

Development Management Sub-Committee Report

Wednesday 11 January 2023

**Application for Planning Permission
14 Wester Coates Gardens, Edinburgh, EH12 5LT**

Proposal: Demolition of existing and construction of new dwelling

**Item – Committee Decision
Application Number – 22/03600/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee as 17 letters of objection have been received and it is recommended for approval. Consequently under the Council's Scheme of Delegation the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal will not adversely affect the setting of the adjacent listed building and complies with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. It is compatible with the character and appearance of the conservation area with regard to height, mass and scale and the demolition of the existing building is acceptable having regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The principle of the proposal is acceptable and it will not negatively impact on amenity. The proposal complies with the development plan and there are no other material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The site is located in the Coltbridge and Wester Coates Conservation Area within the former gardens and setting of 12 Wester Coates Gardens, a category C listed building (listed 18/09/2002, ref LB48919).

To the north of the site, associated with the Water of Leith, is a Special Landscape Area, a Local Nature Conservation site and also designated open space.

The site comprises a single storey 1970s detached bungalow dwellinghouse constructed of brick and concrete roof tile. The ridge of the roof is 6m in height. The property includes an extensive front and rear garden setting with mature trees, stone boundary walls and tall hedging.

Description of the Proposal

The application seeks planning permission to demolish the existing 345 square-metre detached 1970s prefabricated single family bungalow at 14 Wester Coates Gardens and erect a new 364 square-metre 1-2 storey family home.

The proposal is for a predominantly single storey building with two storey element which forms a hinge, anchoring the two wings of the house. The two wings create a paved courtyard at the rear of the building. The ridge of the roof is 7.6m in height.

Open plan living space and two bedrooms will be on the ground floor, with an additional two bedrooms and study on the second storey which has a balcony facing north and west with a high wall preventing views to the east.

The proposal includes two-tone Wienerberger Marziale chalk/sandstone coloured brick cladding with lime mortar alongside timber cladding on the ground floor elevation. Roofing materials include brown zinc while triple glazed windows will be finished with aluminium frames.

Hard landscaping includes a new front courtyard in slimline clay Roman paving and a timber clad cycle store. Soft landscaping comprises the retention of mature native trees, new planting including silver birch and the removal of two Cypress trees.

The proposal includes zero carbon heating and power technologies such as an air source heat pump and solar PV array in addition to a highly insulated built fabric.

The proposal is designed to accommodate older residents and includes inclusive design elements such as a ground floor bedroom and a lift to the second floor.

Supporting Information

The following supporting information has been submitted and can be viewed in Planning and Building Standards online services:

- Design and Access Statement - revised;
- Planning Statement;
- Sustainability Statement;
- Retrofit statement - revised;

- Recycling schedule;
- Surface Water Management Plan;
- Bat survey and
- Tree survey.

Planning History

94/02579/FUL

In 1994, a planning application with associated conservation area consent was submitted to add a conservatory to the house. This conservatory is still present today.

03/00036/FUL

In 2002-2003, planning applications with associated conservation area consent were submitted for the demolition of the existing house and the erection of flatted development with 6 flats, and 2 mews houses. These applications were refused due to the inappropriate scale of the proposals.

09/02259/FUL

In 2009, a planning application was submitted to alter the house and extend it. It was approved but the extension was not erected.

Relevant Site History

No relevant site history.

Other Relevant Site History

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Flood planning

Environmental Protection

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 21 July 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 29 July 2022;

Site Notices Date(s): 26 July 2022;

Number of Contributors: 25

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
 - (i) harming the listed building or its setting? or
 - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a(i) The proposals harm the setting of the listed building?

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment - Setting

The replacement building will not adversely impact the setting of the adjacent 3 storey C listed neo-Jacobian villa due to its subservient scale and complimentary material palette. The proposed solar panels will be integrated neatly into the zinc roof cladding and will be located on the east facing roof in order to reduce visibility from the street. Although the proposed 2 storey element with solar panels will have a moderate impact on views from the listed building, the proposed building envelope will not be significantly different in nature to the existing roofscape which indeed is not of historical value to the setting of the listed building. The air source heat pump will also be hidden from view on the north-eastern elevation with sufficient distance from boundary lines and windows.

Conclusion in relation to the listed building

The proposal does not harm the setting of the listed building. The proposal is acceptable with regards to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

a(ii) The proposals harm the character or appearance of the conservation area?

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment - Interim guidance on the Designation of Conservation Areas and Conservation Area Consent (2019).

In addition to the above, Supplementary Planning Guidance (SPG) forms a material planning consideration as does national planning policy and guidance. The following non-statutory documents are also of relevance in the considerations of this proposal:

- Edinburgh Design Guidance (2020)
- Listed Buildings and Conservation Areas (2019)
- Coltbridge and Wester Coates Conservation Area Character Appraisal (2005)

The site is located within the Coltbridge and Wester Coates Conservation Area and the character appraisal states that the area contains two distinct character zones: Sub Area A - the streets of Victorian and Edwardian villas to the west of Donaldson's School; and Sub Area B - the tenements and stone built terraces of Roseburn further west. The site of this proposal is in Sub Area A.

Sub Area A is predominantly comprised of two and three storey Victorian sandstone villas from the 1850s which face the street with impressive front gardens. Additional Edwardian stone villas were consequently built along Wester Coates Gardens by 1904, including the Category C listed neo-Jacobian flatted building, 12 Wester Gardens, immediately east of the site.

The Appraisal states, 'the original development pattern has been eroded by unsympathetic changes and extensions' such as the introduction of new houses in back gardens around Wester Coates Gardens.'

Although the area is characterised by a mix of architectural styles and materials, there is 'considerable uniformity by maintaining front building lines' a generosity of proportions, traditional stone walls and pitched slate roofing.'

Existing building:

The existing 1970s prefabricated bungalow has yellow monotone bricks and concrete roof tiles of limited architectural quality. The building is not listed as a building of architectural or historic interest under the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

When assessed against the Coltbridge and Wester Coates Conservation Area Character Appraisal which highlights the essential characteristics of the area, the building is atypical. The building is a Post War infill development in the former gardens of an Edwardian villa. The age, scale and lack of distinctive detailing is not consistent with the stylistic influences of Victorian/Edwardian architecture throughout the area.

As the building does not positively impact on the character and appearance of the conservation area, there is no strong presumption against its demolition. As the building is of limited importance to the character and appearance of a conservation area, a condition survey or the marketability of alternative uses is not required to be demonstrated. The demolition of the building is to facilitate a development of high quality and the merits of the alternative proposals outweigh the loss of the existing building.

Replacement building proposal:

The design and material palette make reference to Scottish modernist architects Morris and Steedman, representing a contemporary interpretation of the conservation area which is characterised by prominent villas facing the street. The introduction of a partial second storey creates a focal point and affords the building a greater presence on Wester Coates Gardens. The high-quality brick is sympathetic in tone to the adjacent sandstone properties while avoiding becoming pastiche. The timber cladding reflects materials which can be found in the area and coupled with the brown zinc roof will sit comfortably in the mature landscape setting.

The proposals make a positive contribution to the character of the area from directly outside 14 Wester Coates Gardens, whilst being largely invisible from other locations along the street due to it being set back and surrounded by mature vegetation. Due to the location of the replacement building in the south east of the site in addition to the existing belt of mature trees along the steep bank of the Water of Leith, the proposal would not be visible from Coltbridge Gardens.

The proposal includes the retention of existing mature trees with the exception of two Cypress trees which will be removed. The Council's tree officer is satisfied that these Cypress trees are of limited value and will be replaced with new tree planting. Overall the leafy character of the conservation area will be maintained.

Conclusion in relation to the conservation area

The proposal has regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals comply with the development plan?

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policy Env 3, Env 5, Env 6, Env 12, Env 16, Env 21
- LDP Design policies Des 1, Des 4, Des 5, Des 6
- LDP Transport policies Tra 2, Tra 3, Tra 4

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policy Env 6 and the Edinburgh Design Guidance is a relevant material consideration when considering the design related policies.

Demolition and Conservation Area

The demolition of the existing building and the impact of the proposed development on the character and appearance of the conservation area is addressed in section (a) above. Accordingly, the proposals comply with LDP policies Env 5 and Env 6.

Principle

The site lies within a defined urban area in the adopted Edinburgh Development Plan. The existing use is housing, therefore the proposal does not represent a change in use.

Subject to compliance with other policies in the plan as assessed below, the principle of housing on the site is acceptable. The proposals comply with LDP policy Hou 1.

Design

The proposal seeks to respond to its immediate and wider context. Although sandstone and slate is the dominant material neighbouring buildings, the proposed design and material palette represents a contemporary interpretation of the conservation area which is characterised by prominent villas facing the street. The high-quality two-tone sandstone/chalk coloured brick is sympathetic to the sandstone properties adjacent to this scheme without attempting to achieve a pastiche replication of existing historic buildings. The timber cladding reflects materials which can be found in the context and coupled with the brown zinc roof will sit comfortably in the mature landscape setting.

The proposal is low to the ground and mostly on one storey, with only a partial first floor which remains subservient to the adjacent properties. The majority of the replacement building is lower in height than the existing bungalow, apart from the first floor element (8.3m) which is 2m higher than the current building. The introduction of a partial second storey creates a focal point and affords the building an enhanced presence on Wester Coates Gardens which contributes to the townscape and makes better use of the existing building footprint.

Although the proposed footprint is slightly larger than the existing building (existing: 345 square metres; proposed: 364 square metres), the scale and proportions are appropriate for the setting with enough space between buildings.

The proposals comply with LDP Policies Design 1 and 4.

Sustainable Building

Part 6 of the Building Standards Technical Handbook requires new developments to accord with the current carbon dioxide emissions reduction target and this will be addressed through the building warrant stage. The sustainability, retrofit and recycling statements outline justification for demolition as the existing building which would require significant renovation in order to achieve high levels of energy efficiency. The proposed replacement building will use Passivhaus techniques to achieve a gold level under Scottish Building Standards. Renewable heating and electricity will be provided by an air source heat pump and solar panels. Natural light would be maximised throughout the proposal which is not the case with the existing building.

The majority of materials from the demolition will be recycled as per the recycling schedule and the proposal includes provision for cycle parking. The proposals comply with LDP policy Des 6.

Amenity

The proposed building line will sit at sufficient distance from boundary lines so as not to affect the daylighting neighbouring properties. The proposed two-storey north-eastern elevation marginally fails the 45 degree sun lighting/shadowing test on the south-west facing gardens of 12 Wester Coates Gardens, however there is an existing belt of mature trees along the boundary which already has a more significant impact on shadowing. In addition to this, the gardens of 12 Wester Coates Gardens are extensive and provide ample access to sunlight.

With regard to privacy and immediate outlook, the windows are mostly located on the ground floor and will not have any views onto the neighbouring sites as the vegetation is dense and the proposal is distanced from the boundary. The first floor window facing number 12 will be opaque.

The balcony on the second storey has views to the north and west, facing the garden. Views eastward to the listed building are prevented by a proposed wall. The ground floor garden patio of 16 Wester Coates Gardens would not be visible from the balcony due to the layout of the proposed building and existing boundary treatment.

Views westward would take in the northern end of the garden of number 16, however the distance from the terrace to the boundary is 21m. When this distance is taken into account, the balcony is not considered to have an unreasonable impact on privacy and overlooking.

The proposed solar panels will be made from black monocrystalline with black frames which minimises potential glare on neighbouring properties.

The proposals comply with LDP policy Des 5.

Parking

The submitted Design and Access statement states that a single parking space for the proposed development will be off-street and in line with guidance. Cycle storage will be located to the front, comprising of vertical timber cladding. The proposed boundary treatment will screen the cycle storage from public view.

The proposals comply with policies Tra 2, Tra 3 and Tra 4.

Flooding

Flood Prevention was consulted on the proposals and advised that the application can proceed to determination subject to a condition around the completion of a percolation test. The Council is satisfied with the surface water management plan and the proposal will not increase flood risk or be at risk of flooding.

The proposals comply with LDP policy Env 21.

Ecology

To the north of the site, associated with the Water of Leith, is a Special Landscape Area, a Local Nature Conservation site and also designated open space. Bats have been identified by local residents in the surrounding trees. As a result of this location, a bat survey was requested by the Council. The survey did not identify any traces of bats within the building and the loft space was considered to have low roosting potential. The Council's ecologist is satisfied with the proposal to install a bat box as mitigation for the demolition and a condition is proposed to this effect. In addition to this all mature native trees on site will be retained.

The proposals comply with LDP policy Env 16 Species Protection.

Trees

The submitted Tree Survey demonstrates that nearby trees within the site will not be affected by the proposal and the proposal will not result in a future pressure for the trees to be cut back. The tree survey, protection plan and planting plan has been reviewed by the council's tree officer who is satisfied with the proposals subject to attached conditions. The proposals comply with LDP policy Env 12 Trees.

Archaeology

No archaeological features will be affected by the proposed development. The proposals comply with LDP policy Env 9.

Noise and air pollution

The heat pump is a potential noise source, however Environmental Protection has confirmed that as the distance to the nearest dwellings are between 25-30m away, it is not considered likely to be an issue.

Environmental Protection has included an informative around the use of dust suppression equipment during demolition stage. Building Standards requirements around safe demolition methods will be covered by a building warrant rather than a planning condition. The proposal complies with LDP policy Des 5.

Development Contributions

The proposal is not required to contribute towards healthcare or education and is compliant with LDP policy Del 1.

Conclusion in relation to the Development Plan

The principle of the proposal is acceptable. The proposal is compatible with the character of the area and does not result in an unreasonable loss of neighbouring amenity. The proposal complies with LDP environmental and design policies and the overall objectives of the Development Plan.

c) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed Cityplan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

material considerations

- Material palette of proposal is not appropriate for the conservation area.
- Two storey element will impact on setting/views of C listed building.
- Existing building makes a neutral contribution by virtue of being included in the conservation area designation in 1987.
- Impact of proposals on protected species including bats.
- Impact of proposed building line on amenity.
- Impact of proposed balcony on overlooking/amenity.

non-material considerations

- Embodied carbon emissions in existing building being demolished.
- Environmental health concerns around noise and air quality during demolition and construction.

Conclusion in relation to identified material considerations

Please see responses in the assessment above.

Overall conclusion

The proposal will not adversely affect the setting of the adjacent listed building and complies with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. It is compatible with the character and appearance of the conservation area with regard to height, mass and scale and the demolition of the existing building is acceptable having regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The principle of the proposal is acceptable and it will not negatively impact on amenity. The proposal complies with the development plan and there are no other material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. As confirmed in the Surface Water Management Report, percolation testing has not yet been conducted. This testing must be conducted to confirm that the proposed and existing soakaway are feasible with proof submitted to the Planning Authority before construction takes place.
2. Notwithstanding the approved drawings, sample panels of all the proposed materials including brick shall be submitted to and approved in writing by the Planning Authority before commencing work on the site. The materials, as approved, shall be implemented before work on the site is completed.
3. Vegetation clearance should be completed outwith the nesting bird season (e.g. outwith March to August inclusive).
4. Prior to the commencement of development, the agreed Tree Protection Plan is to be implemented in full and not modified unless with the written consent of the Planning Authority.
5. The agreed Arboricultural Method Statement is to be implemented in full and not modified unless with the written consent of the Planning Authority.
6. The agreed Tree Planting Plan to be implemented in full within 6 months of the commencement of development unless agreed in writing with the Planning Authority. Any tree which, within 5 years of planting, is removed, dies or in the opinion of the planning authority is diseased or damaged shall be replaced in accordance with tree replanting plan unless agreed otherwise with the Planning Authority.
7. Before work commences, an agreement is to be made in writing with the Planning Authority relating to the work to be undertaken within the root protection area of tree 10.
8. Install one bat box before occupation of the development hereby approved, details and positioning to be agreed with the Council, as planning authority.

Reasons: -

1. In order to ensure appropriate surface water management of the site.
2. To satisfy the Planning Authority that the materials are appropriate for the context.
3. To protect wildlife throughout demolition and construction.
4. To protect existing trees during demolition and construction.
5. To protect existing trees during demolition and construction.

6. To protect existing trees during demolition and construction.
7. To protect existing trees during demolition and construction.
8. In order to successfully mitigate the loss of potential roosting features and safeguard European Protected Species.

Informatives

It should be noted that:

1. If the structure were to be demolished in the winter, a pre-works check of all accessible features by a licensed bat worker, followed by supervision of hand removal of any features noted here and noted by the bat worker in attendance that may provide bat roosting potential for the presence of bats must be completed. If no bats are found, works can proceed. If bats are identified the site must be remediated and a licence to permit the destruction of the roost obtained.
2. If the structure were to be demolished during the summer works, a pre-works dawn re-entry survey must be completed to confirm an absence of roosting bats on the morning works are due to commence. The building must then be rendered unviable for roosting on that same day in such a way as would satisfy the licensed bat worker in attendance that bats are not likely to roost, works can then proceed. If bats are identified using the structure, works must stop and be delayed until such time as a licence can be granted to permit the works.
3. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
4. 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.
5. 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.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 20 July 2022

Drawing Numbers/Scheme

01-10

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Simon Wasser, Assistant Planning Officer
E-mail: simon.wasser@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Flood planning

COMMENT: We have no major concerns over this application. This application can proceed to determination, with the following comment noted as a condition: as confirmed in the Surface Water Management Report, percolation testing has not yet been conducted. This testing should be conducted to confirm that the proposed and existing soakaway are feasible.

DATE:

NAME: Environmental Protection

COMMENT: Environmental Protection has no objection to this application. Two informatives have been included around managing the noise implications of the proposed heat pump and ensuring that appropriate equipment is used to manage dust pollution during demolition.

DATE:

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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