

# Development Management Sub Committee

Wednesday 5 June 2019

**Application for Planning Permission 19/00792/FUL  
At 3F2, 17 Bruntsfield Gardens, Edinburgh  
Creation of new flatted dwelling within attic space and alter  
existing third floor flat. Proposed new access from existing  
communal stairwell (as amended).**

<b>Item number</b>	8.1
<b>Report number</b>	
<b>Wards</b>	B10 - Morningside

## Summary

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The proposal complies with the local development plan, with the exception of Policy Tra 3, and the non-statutory guidance. The principle of the use is acceptable in this location. The proposals will preserve the character and appearance of the conservation area. It will provide adequate amenity for future occupiers and it will not have an adverse impact on residential amenity or traffic and road safety. The non-compliance with Policy Tra 3 - Private Cycle Parking is justified in this instance. There are no material considerations which outweigh this conclusion.

## Outcome of previous Committee

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This application was previously considered by Committee on 22 May 2019.

## Links

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<a href="#">Policies and guidance for this application</a>	LDPP, NSLBCA, OTH, CRPMAR, LTRA02, LHOU01, LHOU03, LHOU04, LTRA03, NSG, NSGD02,
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# Report

## **Application for Planning Permission 19/00792/FUL At 3F2, 17 Bruntsfield Gardens, Edinburgh Creation of new flatted dwelling within attic space and alter existing third floor flat. Proposed new access from existing communal stairwell (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site relates to the attic space within a tenement building situated on the western side of Bruntsfield Gardens. The surrounding area is residential in character and it is located close to the Morningside/Bruntsfield Town Centre.

This application site is located within the Marchmont, Meadows and Bruntsfield Conservation Area.

#### **2.2 Site History**

There is no relevant planning history for this site.

### **Main report**

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

This is an amended scheme to convert the attic space within the existing tenement to a two bedroom flatted dwelling. A private access to the dwelling will be formed using space from the existing top floor flat.

The proposal includes the following external works:

- two rooflights on the rear elevation; and
- three rooflights on the front elevation.

The proposed rooflights do not materially affect the external appearance of the building and as such do not constitute development under Part 3 Section 26, 2 (a) (ii) of the Town and Country Planning (Scotland) Act 1997. Given the rooflights do not require planning permission, there will be no further assessment of the external works.

## **Scheme 1**

The original proposal included the following external works:

- three rooflights on the rear elevation;
- one rooflights on the front elevation; and
- dormer infill behind the front elevation chimney-stack to the roof ridge.

### **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 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 proposal is acceptable in principle;
- (b) the proposal will preserve or enhance the character and appearance of the conservation area;
- (c) the proposal will provide adequate amenity for future occupiers;
- (d) the proposal will be detrimental to the amenity of neighbours;
- (e) the proposal will have any traffic or road safety issues;
- (f) the proposal raises any other matters; and
- (g) any public comments raised have been addressed.

#### **(a) Principle of the Development**

The site is located within the urban area of the Edinburgh Local Development Plan (LDP).

Policy Hou 1 of the LDP states that housing development will be permitted on suitable sites in the urban area, provided proposals are compatible with other policies in the Plan.

Policy Hou 4 - Density seeks an appropriate density of development having regards to its characteristics and those of the surrounding area. The surrounding area is characterised by tenemental dwellings which has a high density; one additional unit in this context is unlikely to have any significant impact. The proposal is in keeping with the density of the existing surrounding area and it is located close to public transport and active travel routes. The proposal complies with this policy.

The principle of the development is acceptable subject to compliance with other relevant LDP policies.

(b) Impact on the Conservation Area

Policy Env 6 of the LDP requires development proposals to preserve or enhance the character or appearance of the conservation area and is consistent with the relevant conservation character appraisal.

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the well proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

The external alterations do not require planning permission. The internal alterations will have no impact on the character or appearance of the Marchmont, Meadows & Bruntsfield Conservation Area. The proposal will preserve the character and appearance of the conservation area and therefore complies with Policy Env 6.

(c) Amenity for Future Occupiers

Policy Hou 4 criterion (b) has regard to proposals creating an attractive residential environment. The Edinburgh Design Guidance sets minimum standards in relation to size, daylighting and open space in order to ensure an acceptable residential environment is achieved.

*Size*

The net internal area for the proposed new two bedroom flat is 73 square metres, leaving the original, now three bedroom property at 88 square metres. The Non-Statutory Edinburgh Design Guidance requires dwellings with two bedrooms to measure 66 square metres and dwellings with three bedrooms to measure 81 square metres. Both flats exceed the minimum space requirements.

*Daylight*

The rooflight openings will provide dual aspect views and will provide adequate levels of daylight and outlook to the proposed flat.

## *Open Space*

Policy Hou 3 of the LDP seeks to make adequate provision for private green space in housing developments, including flatted developments. The site forms part of a traditional, four storey and attic building with a private shared garden to the rear of the tenement; this is considered to be acceptable private amenity space for the proposal. Furthermore, the site is located within 300 metres of Bruntsfield Links. The proposed dwellings will have access to a suitable provision of private and public open space.

Overall, the proposal will provide a satisfactory residential environment for future occupiers and complies with Policy Hou 3 of the LDP and the Edinburgh Design Guidance.

### (d) Impact on Neighbouring Amenity

Policy Hou 4 criterion (b) also has regard to safeguarding living conditions within the development. In essence, proposals which would result in unacceptable damage to residential amenity will not be permitted.

The proposal is for the formation of a new residential unit which is in keeping with the existing character of the area. It is not considered that there will be a significant increase in noise/disturbance to neighbouring properties as a result of this use.

The proposal will not result in an unreasonable loss of neighbouring amenity and complies with the 'Edinburgh Design Guidance'.

### (e) Traffic and Road Safety

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.

There is no proposed private parking for the development. This complies with the Edinburgh Design Guidance in terms of parking standards; the site is well served by public transport and active travel routes. Overall, the proposal will not result in any traffic or road safety issues. The proposal complies with LDP Policy Tra 2.

There is no proposed private cycle parking. LDP Policy Tra 3 seeks to provide private cycle parking within housing developments. The Edinburgh Design Guidance recognises the difficulty in trying to achieve private cycle parking within tenement buildings. In this context, as the new dwelling will be located within the attic space of the existing tenement, it is acceptable that there is no proposed cycle parking. However, an informative has been added which provides a web link to a fact sheet developed by Spokes in partnership with the Council on the storage of bikes for tenement and flat dwellers. The proposal does not comply with Policy Tra 3. However, an exception is justified in this instance.

(f) Any Other Matters

**Impact on Local Services**

Concerns were raised regarding the existing pressures on local services and the adverse impact further development would cause. The proposal for a two bedroom flatted dwelling will not generate a significant increase in the number of people utilising local services. Therefore, it is considered that the provision of local services will not be adversely affected as a result of the development.

**Waste**

Waste services has been consulted and raise no objection to the proposal. The collection of waste from the development will be the same as the rest of the tenement.

**Neighbour Notification Process**

Concerns have been raised regarding neighbouring properties not being notified of the planning application. The neighbour notification process was checked and confirmed that the process was carried out in accordance with regulations.

(g) Public comments

Material Considerations – Objections

- alterations to the roof are not in keeping with the conservation area - addressed in section 3.3(b) of the assessment;
- impact of parking and traffic - addressed in section 3.3(e) of the assessment;
- inadequate living conditions for future occupiers - addressed in section 3.3(c) of the assessment;
- impact on neighbouring amenity within the tenement - addressed in section 3.3(d) of the assessment;
- impact on local services - addressed in section 3.3(f) of the assessment;
- impact on waste - addressed in section 3.3(f) of the assessment; and
- the neighbour notification process was incorrect - addressed in section 3.3(f) of the assessment.

Material Considerations – Support

- there is a housing shortage and this would contribute one unit. Support was subject to contributions to infrastructure - the site and proposal does not trigger any contributions.

The general comment reiterates the concerns of local residents.

Non-Material Considerations

- impact on privacy as a result of the rooflights - the rooflights do not require planning permission, therefore this concern is considered non-material in this instance;

- concerns over rights of way/ ownership, Title Deeds and maintenance - this is a civil matter;
- disruption from construction - not a planning consideration;
- concerns over future use in the development - not relevant to this planning application;
- if permission is granted it will lead to further applications of a similar nature - not relevant to the planning application;
- impact on listed building - the building is not listed; and
- no details on soundproofing within the development - not relevant to this planning application.

### Conclusion

In conclusion, the proposal complies with the development plan, with the exception of Policy Tra 3, and the relevant non-statutory guidelines. The proposal will preserve the character and appearance of the Conservation Area, and will not prejudice residential amenity or road safety. The departure from Policy Tra 3 in respect of private cycle parking is considered to be acceptable in this instance. There are no material considerations which outweigh this conclusion.

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

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

#### **Conditions:-**

#### **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. This application relates to a flatted building. This planning permission does not affect the legal rights of any other parties with an interest in the building. In that respect, the permission does not confer the right to carry out the works without appropriate authority.

5. For information on the storage of bikes for tenement and flat dwellers please follow the link <http://www.spokes.org.uk/wp-content/uploads/2010/06/Fact-sheet-v10-231210.pdf>.

## **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:**

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

## **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 received 30 letters of representation; 28 objections, 1 letter of support and 1 general comment. The comments raised will be addressed in the assessment section of the report.

## **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**

Edinburgh Local Development Plan - Urban Area  
Marchmont, Meadows and Bruntsfield Conservation  
Area.

**Date registered**

15 February 2019

**Drawing numbers/Scheme**

01-02,03(a),

Scheme 2

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Elizabeth McCarroll, Planning Officer

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**Links - Policies**

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**Relevant Policies:****Relevant policies of the Local Development Plan.**

**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**

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal  
emphasises the well proportioned Victorian tenemental perimeter blocks with Baronial  
detailing and the substantial area of the open parkland formed by the Meadows and  
Bruntsfield Links.

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

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

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

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

### **Relevant Non-Statutory Guidelines**

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

# Appendix 1

## **Application for Planning Permission 19/00792/FUL At 3F2, 17 Bruntsfield Gardens, Edinburgh Creation of new flatted dwelling within attic space and alter existing third floor flat. Proposed new access from existing communal stairwell (as amended).**

### **Consultations**

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#### Roads Authority

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

- 1. The applicant should consider provision of secure and undercover cycle parking for the proposed development;*
- 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.*

#### Environmental Protection

*I refer to your consultation on the above application. Environmental Protection would offer no comments in respect of this proposal.*

#### Waste

*Waste and cleansing services takes no stance either for or against the proposed development but as a consultee would make the following comments:*

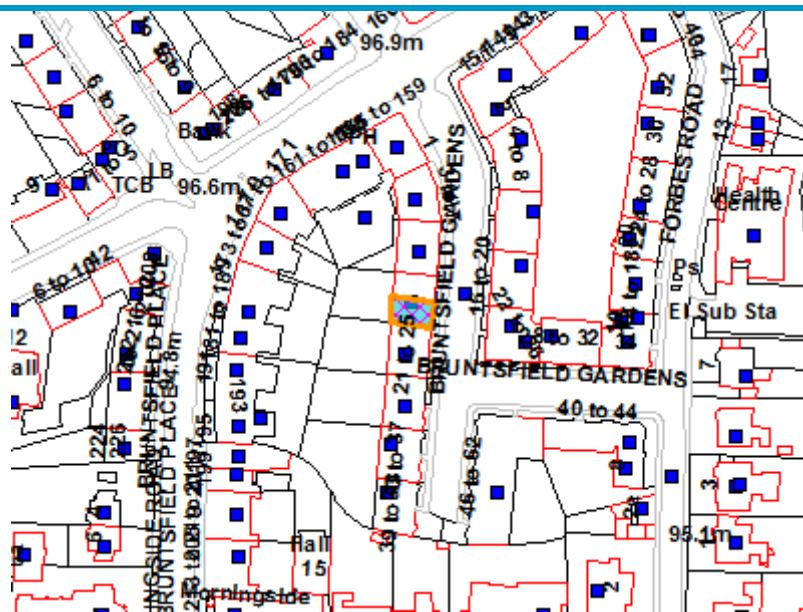
*Waste and Fleet Services would expect to be the service provider for the collection of waste as this appears to be a residential development.*

*It is imperative that adequate provision is made for the storage of waste off street, and that cognisance is taken of the need to provide adequate space for the storage of segregated waste streams in line with the Waste (Scotland) Regulations which require the source separation of dry recyclable materials, glass, food, etc.*

Adequate provision should also be made for the effective segregation of materials within the building not just at the point of collection. Adequate access must also be provided to allow uplift of waste safely from the collection point taking into consideration the traffic flows at this busy location and I feel we would require to look at the bin storage areas for this development more closely.

In view of these factors the developer must contact Waste Services on 0131 608 1100 or contact the officer for the area Hema Herkes directly Hema.herkes@edinburgh.gov.uk at the earliest point for advice relating to their options so that all aspects of the waste & recycling service are considered i.e. access for vehicles, health & safety, presentation points for kerbside bins and/or boxes and size of storage areas required in residential gardens for all bins & boxes etc. It would be beneficial to go through the site plans and swept path analysis/vehicle tracking to show how the vehicle will manoeuvre.

## Location Plan



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