

Development Management Sub Committee

Wednesday 29 August 2018

**Application for Planning Permission 18/00239/FUL
At Land Adjacent To, Belford Mews, Edinburgh
Renewal of 14/02924/FUL: Erect dwelling house on three
levels which includes the removal of a tree and mature
planting.**

Item number	4.4
Report number	
Wards	B05 - Inverleith

Summary

The proposal is of an appropriate scale and design which complies with the development plan and relevant non-statutory guidelines. The proposal preserves the character and appearance of this part of Dean Conservation Area. The proposal will not result in an unreasonable loss of residential amenity. There are no material considerations which justify refusal of planning permission.

Links

Policies and guidance for this application	CRPDEA, LDPP, LDES01, LDES04, LDES05, LDES10, LEN01, LEN06, LEN12, LEN15, LHOU01, LHOU03, LTRA02, NSG, NSGD02, NSLBCA, OTH,
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Report

Application for Planning Permission 18/00239/FUL At Land Adjacent To, Belford Mews, Edinburgh Renewal of 14/02924/FUL: Erect dwelling house on three levels which includes the removal of a tree and mature planting.

Recommendations

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

Background

2.1 Site description

The site lies on the north side of Belford Mews and relates to a segment of the south embankment to the Water of Leith lying to the east of No. 12 Belford Mews, to the west of the housing at Hawthornbank Lane and adjacent to No.11a and No.11b Belford Mews.

The embankment is steeply sloped and has several trees and expansive shrubbery and undergrowth. There is a small area of the embankment where Belford Mews terminates that is utilised for informal off-street parking.

The site lies the World Heritage Site.

This application site is located within the Dean Conservation Area.

2.2 Site History

18 December 2008 - Planning permission was granted for the proposed combination of numbers 11A + 11B Belford Mews and construction of a garage/workshop/studio (as amended) (application number 08/02592/FUL).

26 November 2013 - Planning permission was granted to renew the consent for 08/02592/FUL - for the proposed combination of numbers 11A + 11B Belford Mews and construction of a garage/workshop/studio (as amended) (application number 13/04061/FUL).

25 March 2015 - Planning permission was granted to erect a dwelling on three levels which includes the removal of a tree and mature planting (application number 14/02924/FUL).

Main report

3.1 Description Of The Proposal

The application is for the renewal of planning permission 14/00541/FUL granted by the Development Management Sub-Committee on 25 March 2015.

The proposal is for a four bedroomed dwelling house on three levels. At street level, the house appears single storey with the entry door, kitchen and living room at this level. The topography of the site has been used to provide a further two levels with bedrooms and bathrooms within the embankment.

The design of the house is modern, with a flat roof and minimalist detailing. The proposed materials are sandstone cladding facing Belford Mews, with timber cladding proposed on the other elevations, sedum roofing, glass balustrade, timber painted windows and doors.

The windows and a balcony at ground floor level face north onto the Water of Leith, with windows from non-habitable rooms facing east. An external access stair is formed on the north elevation down to the lower level.

Solar panels are included in the design of the building to provide renewable energy; six are located on the flat roof.

No car parking spaces are provided within the site.

A cherry tree and mature planting are to be removed for the building but the remaining trees and mature planting to the north of the site and boundary treatment are to remain.

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 proposals is acceptable in this location;
- (b) the proposal is of an acceptable scale, design and materials and protects the character and appearance of the conservation area;
- (c) the proposal will result in an unreasonable loss of neighbouring amenity;
- (d) the proposal will provide an acceptable level of residential amenity of the future occupier;
- (e) the proposal is acceptable in terms of traffic and car parking;
- (f) the flooding implications and archaeological issues can be addressed satisfactorily;
- (g) the proposals have any equalities or human rights impacts; and
- (h) comments raised have been addressed.

a) Principle of Development

This proposal seeks the renewal of an existing grant of planning permission for the erection of a house on three levels. The approved drawings have not been changed and the proposal is identical to the application approved in 2015.

The Edinburgh Local Development Plan (LDP) was adopted in November 2016 and the application site remains within the Dean Conservation Area. There has been no material change in planning considerations.

The Council's Edinburgh Design Guidance was approved in October 2017 and the Council's Guidance for Listed Buildings and Conservation Areas was updated in March 2018.

The LDP has a greater emphasis on design and this is interpreted further in the Edinburgh Design Guidance (2017).

In planning terms, there has been no material change in circumstances and, as such, the principle of the development remains acceptable in this instance. It is in compliance with LDP policy Hou 1 on new housing development providing it is compatible with other policies of the Plan.

b) Scale, Design, Materials and Character and Appearance of the Conservation Area

The Dean Conservation Area Character Appraisal emphasises the following essential characteristics:

- The area has interspersed development both in the valley and on the high ground, with high and low density;
- Apart from the main bridge connections at high level, the area is linked by lanes, footpaths, footbridges and flights of steps;

- The Water of Leith valley has a picturesque, tranquil and rural atmosphere that is emphasised by the heavily wooded slopes that give seclusion;
- There is a sense of enclosure and isolation, which contrasts with the more open and larger scale development on the surrounding higher ground; and
- The character of the area is less dependent on architectural consistency than on its quiet secluded site within the Water of Leith valley.

LDP Policy Env 6 seeks to protect and where possible enhance the character and appearance of the conservation area by ensuring that new development is of appropriate design and quality. The proposal will be situated perpendicular to existing buildings and will form a natural conclusion to the street. It is of modern appearance and fits into and complements the massing characteristics of the modern surrounding buildings. The new roof of the building is of a different form than the existing roofs in the street, but is lower and will be visually subservient to the existing buildings. The use of high quality materials (timber and natural stone) draws upon the existing characteristics of the area to create a sense of place. It is accepted that timber cladding is not a common finish within the Dean Conservation Area but it is a high quality finish and will be used on elevations that are heavily screened. It will complement the green and wooded nature of the valley. It is in compliance with LDP policies Env 6, Des 1 and Des 4. There will be no impact on the World Heritage Site's Universal Value in terms of policy Env 1.

The proposal will occupy no more than one third of the depth of the site and it will not dominate the scale of the existing buildings. Its overall curtilage is satisfactorily proportioned. The loss of part of this ground to form a new house and its garden gives an appropriate density of development characteristic of the surrounding area. The proposal complies with LDP Policy Hou 4.

While there is a general presumption against development within the Water of Leith valley, the proposal relates to a secluded section that is not readily visible from the public walkway on the other side of the river. The proposal is relatively small in scale and there is existing development to its south, east and west. The development will result in the loss of one tree and mature planting from the embankment and replacement planting of appropriate species and numbers will be required to compensate the loss. This will be achieved by an appropriate condition. LDP Policy Des10 on Waterside Development is complied with.

The relationship of the building with Belford Mews enhances the streetscene to the betterment of the conservation area. The proposal will not impinge upon the public views of the river valley and although there will be trees lost, overall the impact will be mitigated by replacement planting ensuring the character and appearance of the Water of Leith valley and the wider conservation area will be preserved.

This proposal was previously determined to be acceptable as having no detrimental impact on the appearance and character of the site or of this part of the streetscape. As there has been no material change in planning terms, that assessment remains valid. The previous approval has a condition requiring a landscaping plan be submitted and a condition restricting the trees to be removed for the proposal; this has been applied again.

The proposal was deemed to be acceptable in terms of its scale, form and materials with regard to the site and its surroundings. As there have been no change in those circumstances since that decision the proposal remains acceptable in this instance.

The proposal is of an acceptable scale, form and design and has no adverse impact on the character and appearance of the conservation area.

c) Neighbouring Amenity

On the north side of the Water of Leith there are residential properties. There is a window to window distance of 40 metres between the existing windows and the proposal. This distance ensures there is adequate privacy between dwellings and is in accordance with the Edinburgh Design Guidance. Any area of overshadowing will be on the Water of Leith valley and will not adversely affect any neighbouring properties. Furthermore, there will be no loss of daylight to neighbouring windows. The proposal will not give rise to any detrimental impacts on neighbouring residential amenity and complies with the requirements within Edinburgh Design Guidance.

The proposal is satisfactory in terms of residential amenity and complies with LDP policy Des 5.

d) Amenity for the Future Occupier

The new dwelling would have four bedrooms, a living room and a kitchen. It would have dual aspect. To ensure satisfactory amenity, the Council's Edinburgh Design Guidance seeks dwellings of this size to have a minimum internal floor area of 91 square metres. The proposal complies with this requirement. There is adequate garden ground to the rear of the building to serve the dwelling.

The proposal will create an acceptable amenity for the future residents and complies with LDP policies Des 5 and Hou 3.

e) Road Safety

The proposal does not include any parking spaces but this is acceptable under the current Council parking standards for this area (Zone 2).

The proposal is satisfactory in terms of traffic and car parking.

Archaeology and Flooding

The Archaeologist has confirmed that there is potential that there may be some remains of archaeological interest on the site. It is therefore recommended that a condition be attached relating to a programme of archaeological works for the site.

Flood Prevention confirms that as the proposal is a single dwelling discharging to the sewer system, there are no objections to the development.

SEPA confirm that the proposal is not at fluvial flood risk.

(f) Equalities and Human Rights Impacts.

This application has been assessed in terms of equalities and human rights. No impact has been identified. An Equality and Rights Impact Assessment Summary is available to view on Planning and Building Standards online services.

g) Public Comment

Material considerations

- scale, form and design of proposal addressed in section 3.3(b);
- affect on the Dean Conservation Area and Edinburgh World Heritage Site addressed in section 3.3(b);
- loss of trees and affect on the planted banking addressed in section 3.3(b);
- traffic and parking problems addressed in section 3.3 (e); and
- loss of privacy addressed in section 3.3 (c).

Non-material considerations

- neighbour notification - The comments regarding neighbour notification on the previous applications are noted however the procedure for this application has been carried out in accordance with the appropriate legal requirements;
- land slippage - The impact of the proposal on the embankment in terms of potential erosion or subsidence is a serious issue but one that cannot be controlled via planning legislation - it is within the remit of the Building Standards (Scotland) Act 2013. This issues was considered as part of the initial application as similar concerns were raised by residents concerning the land slide at 61 Dean Path. Any digging into the embankment is within the remit of Building Standards (Scotland) Act 2003. The proposal does not include digging into the bank directly adjacent to the Water of Leith or involve alterations to any flood defences which being an engineering operation would require planning permission and a report would then be needed. In addition, such works may also require a CAR license under the Water Environment (Controlled Activities) (Scotland) Regulations 2011. An informative is recommended which highlights this.
- noise and disturbance during construction - subject to separate statutory controls controlled through Environmental Assessment.

Conclusion

The proposal is of an appropriate scale and design which complies with the development plan and relevant non-statutory guidelines. The proposal preserves the character and appearance of this part of the Dean Conservation Area. The proposal will not result in an unreasonable loss of residential amenity. There are no material considerations which justify refusal of planning permission.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Sample/s of the proposed external finishes shall be submitted to and approved in writing by the Planning Authority before work commences on site.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
3. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
4. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to safeguard the interests of archaeological heritage.
3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
4. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

4. The applicant should be advised that as the development is located in Zones 1 to 8, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category A - New Build: Exception due to Narrow/Gap Site).
5. Works to the embankment of the river may require a CAR license under the Water Environment (Controlled Activities) (Scotland) Regulations 2011. SEPA administer this process and will be able to advise whether such a license is required.

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 is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 16 February 2018 and a total of eight representations were received objecting to the proposals. These included comments from Water of Leith Conservation Trust and residents.

A full assessment of the representations can be found in the Assessment section in the main report.

Background reading/external references

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

**Statutory Development
Plan Provision**

The site lies within the urban area of the adopted Edinburgh Local Development Plan where it is designated as lying within Dean Conservation Area.

Date registered

18 January 2018

Drawing numbers/Scheme

1,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer

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Links - Policies

Relevant Policies:

The Dean Conservation Area Character Appraisal emphasises the distinctive village character of the streetscape within Dean Village, the heritage of high quality buildings, the limited range of building materials, the predominance of residential uses, and the importance of the Water of Leith and its corridor.

Relevant policies of the Local Development Plan.

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

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

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

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

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 Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

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

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

LDP Policy 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.

Relevant Non-Statutory Guidelines

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

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

Other Relevant policy guidance

Appendix 1

Application for Planning Permission 18/00239/FUL At Land Adjacent To, Belford Mews, Edinburgh Renewal of 14/02924/FUL: Erect dwelling house on three levels which includes the removal of a tree and mature planting.

Consultations

Road Authority Issues

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

1. *The applicant should be advised that:*
 - a. *as the development is located in Zones 1 to 8, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category A - New Build: Exception due to Narrow/Gap Site);*

Note:

The development proposes zero parking which is acceptable under the current Council parking standards for this area (Zone 1).

Archaeology

Further to your consultation request, I would like to make the following comments and recommendations concerning the above application for renewal of 14/02924/FUL to erect a dwelling house on three levels which includes the removal of a tree and mature planting.

As stated in my response to the 2014 application, the site is situated on the southern bank of The Water of Leith lying opposite the historic Dean Village, which has been occupied since probably before the 12th century as a centre for Edinburgh's milling. Historic maps from the first half of the 19th century suggest that the application site formed part of the gardens/ grounds associated with the pre-1761 Sunbury House. The 1st edition OS map shows a series of walls occurring across the site with a building shown on the 1872 OS map, it is uncertain if this structure occurs on the 1st Edition.

Therefore, this renewal application must be considered under terms the Historic Environment Scotland Policy Statement (HESPS) 2016, Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh Local Development Plan (2016) policies ENV8 & ENV9.

As previously stated ground breaking works associated with the construction of the house may disturb archaeological remains associated with Georgian Estate of Sunbury House and the later Victorian building Shown on the 2nd OS map. Given its location close to the historic Dean village the possibility of earlier medieval remains cannot be discounted. Accordingly it is considered that, on current information, this proposal scheme is regarded as having a potential archaeological impact upon locally significant remains. It is recommended that a programme of archaeological works is undertaken to excavate, record and analysis any significant buried remains that may be affected during construction.

Given that no archaeological work has taken place on the site in the intervening period the original requirement for archaeological works still remains. Accordingly this programme of work should be secured by the following current standard 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) 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.

Please contact me if you require any further information.

SEPA

Thank you for your consultation which SEPA received on 17 May 2018.

Advice for the planning authority

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

1. Flood Risk

1.1 We have reviewed the information provided in this consultation and it is noted that, the application site, from the previously submitted topographic information (drawing number 800.4) the proposed development is approximately 8 metres above the Water of Leith and, therefore, it is not at fluvial flood risk. We would strongly recommend, however, that the development finished floor levels are above existing ground levels.

1.2 As the site is adjacent to the indicative flood envelope and we hold no additional information to indicate that the site is at flood risk, we have no objection to the proposed development on flood risk grounds. It is recommended that contact is made with your Flood Prevention Authority regarding this issue. If your authority requires further comment from us, additional information would be necessary to enable us to comment upon the flood risk at the application site.

Caveats & Additional Information for Applicant

1.3 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. For further information please visit http://www.sepa.org.uk/flooding/flood_maps.aspx.

1.4 We refer the applicant to "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from www.sepa.org.uk/flooding/planning_flooding.aspx. Please note that this document should be read in conjunction Policy 41 (Part 2).

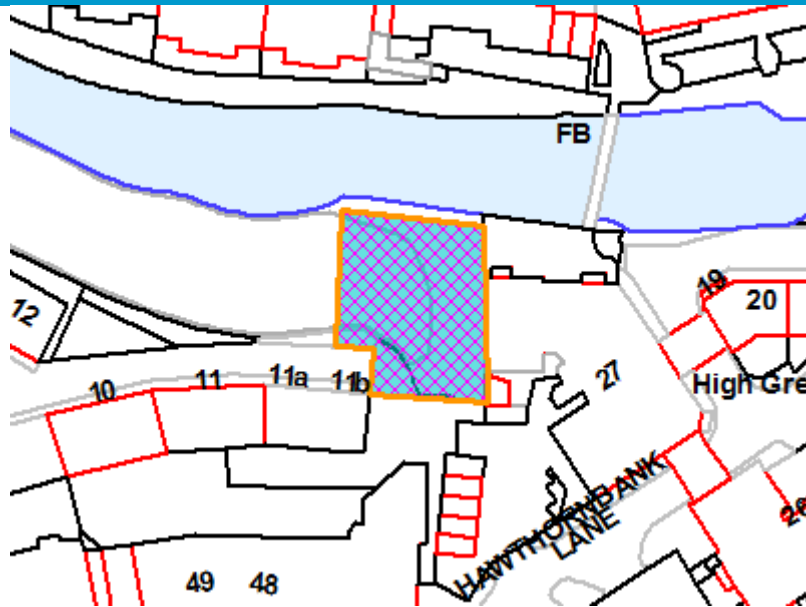
1.5 Our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process. It can be downloaded from http://www.sepa.org.uk/flooding/planning_flooding/fra_checklist.aspx

1.6 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.

1.7 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 "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 and can be downloaded from www.sepa.org.uk/planning/flood_risk.aspx

If you have any queries relating to this letter, please contact me by telephone on 0131 273 7334 or e-mail at planning.se@sepa.org.uk.

Location Plan



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