

# Development Management Sub Committee

Wednesday 22 May 2019

**Application for Planning Permission 19/00451/FUL  
At Land 35 Metres Southeast Of 62, Broughton Road,  
Edinburgh  
Erection of six one-bed apartments with associated  
pedestrian access, hard and soft landscaping, bicycle and  
bin storage.**

<b>Item number</b>	4.2
<b>Report number</b>	
<b>Wards</b>	B12 - Leith Walk

## Summary

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The proposals are contrary to the policies contained in the Edinburgh Local Development Plan. The site is not suitable for housing as the proposals do not comply with certain policies in the plan. The development design will result in adverse harm to the setting of a category A listed crescent and fails to preserve or enhance the character and appearance of the conservation area. The proposals will negatively impact on neighbouring trees. The amenity of future occupiers will be limited as a result of the development layout. No flood details were submitted with the application and so there is insufficient information to assess surface water management. On this basis the proposals are unacceptable. There are no material considerations that outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LDES01, LDES03, LDES04, LDES05, LEN03, LEN06, LEN12, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LTRA02, LTRA03, LTRA04, NSG, NSGD02, OTH, CRPNEW, NSLBCA,

# Report

## **Application for Planning Permission 19/00451/FUL At Land 35 Metres Southeast Of 62, Broughton Road, Edinburgh Erection of six one-bed apartments with associated pedestrian access, hard and soft landscaping, bicycle and bin storage.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is the rear curtilage to No. 13 Claremont Crescent which is part of a terrace of Georgian townhouses of two storeys with attic and basement levels. The site slopes down from the rear elevation of Claremont Crescent and fronts onto a gated entrance on Broughton Road with stone boundary walls to the sides. Between the rear of the site and the gable elevation of a tenement building at No. 62 Broughton Road, is an access lane where planning permission was granted in October 2016 on appeal to develop 8 townhouses (PPA-230-2182 refers).

The site measures approximately 563 square metres and is made up of hard standing. The site was used for car parking in connection to its previous office use.

Neighbouring gardens at No. 12 and No. 14 Claremont Crescent have mature trees that hang over the site. An electricity substation is located next to the application site at No. 14. Buildings on Broughton Road are characterised by a mix of four storey tenements with some commercial uses on the ground floor.

The properties at 7-21 Claremont Crescent are category A listed (date of listing: 25 November 1965, reference: LB28524).

This application site is located within the New Town Conservation Area.

#### **2.2 Site History**

29 November 2017 - Planning permission was refused for the erection of 10 flats with associated pedestrian access, hard and soft landscaping, bicycle and bin storage on grounds that it was contrary to policy Hou 1, Hou 4, Des 1, Des 5, Env 3, Env 6 and Env 12 of the Edinburgh Local Development Plan. (Application number 17/03603/FUL).

### Applications relating to 13 Claremont Crescent

17 February 2010 - Planning permission was granted for a change of use from office to residential (Application number 09/03298/FUL).

22 February 2010 - Listed building consent was granted for change of use and internal alterations to existing office premises to form two residential dwellings (Application number 09/03300/LBC).

2 August 2013 - Planning permission was granted for a change of use from office to residential (Application number 13/02126/FUL).

### Applications relating to land adjacent to 62 Broughton Road

15 February 2016 - Planning permission was refused for the development of 8 townhouses with associated access improvements and ground condition survey (Application number 15/02335/FUL).

15 February 2016 - Listed building consent was granted to realign and reconstruct stone boundary wall in reclaimed stone and make good the wall head to its original height (Application number 15/02511/LBC).

12 October 2016 - Planning permission was granted on appeal for the development of 8 townhouses with associated access improvements and ground condition survey (Appeal number PPA-230-2182).

## **Main report**

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### **3.1 Description Of The Proposal**

The proposal seeks to erect a six one-bed flatted development with associated pedestrian access, hard and soft landscaping, bicycle and bin storage. It will involve subdividing the existing rear curtilage to No. 13 Claremont Crescent, leaving the existing building with a rear garden depth of approximately 11 metres. The development would be accessed off Broughton Road with steps and a ramp.

The proposed development will be contemporary in design, comprising two storeys with a mixed roof design. Private terraces and communal gardens with raised planters will be located to the rear of the building. Provision for 12 cycle parking spaces will be located to the rear. No car parking is proposed.

The main treatment finish will be pale grey brick for the walls. Other elevational treatment includes vertical timber cladding and metal cladding. The roofing materials will be zinc and the windows will be framed in dark metal.

It is proposed to remove one sycamore tree which lies outside the application site.

Bin stores will be located to the side and will be collected from Broughton Road.

## Supporting Statement

The following supporting documents were submitted and are available to view on the Planning and Building Standards online portal:

- Design Statement; and
- Tree Survey.

### 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.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - 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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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 residential development is acceptable in this location;
- b) the proposal will affect the setting and character of the listed buildings;
- c) the development design will preserve or enhance the character or appearance of the conservation area;
- d) the proposed density and mix of units is acceptable and future occupiers will have acceptable levels of amenity;
- e) the proposal will impact on neighbouring amenity;
- f) the proposal address issues of road safety;
- g) the proposal will impact on existing trees;

- h) other material considerations are addressed; and
- i) any matters raised in representations have been addressed.

a) Principle

The Edinburgh Local Development Plan (LDP) policy Hou 1 - Housing Development under criteria (d) permits the development of sites for housing within the urban area, provided that the proposals are compatible with other policies in the plan. While the proposed use of the site for housing is acceptable in principle, the proposals do not comply with the other policies in the plan as addressed in more detail below.

The proposals are contrary to policy Hou 1 of the LDP.

b) Setting of Listed Buildings

The Historic Environment Policy for Scotland (HEPS) outlines how we should undertake our collective duty of care whenever a decision in the planning system will affect the historic environment. There are three key areas which define how the historic environment should be understood, recognised and managed to support participation and positive outcomes, including "Managing Change" under policies HEP2, HEP3 and HEP4.

Policy Env 3 Listed Buildings- Setting of the LDP states that development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting.

Originally, the category A listed terraced houses on Claremont Crescent had large long gardens at the back, stretching to Broughton Road. These can be clearly seen from Ordnance Survey Map evidence. Part of the setting of the terrace is therefore the large rear gardens visible from the principal rooms within it.

The current application has attempted to address the previous refusal, by reducing the density of the development, moving it closer to Broughton Road and landscaping a large portion of the site in order to maintain the size of the gardens to the back of the crescent. However, the proposals by virtue of subdividing and infilling the rear garden would still have an adverse impact on the setting on the A listed crescent as part of the setting of the terrace is their large rear gardens. Historic Environment Scotland has raised concerns about the proposals in this regard and have suggested that mews style buildings addressing the road would better keep the original character of the terrace and the gardens.

The proposals will have an adverse impact on the setting of the Category A listed buildings on Claremont Crescent. The proposals do not comply with policy Env 3 of the LDP.

### c) Development Design and Conservation Area

Policy Des 1- Design Quality and Context of the LDP requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area. Permission will not be granted for proposals that are inappropriate in design or for proposals that would be damaging to the character or appearance of the area.

Policy Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features of the LDP states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

Policy Des 4 Development Design - Impact on Setting of the LDP also requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regards to its height and form; scale and proportions, including the spaces between the buildings, position of buildings and other features on the site; and the materials and detailing.

Policy Env 6 Conservation Areas- Development states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant character appraisal.

The site is located within the New Town Conservation Area. The character appraisal states the following:

*Canonmills [Claremont] was originally a milling community the property of the monks from Holyrood, hence its name. All of the schemes in this area which began in the 1820s were never completed and only fragments were produced. It was left to the Victorians to complete the development.*

*This area consists of a series of modest-sized Georgian developments, none of which were completed and which lack the formal layout of other parts of the New Town. The western section of the area is bisected and structured by the east-west route of Henderson Row.*

*Proposals outside the boundaries of the Conservation Area should not erode the character and appearance of the New Town.*

*New development should be of good contemporary design that is sympathetic to the spatial pattern, scale and massing, proportions, building line and design of traditional buildings in the area. Any development within or adjacent to the conservation area should restrict itself in scale and mass to the traditionally four/five storey form. New development should also reflect the proportion and scale of the traditional window pattern.*

*The development of new buildings in the Conservation Area should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area.*

The conservation boundary extends to the rear curtilage of Claremont Crescent and presents a sweeping historic boundary wall edge fronting onto Broughton Road. The wall on that street elevation has a number of openings which provides off-street parking. Owing to its elevated position and sloping gardens, the rear elevation of Claremont Crescent is open to public views. A number of large mature trees lies within the gardens have a significant visual impact. With the exception of a single storey substation building at the rear of No. 14 Claremont Crescent, the setting of the terraced houses are defined by long and large rear gardens with little development. Buildings on the other side of Broughton Road lie outside the conservation area and are characterised by a mix of four storey tenements with some commercial uses on the ground floor.

In terms of Des 1, the proposal fails to draw of the positive characteristics of the surrounding area and creates a proposal which undermines the relationship between the listed terrace and the boundary of the conservation area denoted by the extensive undeveloped rear areas. The lack of a built frontage onto Broughton Road would result in a fragmented approach to developing the rear of the Crescent and its open setting. Owing to the orientation of the plot and its distance to Broughton Road, the awkward positioning of the development would appear as a prominent addition to the streetscene in what is mainly an undeveloped section of land that defines the historic development pattern of buildings on Claremont Crescent and its contribution to the wider townscape. This would adversely affect both the character and appearance of the conservation area.

In relation to Des 3, there is a strong relationship between listed buildings in the New Town Conservation Area and their immediate setting. Many have mews buildings to the rear whilst others have gardens and walls to the lane. The development introduces a form of development which does not respect this relationship and whilst it is subservient to the main building, its form and design is at odds with the character and appearance of the conservation area.

Policy Des 4 has several criteria and part a) is concerned with height and form. Whilst a two storey development is subservient to the listed building, the form is atypical of buildings within the curtilage of listed buildings within the New Town and the angled gables to the street are a discordant feature. Criteria b) relates to scale and proportions and it is acknowledged that the new building is symmetrical in form to reflect New Town characteristics. However, the building is larger in scale than a traditional mews development and takes up a large proportion of the rear curtilage of the listed building. Criteria c) considers the position of the building and other features on the site and again the angled position introduces a form of development discordant with the character of the wider area. Criteria d) relates to materials and detailing and whilst contemporary design is encouraged, the mix of grey brick, timber and metal cladding is uncharacteristic of the area.

Overall, the development design and layout will not preserve or enhance the conservation area character and appearance. The existence of a single storey substation adjacent to the site does not define the established development pattern and does not outweigh the harm that the proposal will cause. The proposals will not have a positive impact on its surroundings and will diminish both the appearance and the character of the conservation area by introducing inappropriate development.



The proposal will impact on trees that lie outside the application site. The loss of the trees will open up the street to the negative visual impact that the proposed development will bring. Therefore, the proposal would fail to incorporate and enhance existing features. The proposals will undermine the importance of the trees and this in turn will harm the character and appearance of the conservation area.

The proposals do not comply with policies Des 1, Des 3, Des 4 and Env 6 of the LDP.

#### d) Density, Mix and Future Occupiers

Policy Hou 2 Housing Mix of LDP states that a provision of a mix of house types and sizes where practical will be sought to meet a range of housing needs.

Policy Hou 3 Private Green Space in Housing Development requires developments to provide adequate provision for green space to meet the needs of future residents.

Policy Hou 4 Housing Density of the LDP states that the density of a development on a site will be dependent on its characteristics and those of the surrounding area; the need to create an attractive residential environment within the development; the accessibility of the site to public transport; and the need to encourage and support the provision of local facilities necessary to high quality urban living.

Policy Des 5 Development Design - Amenity of the LDP requires development proposals to demonstrate that future occupiers of a development will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

#### *Future Occupiers Amenity*

The Edinburgh Design Guidance advises that the minimum internal floor area for a one bedroom dwelling should not fall below 52 square metres. The submitted drawings and design statement do not specify the internal floor area. Out of the 6 units proposed, only unit 2 and 5 were found to exceed the minimum floorspace requirements. Unit 1, 3, 4 and 6 met the minimum floorspace at 52 square metres.

The proposed private rear amenity will have a south east orientation and the gardens would be arranged on different levels. Occupiers of unit 1, 2 and 3 on the ground floor will have their own access to a private terrace area to the rear. Occupiers of units 4, 5 and 6 on the first floor would benefit from access to communal gardens to the rear. However, drawing No. 2 shows that a significant proportion of the communal garden would be shaded by the spread of the existing trees that currently overhang the site. Policy Hou 3 Private Green Space in Housing Development in the LPD stipulates that private and communal gardens should be designed for use by residents for a range of functions, including space for play, seating and laundry. A key factor in ensuring space is usable is its capacity to receive sunlight. The proposal would not grant that amenity.

#### *Housing Mix and Density*

The Edinburgh Design Guidance advises that in schemes with 12 units or more, 20% of the total number of units should be designed for growing families. There is no requirement for the proposal to meet that criteria.

The proposal from the previous refusal has reduced the number of units to six. However, the level of density still fails to have regards to the characteristics of the site. The density of the development will not be in-keeping with the original feu proportions evident on this site and to the neighbouring rear gardens of Claremont Crescent which has very little development on them. The density of the development will not be in-keeping with the character of the area.

The proposal does not significantly exceed the level of amenity for future occupiers in terms of its floor space for six one-bed apartments and its capacity to receive sunlight. The proposal does not offer choice to meet a range of housing needs. The proposal as one-bed apartments will not have a positive impact on ensuring the delivery of a varied and sustainable community in this location.

The proposals do not comply with policies Hou 2, Hou 4 and Des 5 of the LDP.

#### e) Neighbouring Amenity

Policy Des 5 Development Design - Amenity of the LDP states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring residents will not be adversely affected by the proposal.

The proposal will not result in adverse overshadowing to neighbouring gardens and it will not result loss of daylight to neighbouring windows.

Drawing No. 08 shows that the eaves height of the development would sit below the buildings on Claremont Crescent and at a distance of 30 metres. The proposals will not result in adverse loss of privacy into neighbouring windows and will not result in adverse overlooking into neighbouring gardens. The Edinburgh Design Guidance does not seek to protect the privacy of gables of existing housing.

Given that the proposals are for a six one-bed flatted development, neighbours will not be adversely affected by noise as a result of the development's proximity to neighbouring gardens and buildings.

#### f) Road Safety

Policies Tra 2- Tra 4 of the LDP sets out the requirement for private car and cycle parking. The Council's Parking Standards for developments are contained in the Edinburgh Design Guidance.

The proposed zero parking for six one-bed apartments is acceptable under the Parking Standards. The site is located on a bus route on Broughton Road and is within walking distance to nearby amenities.

The proposed 12 cycle parking spaces to the rear of the development meets the parking standards. The ground floor units will have private bicycle storage to each respective rear terrace. Secure bicycle storage for the first floor units would be provided within secure lockers located within the communal amenity space, accessed via a ramp.

Planning does not control the allocation of on-street parking.

The proposal complies with policies Tra 2- Tra 4 of the LDP.

#### g) Trees

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

As addressed in (b) and (c), the trees are worthy of retention as they make an important contribution to the landscape and score high when looked at with a visual assessment (see above). The one sycamore tree to be removed lies outwith the red boundary line as shown on the submitted location map.

The proximity of the proposal to the mature trees to the east and west of the site would result in a development where amenity would be adversely affected by shading. Future occupiers are likely to be concerned with safety and leaf fall, resulting in pressure for the trees to be cut back or felled.

BS5837:2012 recommends sufficient space between buildings and trees should be provided in new development to safeguard against these concerns. While there is an arrangement for root protection, the arrangement for forming space for the proposed development must strike at the heart of what BS 5837 is trying to achieve. That adequate protection of the tree is essential if such features are to be retained successfully in the long term.

The proposed development scheme will have an adverse impact on the neighbouring trees. The loss of one tree would open up the street to the impact the new building would bring. The proposals do not comply with Policy Env 12 of the LDP.

#### h) Material Considerations

##### Impact on school infrastructure

The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

The proposed flats only have one bedroom and will not generate additional pupils. A contribution towards education infrastructure is therefore not required.

##### Provisions for affordable housing are met

The proposal is for six residential units. Therefore, there is no requirement to provide affordable housing under policy Hou 6 of the LDP.

##### Flooding issues

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

The Planning Committee on 30 March 2017 approved the implementation of a certificate procedure in relation to assessing potential flood impacts as a result of new development proposals during the application process.

The application required a surface water management plan; certificate A1; and a completed checklist to be submitted. As this was not provided, the proposals do not satisfy policy Env 21 of the LDP.

### Waste

A revised site plan showing the waste strategy was submitted, which omitted the proposed stepped entrance off Broughton Road. This was in response to concerns raised by Waste regarding the efficient collection of waste. Waste are satisfied with the revised layout.

However, it should be noted that other drawings were not revised to reflect the changes made to the waste strategy plan. Therefore, the revised waste strategy plan is not included in the drawing numbers for this recommendation.

#### i) Matters raised in representations addressed

##### Material - Objection

The New Town and Broughton Community Council has objected to the proposals on grounds of inappropriate development design and impact on the setting of the A listed building.

- Planning history - Addressed in Section 3.3 (a-h).
- Concentration of one bed units will not attract family uses or permanent occupiers and will be detrimental to the surrounding amenity/community - Addressed in Section 3.3 (d).
- Impact on setting of the listed building - Addressed in Section 3.3 (c).
- Inappropriate density - contrary to Hou 4, Env 3, Env 6 - Addressed in Section 3.3 (b) and (d).
- Inappropriate development design, density, layout/orientation, materials - Addressed in Section 3.3 (b) and (c).
- Will not be in-keeping with the area and is an overdevelopment of the site - Addressed in Section 3.3 (b), (c) and (d).
- Too many units for the space, should be limited to two mews houses - Addressed in Section 3.3 (c) and (d).
- Will result harm to the New Town Conservation Area character and appearance - Addressed in Section 3.3 (b).
- Impact on trees outwith the application site - Addressed in Section 3.3 (b), (d) and (g).
- Impact on parking - Addressed in Section 3.3 (f).
- New windows will result in adverse overlooking and loss of privacy - Addressed in Section 3.3 (e).
- Concentration of the development will result in adverse noise - communal and terrace decking - Addressed in Section 3.3 (e).

- Future occupiers will not have adequate levels of amenity - privacy, small, lacking storage - Addressed in Section 3.3 (d).
- Contrary to the non-statutory 'Listed Buildings and Conservation Areas' guidance - Addressed in Section 3.3 (b).

### Non-Material - Objection

- Does not address the A listed boundary wall at No. 12a and No 13 - Drawing No. 03 show intentions to repair the existing boundary walls.
- Reference to building insurance policies not to have large trees within 8 metres of a property - insurance policies are not matters controlled through planning.
- Would be built as short term rentals and potentially used by Airbnb and will not contribute to the community/ lack of reassurances - Planning can only assess the proposal applied for.
- Development would potentially destabilise a 200 years old wall - Issues of stability is not a planning matter and may be addressed through the building warrant process.
- Would set a negative precedent - Applications are assessed on their own merits and against the policies in the Edinburgh Local Development Plan.
- Individuals in support of the application are not directly affected by the proposal - The application was advertised and neighbours notified. This does not preclude assessment of the proposals by others.
- Neighbour consent to fell a tree outwith the application site will not be given - This is a civil matter.
- Applicants claims that the land is subsiding due to existing large sycamore tree is contested - Issues of subsidence is not a planning matter.
- Impact of construction works on the safety of children playing in the gardens - this is not a matter controlled through planning legislation.
- Impact on neighbouring landscaping plans - Non-material in the assessment of the proposal.
- No communication with neighbours re the existing wall has taken place in the last 24 months - Does not preclude assessment of the proposals and is not a requirement under planning legislation.
- Reference to Heriot Hill boundary wall issue as a result of 8 townhouses being approved - Not relevant to the current application.
- Inconsistencies with the Design Statement - The garden at No. 12 is neither communal nor overgrown. It is owned by one owner at 12 a Claremont Crescent since 2017 where the basement level as been made habitable under planning application 17/00415/FUL - Does not preclude assessment of the proposals.

### Material - Support

- Proposed development design is of high quality;
- Shortage of housing in Edinburgh;
- Development design will be a positive addition and will enhance the area;
- •Will improve frontage along Broughton Road in what is a rundown area;
- Will enhance outlook from Claremont Crescent;
- Will make better use of a vacant site and replacement of car park;
- Will not impact on neighbouring amenity;
- Future occupiers will have acceptable level of amenity; and

- Welcome the reduction in the numbers from the previous scheme.

### Non Material – Support

- Shortage of affordable housing in Edinburgh;
- Would be a good starter home and appeal to first time buyers; and
- Majority of flats in Edinburgh are old and are not suited for 21st century accommodation.

### **Conclusion**

The proposals are contrary to the policies contained in the Edinburgh Local Development Plan. The site is not suitable for housing as the proposals do not comply with certain policies in the plan. The development design will result in adverse harm to the setting of a category A listed crescent and fails to preserve or enhance the character and appearance of the conservation area. The proposals will negatively impact on neighbouring trees. The amenity of future occupiers will be limited as a result of the development layout. No flood details were submitted with the application and so there is insufficient information to assess surface water management. On this basis the proposals are unacceptable. There are no material considerations that outweigh this conclusion. It is recommended that the application is refused.

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

### **3.4 Conditions/reasons/informatives**

#### **Reasons:-**

1. The proposal is contrary to the Local Development Plan Policy Hou 1 in respect of Housing Development, as the proposals do not comply with policies in the plan.
2. The proposal is contrary to the Local Development Plan Policy Hou 2 in respect of Housing Mix, as the proposals will not have a positive impact on ensuring the delivery of a varied and sustainable community.
3. The proposal is contrary to the Local Development Plan Policy Hou 3 in respect of Private Green Space in Housing Development, as capacity to receive sunlight will be limited due to neighbouring trees.
4. The proposal is contrary to the Local Development Plan Policy Hou 4 in respect of Housing Density, as the density of the development will harm the special characteristics of the site and area.
5. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as the proposal fails to draw on the positive characteristics of the site and area.

6. The proposal is contrary to the Local Development Plan Policy Des 4 in respect of Development Design - Impact on Setting, as the proposed scale, form, materials, design and positioning of the development will harm its surroundings.
7. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as the development design and layout will harm the setting of the category A listed terraced houses on Claremont Crescent.
8. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the development design and layout will not preserve or enhance the characteristics of the area.
9. The proposal is contrary to the Local Development Plan Policy Env 12 in respect of Trees, as the development will result in harm to the neighbouring trees and the development layout is not justified.
10. The proposal is contrary to the Local Development Plan Policy Env 21 in respect of Flood Protection, as no flood details were submitted with the application.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **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**

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### **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 15 March 2019 and the proposal attracted 37 comments; 12 were objections and 25 were support. The comments received are addressed in the assessment section of the report.

New Town and Broughton Community Council objected as a statutory consultee.

### **Background reading/external references**

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



## **Statutory Development**

### **Plan Provision**

The site is an urban area as designated in the Edinburgh Local Development Plan and the New Town Conservation Area.

### **Date registered**

6 March 2019

### **Drawing numbers/Scheme**

01-09.,

Scheme 1

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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

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

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

LDP Policy Hou 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 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.

### **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.

### **Other Relevant policy guidance**

**The New Town Conservation Area Character Appraisal** states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

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

# Appendix 1

## **Application for Planning Permission 19/00451/FUL At Land 35 Metres Southeast Of 62, Broughton Road, Edinburgh Erection of six one-bed apartments with associated pedestrian access, hard and soft landscaping, bicycle and bin storage.**

### **Consultations**

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#### Historic Environment Scotland

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

#### **Our Advice**

The site concerned is the former garden of No.13 Claremont Crescent, a 4-storey and basement terraced house, part of an A-listed terrace built from 1824 to 1830 by Thomas Bonnar.

Originally, these terraced houses had large long gardens at the back, stretching to Broughton Road. These can be clearly seen from Ordnance Survey Map evidence. Part of the setting of the terrace is therefore the large rear gardens visible from the principal rooms within it.

Two years ago, we commented on a scheme for the erection of 10 flats with associated landscaping.

In this application, the current design has attempted to take into consideration the character of the site. The density of the scheme has been reduced, the development was moved closer to Broughton Road to establish a street presence, and a larger portion of the site has been landscaped to keep a portion of the original long garden at the back of the A-listed crescent.

However, the proposals would still have an impact on the setting of the A-listed crescent as part of the setting of the terrace is their large rear gardens. We had previously suggested that mews style buildings addressing the road would better keep the original character of the terrace and garden, and this would remain our preference.

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.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/). Technical advice is available through our Technical Conservation website at [www.engineshed.org](http://www.engineshed.org)

### Communities and Families

The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

The flats only have one bedroom therefore will not generate additional pupils. A contribution towards education infrastructure is therefore not required.

### Environmental Protection

The applicant proposes the erection of six residential flats within a carpark area at the rear of townhouses on Claremont Crescent.

Environmental Protection has no objections to this proposed development.

### Roads Authority

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

1. 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), 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;

2. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, 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](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category D - New Build).

Note:

- The proposed zero parking is acceptable under the Council's parking standards;
- The proposed 12 cycle parking spaces meets the Council's parking standards.

### Waste Services

18 of March 2019 - response

As this appears to be a residential development waste and Fleet Services would be expected to be the service provider for the collection of domestic waste (Only).

I have looked at the drawings available in the planning portal file, we would require to see in more detail a site plan with the bin store locations and a swept path analysis (if entering the site) in conjunction with our instruction for architects guidance to ensure waste and recycling requirements have been fully considered.

In view of these factors I would ask that the Architect/developer contact myself directly Trevor.kelly@edinburgh.gov.uk or Waste Services on 0131 608 1100 at the earliest point to set up a meeting to agree their options so that all aspects of the waste & recycling service are considered.

23rd March 2019 - response

The bins required will be:

- 1 x 1280 Landfill
- 2 x 1280 DMR
- 1 x 240 Food waste
- 1 x 360 Glass

The pull distance is 10 meters straight pull to the rear of the vehicle over a level surface (or gradient no greater than 1/15 (disabled access)).

29 March 2019 - response

Thanks for addressing the points raised, this all looks to be conforming now, although the pull is not straight its acceptable.

Can you please provide the builders details (if known) and planned completion date for my files.

### New Town & Broughton Community Council

NTBCC have been approached by a number of local residents regarding the application listed above and have met with residents to better understand their concerns.

Despite the lateness of our response, we believe that the concerns that that we raise below are fully consistent with other objections submitted by local residents, and we would still wish to lend community council support for those objections.

Consistent with current CEC guidance for community councils, we would normally not make a representation on Householder applications but in view of the concerns expressed by the adjacent residents, coupled with the wider concerns that this application raises in terms of creating a precedent for further inappropriate development on the remaining back gardens of Claremont Crescent, we felt it necessary to submit a request for Statutory Consultee status and record our concerns with this proposal.

We note that the application site lies just within the New Town Conservation area and remains technically within the curtilage of the Cat A listed buildings in Claremont Crescent.

Specifically, we would wish to reiterate the comments submitted by Historic Environment Scotland (HES) on the previous application (17/03603/FUL) submitted in August 2017.

"Originally, these terraced houses had large long gardens at the back, stretching to Broughton Road. ". Part of the setting of the terrace is therefore the large rear gardens visible from the principal rooms within it. Building on these long gardens would not be a desirable precedent as it would impact on the setting of the listed buildings, especially if replicated across the terrace."

And

"Historically, it would be more appropriate to have development at the end of the garden parallel to the house rather than at 90 degrees to it. There may be some scope for a building range (mews style) parallel to, and facing, Broughton Road as this would better keep the original character of the terrace and garden."

Broadly, having visited the various properties in Claremont Crescent, which overlook the application site, to better understand the proposal, we take the view that whilst the current proposal is an improvement on the previous (17/03603/FUL) proposal which was ultimately refused permission, significant concerns remain with this new proposal - in line with the view previously expressed by HES.

We concur with the statement in the Design Statement that the proposed site has been covered in tarmac for many years and has until recently been used as a car-park and the tarmac area is now in a poor state of repair and that; given the current use and appearance of the proposed site, the proposal for some form of development e.g. housing on this site is acceptable in principle (as covered by LDP policy Hou 1) ; however, we also note conclusions from the CEC planning officer's report on the previous application which stated that the proposal should also be compatible with the other policies in the Local Development Plan.

The proposed development of 6x 1-bedroom apartments, in our view, although contemporary in style, (acknowledging that it some form of development on the site would improve the immediate area) appears as a misshapen building, whose geometry seems both at odds with itself, the frontage to Broughton Road and most importantly, to the views of the Cat A listed terrace to the rear.

The geometry and orientation is clearly selected to overcome the various constraints on the site and attempts to mitigate the comments cited for the refusal of the previous scheme but also to maximise the return from this sliver of land.

We are of the view, consistent with HES's position stated previously, that the proposal is still not appropriate for the site as presented within this new proposal.

With reference to the recently revised New Town Conservation Area Character appraisal, it notes for new buildings within the conservation area that, "Development should be in harmony with, or complimentary to, its neighbours having regard to the adjoining architectural styles." The appraisal goes on say that, "New development should be of good contemporary design that is sympathetic to the spatial pattern, scale and massing, proportions, building line and design of traditional buildings in the area."

We continue to support the view expressed in the Decision Notice for the previous application for this site that the design, form and positioning of the proposed development is uncharacteristic of the New Town where it is more typical to have townhouses with gardens and mews.

Considering the impact of the proposal on the setting of the listed buildings, we acknowledge that the listing for Nos. 7-21 (inclusive) Claremont Crescent does focus mainly on the front elevation, the proposed flats, as stated above, will technically be set within the original curtilage of the Georgian townhouses and will impact on the setting of these listed buildings.

Although the architect has taken advantage of the topography of the site, it is still our belief that the topography of the site does result in the rear of Claremont Crescent forming a dominant feature when viewed from Broughton Road. The boundary walls and sense of openness generally contribute to the importance of the buildings. The proposed ten flats would have an adverse impact on the setting of the listed buildings, contrary to LDP policy Env3. This further supports Historic Environment Scotland's (HES) previous comments noting that building on these long gardens would not be a desirable precedent as it would impact on the setting of the listed buildings, especially if replicated across the terrace.

LDP Policy Des 4 (Development Design - Impact on Setting) states " Planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to:

- a) height and form
- b) scale and proportions
- c) position of buildings and other features on the site
- d) materials and detailing"

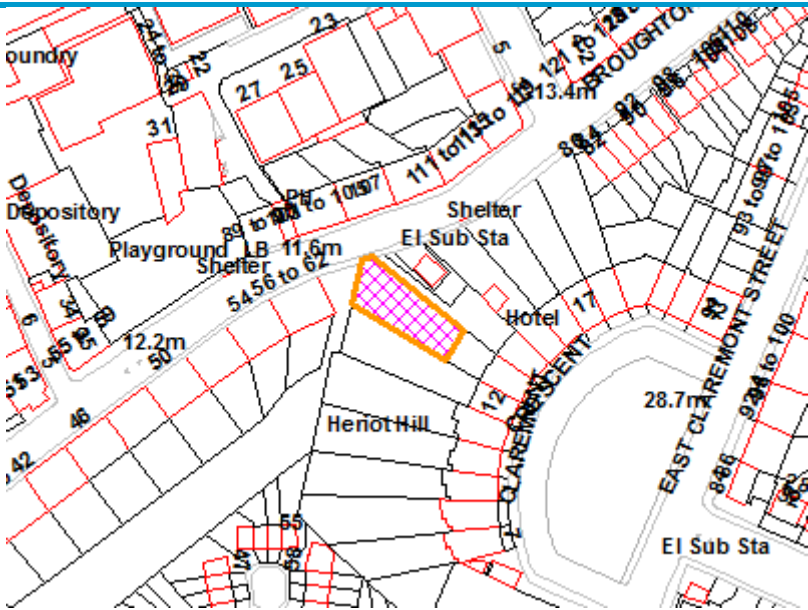
We take the view that a key consideration in the determination of this application is whether this proposal meets the intent of this or whether what is proposed is contrary to these policies.

It's perhaps worth noting that we are aware that the concept of precedent in planning terms is not normally considered as a material consideration, however, the issue of precedence has been raised by HES and we believe it is relevant in determination of this application and if granted, could be a reference for future applicants and would be contrary to both the principles and content of the New Town Conservation Area Character appraisal. As such, it would be a dangerous precedent.

The proposal is inappropriate in terms of design and density and will harm the setting of the adjacent category A listed buildings while having an adverse impact on the character and appearance of the conservation area.

NTBCC trust that the specific concerns raised in this representation concerning this inappropriate proposal within the New Town Conservation area will be given due weight prior to the final determination of this application. For the many material reasons outlined above, and reflecting the very valid concerns expressed by local residents, NTBCC would object to this revised application being granted.

### Location Plan



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