change, mainly in relation to an added pitched roof. However, the addition of a pitched roof is more appropriate to the conservation area than the previously approved flat roof. The use of zinc is acceptable as a contrasting material and is balanced by the use of traditional stone on the walls. The net impact on the conservation area is beneficial in relation to the live consent.
- The free-standing house - unit four - follows the previously approved design concept but is slightly taller and slightly deeper than last approved. The detailed design of the inner (north) elevation contains more glazing and the garage doors disappear. The main changes (on the north elevation) face internally to the three other units. These changes do not raise any policy concern.

The site as a whole remains well screened by surrounding landscape.

From the east-west section of Park Road the most visible element will be unit four. Here the spatial pattern of the rest of the street was already broken in that the garden extends over where the road might be expected to continue, effectively "turning the corner" such that it also relates to the north-south section of Park Road. Unit four does introduce a new-build design visible from the closest section of Park Road. However, the design concept was already approved in the last (and live) planning permission. The increase in the gable size will increase visibility, but would not undermine the character and appearance of the conservation area in relation to the existing permission. It is also noted that the Character Appraisal stresses the variety of house types on this road. The unit will add to this variety.

Unit 3 is primarily visible from Laverockbank Terrace, 30 metres to the west. In this view, the proposal is similar to the live consent other than in the addition of a pitched roof. Both the earlier permission and current proposal are a marked improvement upon the previous west extension and fire stairs.

The overall impact on the conservation area remains acceptable and complies with policy Env 6 of the LDP.

d) Impact on the Listed Building

Policy Env 4 (Listed Buildings - Alterations and Extensions) of the LDP considers alterations to listed buildings. This issue is considered in greater detail in the parallel application number 18/01357/LBC. This concludes that works have an acceptable impact upon the listed building.

Impact upon setting is considered in local development plan policy Env 3 (Listed Buildings - Setting).

The impact upon setting is similar to the previous building extensions and also similar to the impact of the last consented (and live) planning permission.

The new house (unit three) continues to obscure the west gable of the villa. However this is no different than either the previous extension on this side or the recently

approved replacement extension. The impact of unit four on setting is similar to the previously extant garage and similar to the previously approved replacement garage with accommodation above. This impact remains acceptable.

e) Amenity of Proposed Houses

Amenity of the proposed units is considered within policy Hou 5 - (Conversion to Housing) and the non-statutory Edinburgh Design Guidance.

Each unit has multiple aspects and will have good levels of sunlight and daylight. All units exceed minimum space requirements and are well-sized houses with ample garden ground, suited to family use.

f) Impact on Neighbouring Amenity

LDP policy Des 5 (Amenity) and the non-statutory Edinburgh Design Guidance, consider the impact on neighbouring amenity.

The rear extensions do not raise any privacy or daylight concerns to neighbours and daylight remains improved along the eastern boundary (where the previous extension ran along almost the whole garden length). The closest windows to the church conversion to the north are over 25 metres away and further mitigated by the change in ground level.

New windows facing west in the newly created house (unit three) face over Craighall Road (Craighall Cut) and the closest residential property is 11 Laverockbank Terrace, some 30 metres distant, greatly exceeding privacy requirements.

Although the freestanding house (unit four) sits hard on the southern boundary, the adjacent land is designated Open Space and is unlikely to become residential. The relationship here also repeats that of both the former and the authorised garage. Therefore the relationship on this boundary does not raise amenity concerns.

Unit four primarily faces the applicant's own property. Its eastern windows face the public road and do not raise a privacy concern. The oblique view to the frontage of 44 Park Road is not considered a privacy issue in terms of the Edinburgh Design Guidance. The buildings in question are approximately 18 metres apart.

The relationship to neighbouring property is acceptable.

g) Parking and Access

Policy Tra 2 (Private Car Parking) supports development where proposed car parking provision complies with but does not exceed the parking levels set out in Council guidelines.

Although eight spaces are proposed (two per unit), the parking area is reduced in scale both in comparison to the previous status quo and in comparison to the live consent. Parking at the front of the listed building forms part of the pre-existing character. Parking provision is acceptable in terms of both the size of houses proposed and the

previous car park on site (net parking is reduced in relation to the former car park). The Roads Authority accepts the parking provision.

Access is as existing, other than a slight improvement to access width and creation of an independent pedestrian entrance (which is beneficial).

Each of the units has enough internal storage to securely accommodate bicycles.

In relation to "increased traffic" whilst vehicle numbers increase in relation to the last approved single house, net numbers remain less than the number of cars related to the previous use. The total number (eight cars) remains insignificant in relation to the local road network. This impact is acceptable.

h) Impact on Trees and on the Adjacent Private Park

LDP policy Env 12 (Trees) considers impact upon trees.

Two trees suggested for removal in the Design Statement can now be retained due to the revised access arrangement. No further trees are removed on site.

Some trees overhanging the site from the private park will require lopping of overhanging branches in relation to unit four. However, the same trees required lopping for the live consent. The law accepts the right of a neighbour to lop overhanging branches. The trees in question are not of critical visual importance to the conservation area as they are surrounded by other substantial trees.

The view from the park to the original villa will be altered to some degree by the new house (unit four) but there are no rights to view in planning legislation.

The relationship of this house to the park remains the same as the already authorised garage. The variation to the use of the structure has no bearing on the relationship.

i) Infrastructure

LDP policy Del 1 considers Developer Contributions and Infrastructure Delivery for relevant infrastructure stemming from the proposed density.

The number of units attracts a requirement for infrastructure contributions. The contribution sought by the Roads Authority is £3,232 and Children and Families totals £51,988. However, these sums require adjustment to deduct the sum relating to the live consent for one house, and consider only the three additional units. This would give a total of £2,424 towards road infrastructure and £38,991 towards education and land. These sums will be acquired through legal agreement.

j) Public Comments

It is noted that all objectors accepted the subdivision of the main house (units one and two). Objections related to the design of unit three and principle of unit four.

Material Objections

- The proposal is too dense - addressed in section 3.3 b) above.
- Increased traffic - addressed in section 3.3 g) above.
- Too many parking spaces/too few parking spaces - addressed in section 3.3 g) above.
- Unit four overshadows neighbours and causes loss of privacy - addressed in section 3.3 f) above.
- Design is inappropriate to the conservation area - addressed in section 3.3 c) above.
- The proposal affects the listed building and its setting - addressed in section 3.3 d) above.
- The property is a listed building in a conservation area - this is the core part of the assessment and is addressed in sections 3.3 c) and d) above.
- Loss of trees - this is addressed in section 3.3h) above.

Non-Material Objections

- Park owners were not notified of application - this is not a requirement - the correct notification procedures were carried out by the Council.
- This is the third application on the site - there is no limit to how many applications can be made on any site
- The proposal is contrary to the Villa Policy - this policy is no longer in use
- Disruption from construction- this is not a planning concern.
- Committee should visit the site - this is a committee decision
- Objections to the previous scheme were ignored - the previous scheme was considered compliant with policy
- The scheme is very similar to the last scheme - the assessment focusses upon the differences rather than the similarities
- Children use the Newhaven Park - this is not pertinent to the assessment
- There is no need for new houses - "need" is not a policy issue, however the Council seeks to maximise all housing sites in an effort to address overall housing need within the wider city.

k) Human Rights and Equalities

No human rights or equalities issues arise.

Conclusion

The quantum of development is acceptable in terms of prevailing densities and impact upon the character and appearance of the conservation area.

It should be noted that a "fall-back" position exists, as concluded in *Ahern (London) v. Secretary of State and Havering Borough Council*, which explains the weight which must be given to a live consent. In this regard, the bulk of the works herein proposed "already have permission" and the live consent for one very large house represents a "fall-back" position which does not require further consent. The local authority should focus upon those areas of change rather than revisit aspects which are already approved.

The primary change is the increase in density. Changes to form and aesthetic are minor.

The revised density is acceptable in terms of prevailing densities. The proposal has an acceptable effect upon the character and appearance of the conservation area and retains the character of the listed building. Local development plan policies and non-statutory guidelines are met. No other considerations outweigh this conclusion.

Impact on infrastructure is addressed through a contribution secured by legal agreement.

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

3.4 Conditions/reasons/informatives

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons:-

1. In order to enable the Head of Planning to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. Prior to the issue of the planning decision the applicant shall enter into a suitably worded legal agreement with the Council to ensure contributions of £2,424 towards transport infrastructure and £38,991 towards educational infrastructure and land contributions. These sums to be index-linked, rising annually with inflation.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 13 April 2018.

Ten representations were received. Nine objections came from local residents and one wrote a second time in their capacity as Chairman of the Trustees For Newhaven Park. These are assessed in section 3.3 j) of the Assessment.

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 property lies in the Newhaven Conservation Area.

Date registered

28 March 2018

Drawing numbers/Scheme

1-5,6a,7-19,20a,21a,22-24,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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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.

Relevant policies of the Local Development Plan.

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

LDP Policy Hou 5 (Conversion to Housing) sets out the criteria for change of use of existing buildings to housing.

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

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

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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

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

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

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

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

Other Relevant policy guidance

The Newhaven Conservation Area Character Appraisal emphasises the importance of the harbour area, the historic alignment and traditional character of the buildings, the prominent views to Fife across the Firth of Forth, and the predominant use of traditional materials.

Appendix 1

Application for Planning Permission 18/01355/FUL At 46 Park Road, Edinburgh, EH6 4LD Proposed alterations, extension and new works to existing building to create 4 new residential dwellings (as amended).

Consultations

Roads Authority

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

1. Under the draft supplementary guidance for Developer Contributions and Infrastructure delivery (2018) the proposed development falls within the Leith to City Centre and Ferry Road Junctions Transport Contribution Zones, with relevant interventions set out in the Edinburgh LDP Action Plan (2018). The applicant will be required to:
 - a. Contribute the sum of £512 to the Leith to City Centre Transport Zone (£170 x 4 - 170 x 1);
 - b. Contribute the sum of £2,720 to the Ferry Road Junctions Transport Zone (£906 x 4 - 906 x 1);

Please note these sums are net uses (proposed use - existing use)

2. 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;
3. Any off-street parking space should comply with the Council's Guidance for Householders dated 2017
http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guidelines including:
 - a. Off-street parking should be a minimum of 6m deep and a maximum of 3m wide;
 - b. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
 - c. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
 - d. Any gate or doors must open inwards onto the property;
 - e. Any hard-standing outside should be porous;
 - f. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits
http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point
4. 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;

Note:

The proposed application is not considered to increase the number of parking spaces.

Children and Families

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (January 2018), 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.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2018).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the draft Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (January 2018).

Assessment and Contribution Requirements

Assessment based on:

4 Houses

This site falls within Sub-Area LT-2 of the 'Leith Trinity Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

Using the pupil generation rates set out in the Supplementary Guidance, four new houses are expected to generate at least one primary school pupil but less than one secondary school pupil.

The primary school education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

The proposed development is therefore required to make a contribution towards the delivery of these actions. The contribution should be based on the established 'per house' and 'per flat' primary school contribution rates for the appropriate part of the Zone.

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

Total infrastructure contribution required:

£48,200

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

Total land contribution required:

£3,788

Note - no indexation to be applied to land contribution.

Location Plan



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