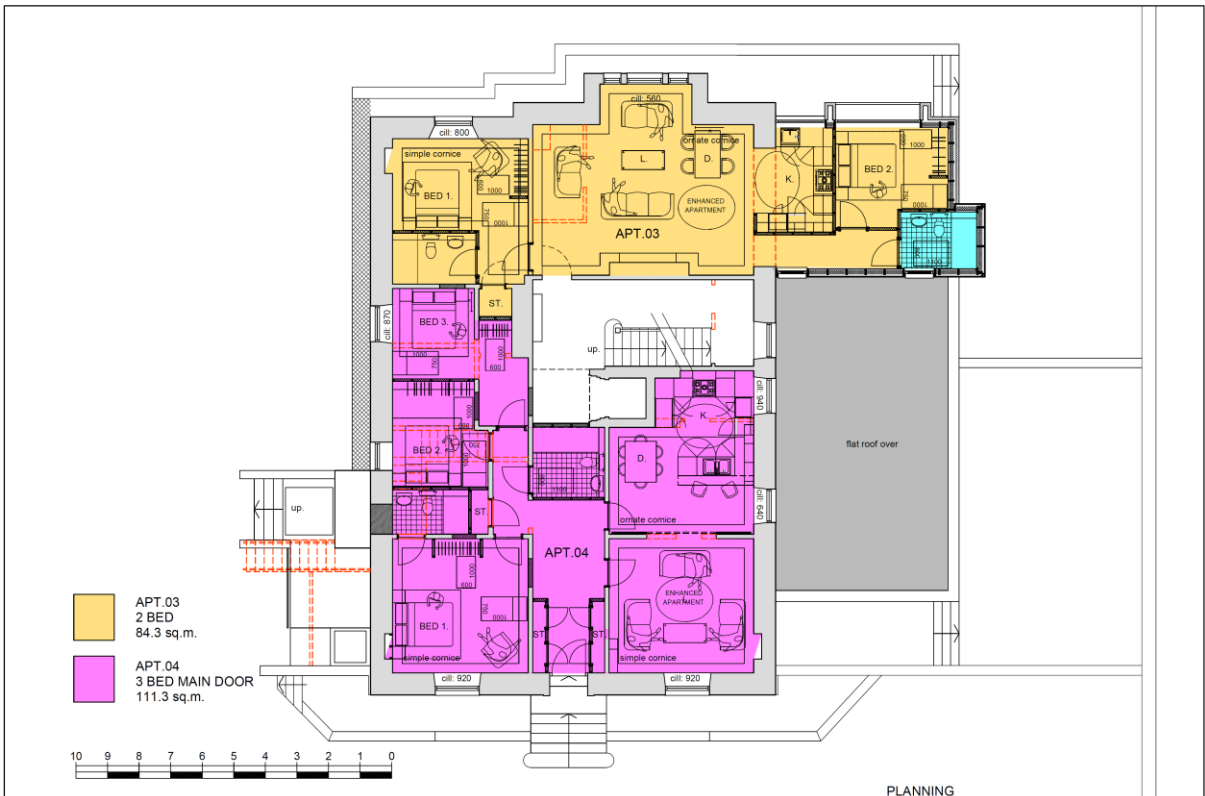
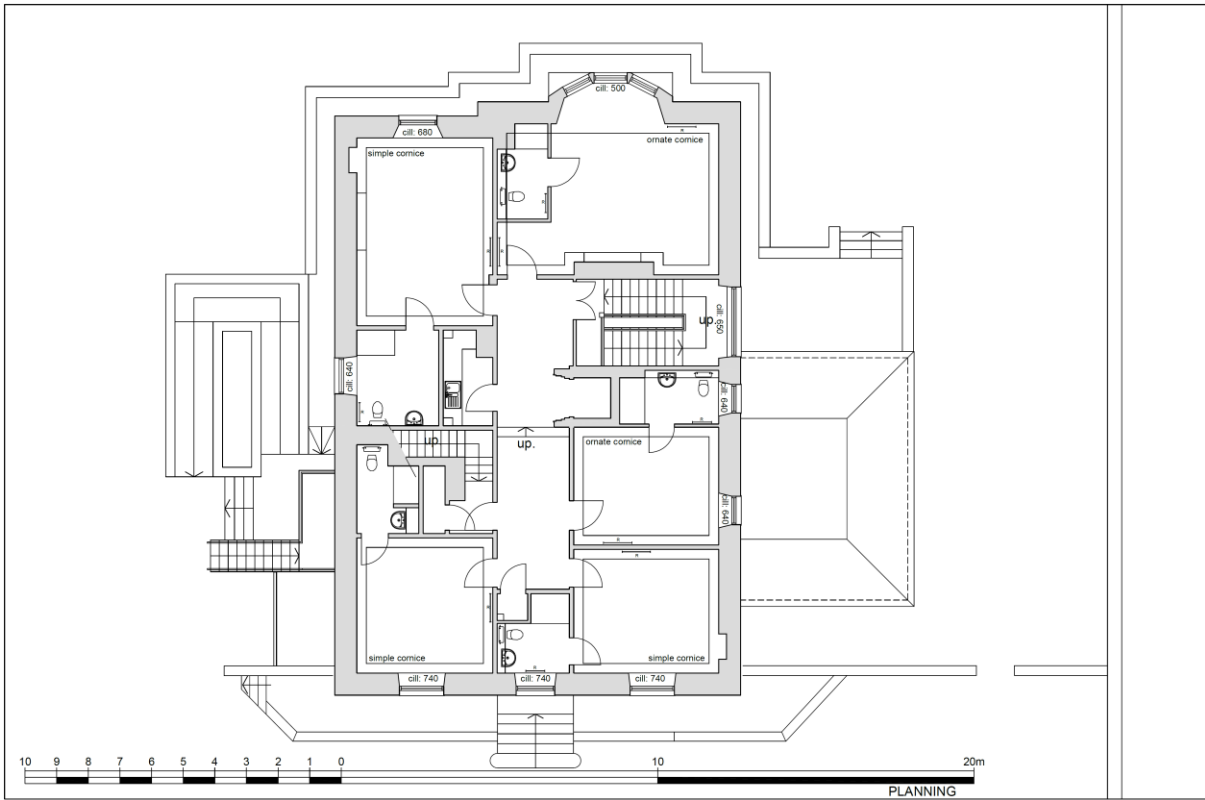


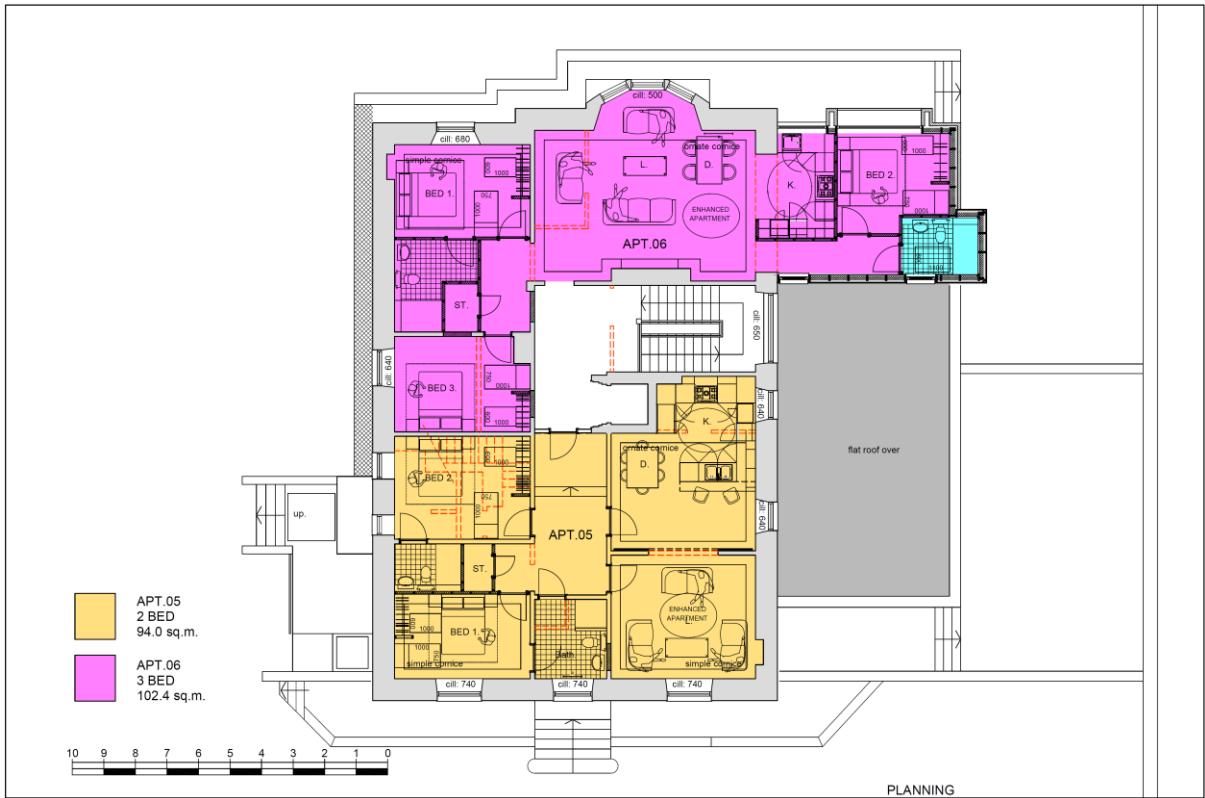
Existing First Floor Plan (Document 2g)



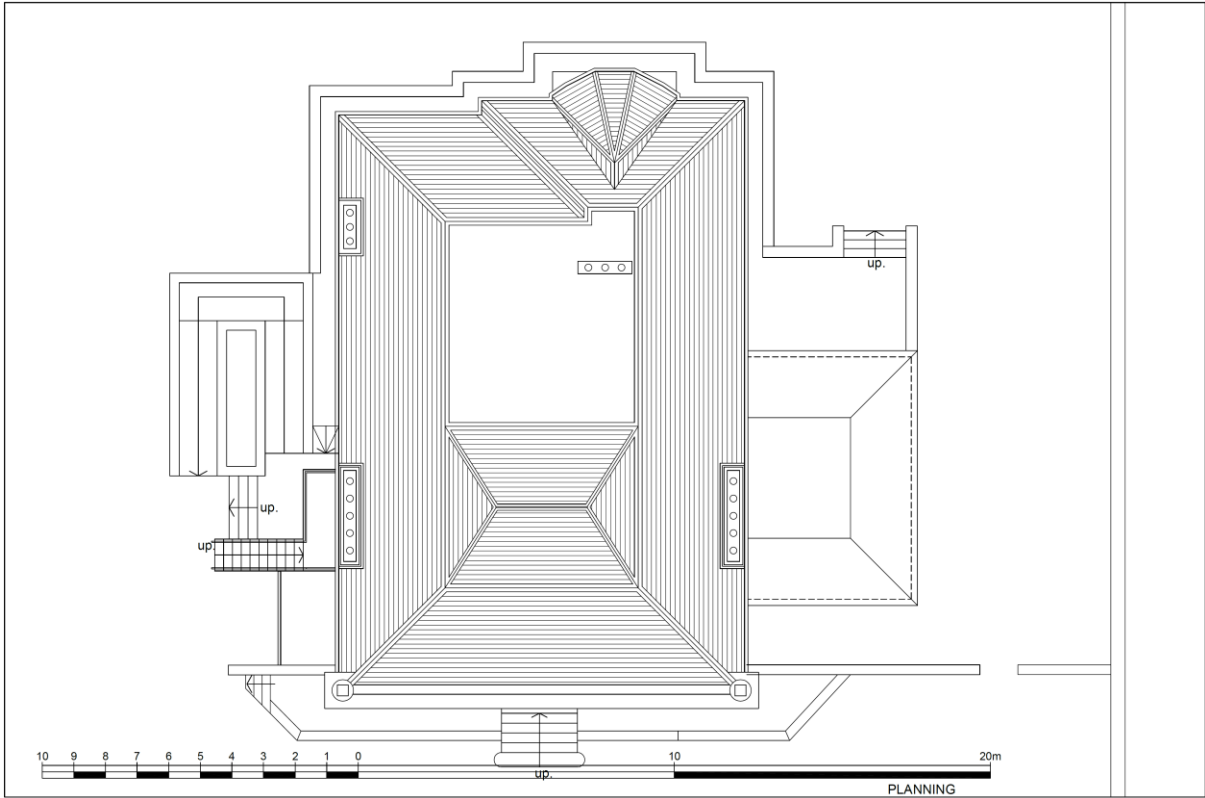
Proposed First Floor Plan (Document 2m)



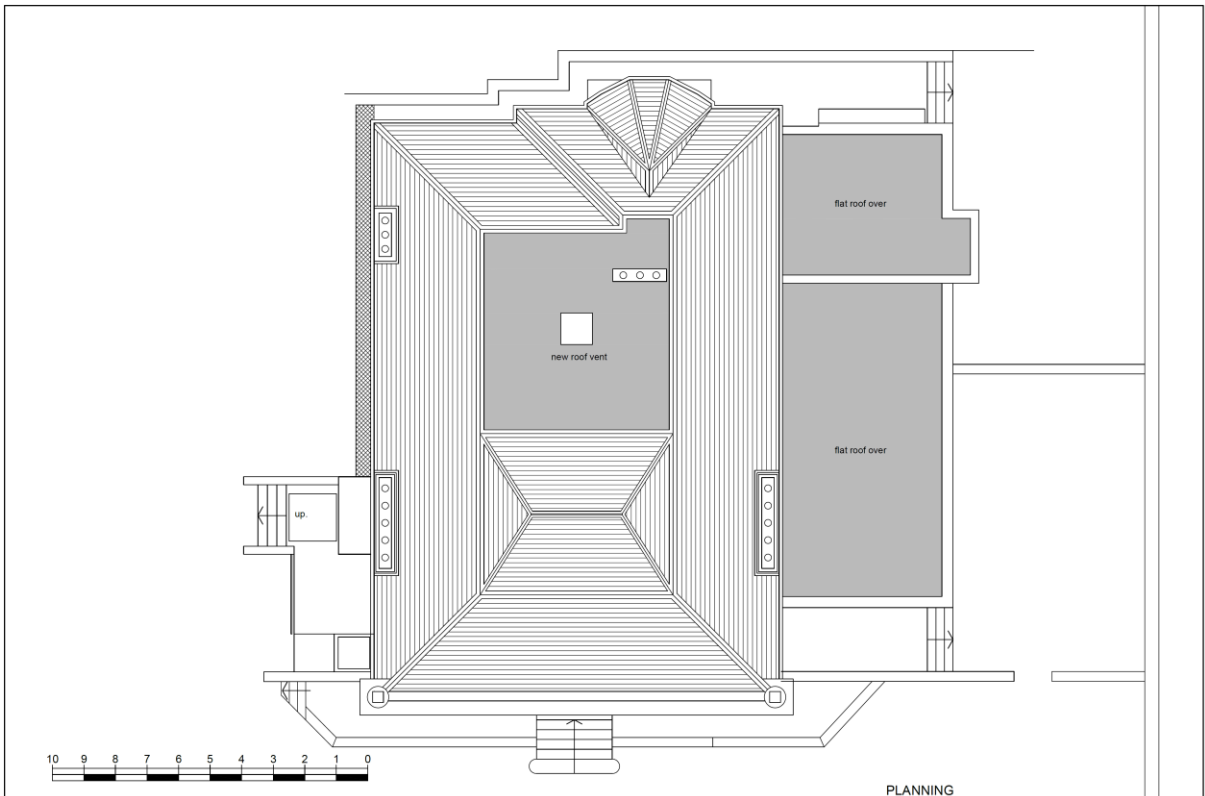
Existing Second Floor Plan (Document 2h)



Proposed Second Floor Plan (Document 2n)



Existing Roof Plan (Document 2i)



Proposed Roof Plan (Document 2o)



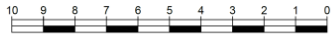
Existing Front Elevation (Document 2f)

1. Dressed buff sandstone block / cladding.
2. Vertical standing seam zinc cladding.
3. Ppc coated aluminium windows - anthracite grey.
4. Ppc coated aluminium windows and spandrel panels - anthracite grey.
5. Painted metal balustrade - anthracite grey.
6. New local stone boundary wall.



FRONT ELEVATION TO CHURCH HILL

REFER TO CGI Dwg No 23 / 24



Proposed Front Elevation (Document 2q)



Existing Rear Elevation (Document 2f)



Proposed Rear Elevation (Document 2r)



Existing Side Elevation – East (Document 2f)



Proposed Side Elevation – East (Document 2s)



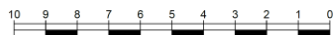
Existing Side Elevation – West (Document 2f)

- 1. Dressed buff sandstone block / cladding.
- 2. Vertical standing seam zinc cladding.
- 3. Ppc coated aluminium windows - anthracite grey.
- 4. Ppc coated aluminium windows and spandrel panels - anthracite grey.
- 5. Painted metal balustrade - anthracite grey.
- 6. New local stone boundary wall.



SIDE ELEVATION

REFER TO CGI Dwg No 23



PLANNING

Proposed Side Elevation – West (Document 2t)



Proposed Front Elevation – CGI (Document 2w)



Proposed Side Elevation – CGI (Document 2v)



Proposed Rear Elevation – CGI (Document 2u)

4. Assessment of Development Proposals

4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) (hereinafter referred to as ‘*The Act*’) states that:

‘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 development plan unless material considerations indicate otherwise.

As the application site contains a Listed Building and lies within a Conservation Area the decision maker is also required under the terms of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (hereinafter referred to as ‘*The LB & C Act*’) to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses; and under the terms of Section 64 of the LB & C Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

4.2 Within the context of Section 25 of the Planning Act referred to above it is worth referring to the House of Lord’s Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120. It sets out the following approach to deciding an application under the Planning Acts:

- *identify any provisions of the development plan which are relevant to the decision;*
- *interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;*
- *consider whether or not the proposal accords with the development plan;*
- *identify and consider relevant material considerations, for and against the proposal; and*
- *assess whether these considerations warrant a departure from the development plan.*

4.3 The relevant development plan for the area within which the application site lies comprises National Planning Framework 4 (NPF4) and the Edinburgh Local Development Plan 2016. Other material considerations which should be considered in the determination of the application, include, in addition to consultation responses and third party representations the following documents:

- Managing Change in the Historic Environment – Extensions (Historic Environment Scotland)
- Managing Change in the Historic Environment – Use and Adaption of Listed Buildings (Historic Environment Scotland)
- Merchiston and Greenhill Conservation Area Character Appraisal
- City of Edinburgh Council Non-Statutory Guidelines on Listed Buildings and Conservation Areas

Edinburgh Local Development Plan

4.4 The Edinburgh Local Development Plan was adopted by the City of Edinburgh Council in November 2016. The core aims of the plan are identified at paragraph 2.10 as follows:

- *encourage high quality, sustainable development which strengthens the city's economy and role as a capital city and enhances its economic competitiveness;*
- *promote the highest standards of architectural and urban design and encourage innovation;*
- *protect the built and natural heritage of the city and have special regard for the impact of new development on the World Heritage Site;*
- *make a substantial contribution to housing needs and provide as wide a range of housing as possible, including affordable provision, to help build better balanced, more sustainable communities;*
- *encourage shopping and other complementary facilities in locations convenient to serve residents, workers and visitors;*
- *encourage sustainable lifestyles and minimise the contribution that growth makes to climate change;*
- *ensure the provision of transport, educational and other necessary infrastructure to meet needs and encourage the provision of a wide range of leisure, recreational and visitor facilities in accessible locations; and*
- *ensure that the city's growth is inclusive and contributes to the needs and quality of life available to everyone.*



4.5 The Local Development Plan Proposals Map whilst showing no specific allocation for the application site (i.e. white land) confirms its location within the Merchiston and Greenhill Conservation Area. Policies within the local development plan, cited in the order that they appear in the plan, and against which the application proposals must be considered include the following:

- Policy Del 1 - Developer Contributions and Infrastructure Delivery
- Policy Des 1 - Design Quality and Context
- Policy Des 2 - Co-ordinated Development
- Policy Des 3 - Development Design - Incorporating and Enhancing Existing and Potential Features
- Policy Des 4 - Development Design – Impact on Setting
- Policy Des 5 - Development Design – Amenity
- Policy Des 6 - Sustainable Buildings
- Policy Des 7 - Layout Design
- Policy Des 8 - Public Realm and Landscape Design
- Policy Des 12 – Alterations and Extensions
- Policy Env 3 – Listed Buildings – Setting
- Policy Env 4 – Listed Buildings – Alterations and Extensions

- Policy Env 6 – Conservation Areas – Development
- Policy Env 12 - Trees
- Policy Env 16 - Species Protection
- Policy Env 21 – Flood Protection
- Policy Env 22 - Pollution and Air, Water and Soil Quality
- Policy Hou 1 – Housing Development
- Policy Hou 2 – Housing Mix
- Policy Hou 3 – Private Green Space in New Development
- Policy Hou 4 – Housing Density
- Policy Hou 5 – Conversion to Housing
- Policy Hou 6 – Affordable Housing
- Policy Hou 10 – Community Facilities
- Policy Tra1 – Location of Major Travel Generating Development
- Policy Tra2 – Private Car Parking
- Policy Tra3 – Private Cycle Parking
- Policy Tra 4 – Design of Off-Street Car and Cycle Parking
- Policy RS6 - Water and Drainage

4.6 Policy Del 1 on ‘*Developer Contributions and Infrastructure Delivery*’ states the following:

1. *Proposals will be required to contribute to the following infrastructure provision where relevant and necessary to mitigate* any negative additional impact (either on an individual or cumulative basis) and where commensurate to the scale of the proposed development:*
 - a) *The strategic infrastructure from SDP Fig. 2, the transport proposals and safeguards from Table 9 including the existing and proposed tram network, other transport interventions as specified in Part 1 Section 5 of the Plan and to accord with Policy Tra 8. Contribution zones will apply to address cumulative impacts.*
 - b) *Education provision including the new school proposals from Table 5 and the potential school extensions as indicated in Part 1 Section 5 of the Plan. Contribution zones will apply to address cumulative impact.*
 - c) *Green space actions if required by Policy Hou 3, Env 18, 19 or 20. Contribution zones may be established where provision is relevant to more than one site.*
 - d) *Public realm and other pedestrian and cycle actions, where identified in the Council’s public realm strategy, or as a site-specific action. Contribution zones may be established where provision is relevant to more than one site.*
2. *Development should only progress subject to sufficient infrastructure already being available or where it is demonstrated that it can be delivered at the appropriate time. In order to provide further detail on the approach to implementation of this policy and to provide the basis for future action programmes Supplementary Guidance will be prepared to provide guidance including on:*
 - a) *The required infrastructure in relation to specific sites and/or areas*
 - b) *Approach to the timely delivery of the required infrastructure*
 - c) *Assessment of developer contributions and arrangements for the efficient conclusion of legal agreements*

- d) *The thresholds that may apply*
- e) *Mapping of the cumulative contribution zones relative to specific transport, education, public realm and green space actions.*
- f) *The Council's approach should the required contributions raise demonstrable commercial viability constraints and/or where forward or gap funding may be required.'*

4.7 Our client has no difficulty with the principle of making contributions towards any infrastructure requirements which arise as a result of the direct impacts of the proposals but only where any such requests are entirely compliant with the terms of and tests outlined in Scottish Government Circular 3/2012 on 'Planning Obligations and Good Neighbour Agreements.' We are unaware of any such contributions that could be legitimately applied in this instance.

Planning Obligations and Good Neighbour Agreements

Circular 3/2012



4.8 Policy Des 1 on 'Design Quality and Context' states the following:

'Planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.'

4.9 As far as 'Design Quality and Context' are concerned it is appropriate at this juncture to refer to a number of other material considerations referred to earlier including the following documents:

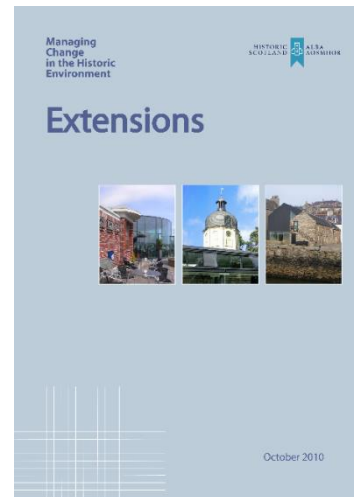
- Managing Change in the Historic Environment – Extensions (Historic Environment Scotland)
- Merchiston and Greenhill Conservation Area Character Appraisal
- City of Edinburgh Council Non-Statutory Guidelines on Listed Buildings and Conservation Areas

Managing Change in the Historic Environment – Extensions

4.10 This Guidance Note (See **Document 7**) published by Historic Environment Scotland in October 2010 sets out the principles that apply to extending historic buildings and is one of a series of guidance notes on managing change in the historic environment for use by planning authorities and other interested parties. The following basic principles are laid out within the document:

- *An addition or extension should play a subordinate role. It should not dominate the original building as a result of its scale, materials or location, and should not overlay principal elevations.*

- *Where an extension is built beside a principal elevation it should generally be lower than, and set back behind, that facade.*
- *An extension that would unbalance a symmetrical elevation and threaten the original design concept should be avoided.*
- *An extension should be modestly scaled and skillfully sited.*
- *Fire escape routes may be internal wherever space can be created without damaging important interior work. Where an external escape stair is necessary, it should be located as reversibly and inconspicuously as possible, and not on principal elevations.*



4.11 The Planning Officer in his Report of Handling has advanced the view that the scale, size and height of the extension proposed would unbalance the symmetrical design of the front facing principal elevation, and rear elevation by being overly dominant. He highlights the symmetry of both the front and rear elevation as key components of the buildings listing and that the proposed three storey element of the extension would result in a detrimental impact on the special architectural interest of the listed building.

4.12 We disagree with the Planning Officer’s views on this matter and would wish to respond within the context of the two elevations referred to:

Front Elevation – The front elevation of the property facing Church Hill, is without question the building’s principal elevation and recognised as such in the design proposal advanced. Our client’s agent/architect has carefully and skilfully sited/set back the three storey element of the extension to the rear of the building with its roof line sitting just below the eaves level of the existing building. It clearly plays, in our opinion, a subordinate role to the existing building and does not dominate the original as a result of its scale, materials or location on the site. Whilst the front elevation of the building is undoubtedly of symmetrical character the magnitude of the extension’s set back is such that the symmetry of the building is not detrimentally affected, particularly in the key and very limited views from Church Hill as evidenced in the photomontages submitted with the application.

The contemporary design and choice of modern materials are considered to complement the existing building and are entirely legible, distinguishable and reflective of the current period and works undertaken to and in other buildings in the general vicinity (See **Document 2x**).



Rear Elevation – The rear elevation of the existing building is not, as implied in the Planning Officer’s Report of Handling, symmetrical in nature. It is considered to be of lesser architectural quality and composition and not one of its defining qualities, that being the position reserved to the front principal elevation. Notwithstanding this, the extension proposed has also been set back from the rear elevation which in combination with its lesser height ensures that it plays a subordinate role in connection with it. It has been noted with interest that six of the eight owners/occupiers of the properties at Chartwell House to the rear of the site have submitted a letter in support of the proposals to the Planning Officer (See **Document 6**).



- 4.13 The Planning Officer claims on Page 4 of his Report of Handling on the related application for listed building consent (See **Document 14**), that Historic Environment Scotland (HES) advised in its consultation response that ‘*the extension would benefit from being reduced in overall height to a single storey, in order to achieve a more subsidiary appearance in the context of the setting of the listed building.*’ The Planning Officer appears to us to have misinterpreted the comments contained in the consultation response provided by HES (See **Document 5**) which has actually stated the following, insofar as the external alterations are concerned:

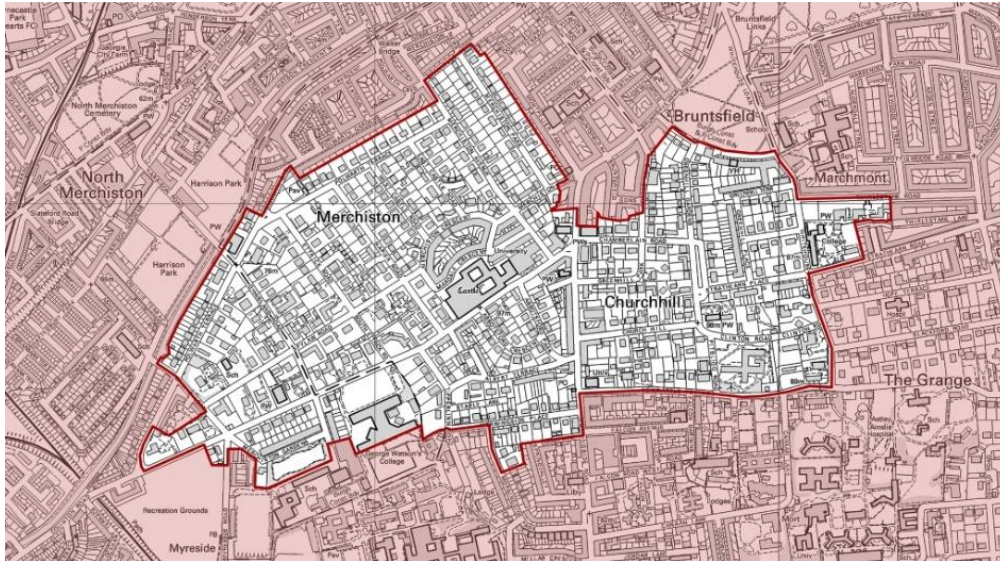
*‘Although we consider the materiality, form, scale and siting of the proposed extension **broadly acceptable**, it **might** benefit from being reduced by one storey (to achieve a more subsidiary appearance), and perhaps even with consideration for two mirrored single-storey extensions to either side of the listed building instead. In our view this would better preserve the house’s symmetrical design, as seen from the principal, street-facing elevation.’ (highlighting added)*

- 4.14 It is important to note from the consultation response extract referred to that Historic Environment Scotland considered the proposed extension to be ‘*broadly acceptable.*’ The consultation response does not state that the extension as proposed would have a detrimental impact on the special architectural or historic interest of the listed building and furthermore they have not objected to the application. Significantly, the consultation response acknowledges that the extension is subsidiary/subordinate in its appearance to the existing building thus complying with the requirement contained in Managing Change – Extensions Guidance Note for ‘*an addition or extension should play a subordinate role.*’ Whilst the suggested changes to the design provided by HES in its response are noted and would result in an extension which would be more subsidiary/subordinate in appearance due to its lesser height, we do not consider, as noted previously, that the extension as proposed will have a detrimental impact on the front, principal, street facing elevation as viewed from Church Hill.

- 4.15 Based on our consideration of Historic Environment Scotland’s Guidance on Managing the Historic Environment in relation to Extensions we do not consider that they support the Council’s views that the extension and alterations as proposed, to facilitate the change of use of the property from nursing/care home use to residential use, will have a detrimental impact on the special architectural or historical character of the building and have no reason to believe or consider that Historic Environment Scotland would de-list or down grade the existing listing from a Category ‘B’ to a Category ‘C’ building were the works as proposed in the current application/appeal to proceed.

Merchiston and Greenhill Conservation Area Character Appraisal

- 4.16 The application site, as noted previously, lies within the Merchiston and Greenhill Conservation Area which was originally designated in May 1986 with the boundaries further extended in March 1996. According to the Appraisal Document *‘the character of the Merchiston and Greenhill Conservation Area is dominated by Victorian villas interspersed with substantial terraces of outstanding quality. The buildings are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.’*



Merchiston and Greenhill Conservation Area

- 4.17 Insofar as alterations and extensions to buildings within the conservation area is concerned, the Character Appraisal states the following:

‘Proposals for the alteration or extension of properties in the Conservation Area will normally be acceptable where they are sensitive to the existing building, in keeping with the character and appearance of the particular area and do not prejudice the amenities of adjacent properties. Extensions should be subservient to the building, of an appropriate scale, use appropriate materials and should normally be located on the rear elevations of a property. Very careful consideration will be required for alterations and extensions affecting the roof of a property, as these may be particularly detrimental to the character and appearance of the Conservation Area.’

- 4.18 As the proposed extension to the building to facilitate its change of use from a redundant care/nursing home to six residential apartments is not considered detrimental to its architectural or historical character, we do not, in similar vein and for the same reasons, consider that they will have an adverse effect on the character and appearance of the Merchiston and Greenhill Conservation Area. The existing building, due to the setback, scale and height of the extension proposed and the extremely limited area of visual influence associated with it will allow it retain its identity as a standalone villa in keeping with the character of the wider area. As already noted in the application submission (See **Document 2x**) there have been a number of other modern buildings and extensions already erected within the Conservation Area which have

preserved that prevailing character. There is no reason to believe why the extension proposed by our client will not do the same.



Extensions permitted on other buildings within Conservation Area

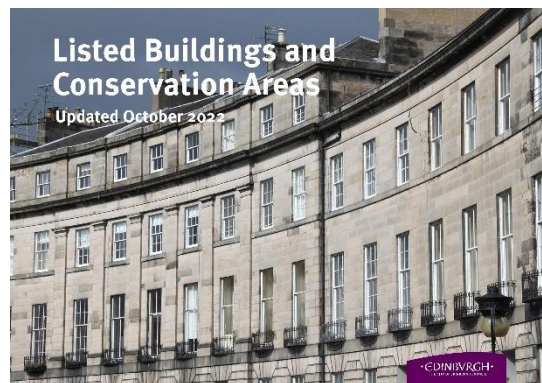
City of Edinburgh Council Non-Statutory Guidelines on Listed Buildings and Conservation Areas

4.19 The Council's Guidance on *'Listed Buildings and Conservation Areas (Updated October 2022)'* (See **Document 13**) provides information on repairing, altering or extending listed buildings and unlisted buildings in conservation areas. The Guidance states the following under the sub-heading *'Subdivision'* on Page 19:

4.20 As far as *'Additions and Extensions'* are concerned, the Guidance states, inter-alia the following:

'It is usually acceptable for an addition to be different and distinguishable from the existing building, in terms of design. The use of high-quality materials which complement the main building will be required.'

In other circumstances it may be appropriate to match the new work to the existing, in which case the new materials should be carefully matched. The visual separation of extensions is encouraged. In the case of side extensions, they should be set back from the facade and be of a scale that does not affect the overall architectural composition. The effect of any addition on a symmetrical composition will be particularly important.



Encouragement will be given to the removal of inappropriate additions which are of inferior quality and which detract from the listed building. Where there is an existing extension of historic or architectural interest, such as a conservatory or outshot, this should be restored or repaired, rather than replaced.'

4.21 Once again, for reasons previously mentioned under our assessment of Guidance Notes published by Historic Environment Scotland on Managing Change in the Historic Environment (Extensions) and the City of Edinburgh Council's Conservation Area Appraisal for the Merchiston and Greenhill Conservation Area we are of the opinion that the extension to and alterations proposed to the existing building will not affect the architectural or historical

character of its status as a Category 'B' Listed Building and will not have an adverse effect on the character or appearance of the Conservation Area. As a consequence of such considerations *the proposal at appeal is not considered to be in conflict with the terms of Policy Des 1 on 'Design Quality and Context.'*

4.22 Policy Des 2 on 'Co-ordinated Development' states the following:

'Planning permission will be granted for development which will not compromise:

- a) the effective development of adjacent land; or*
- b) the comprehensive development and regeneration of a wider area as provided for in a master plan, strategy or development brief approved by the Council.'*

4.23 The application proposals will not compromise the future development of adjacent or adjoining lands.

4.24 Policy Des 3 on 'Development Design - Incorporating and Enhancing Existing and Potential Features' states the following:

'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.'

4.25 The key feature within the application is the existing Category 'B' Listed Building. As noted in our response to Policy Des 1 on 'Design Quality and Context,' the integrity, character and appearance of that building will not be compromised such as would impact adversely on its special architectural or historical character or on its status or position within the Merchiston and Greenhill Conservation Area.

4.26 Policy Des 4 on 'Development Design – Impact on Setting' states the following:

'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, including the spaces between buildings*
- c) position of buildings and other features on the site*
- d) materials and detailing'*

4.27 The responses made to Policies Des1 are equally applicable to Policy Des 4.

4.28 Policy Des 5 on 'Development Design – Amenity' states the following:

'Planning permission will be granted for development where it is demonstrated that:

- a) the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight,*

- sunlight, privacy or immediate outlook*
- b) *the design will facilitate adaptability in the future to the needs of different occupiers, and in appropriate locations will promote opportunities for mixed uses*
- c) *community security will be promoted by providing active frontages to more important thoroughfares and designing for natural surveillance over all footpaths and open areas*
- d) *a clear distinction is made between public and private spaces, with the latter provided in enclosed or defensible forms*
- e) *refuse and recycling facilities, cycle storage, low and zero carbon technology, telecommunications equipment, plant and services have been sensitively integrated into the design.*



4.29 The amenity of neighbouring developments will not be adversely affected because of the development proposals. The Edinburgh Design Guidance (EDG) (See **Document 15**) sets out minimum standards for appropriate daylight, overshadowing and privacy/outlook; all of which the application proposals comply with.

Daylight/Sunlight - The Design Guidance refers to the need for different spaces having different sunlight requirements but in general requires half the area of gardens to be capable of receiving sunlight for more than two hours during the spring equinox (21st March). These requirements are met on site and in any event the application proposals involve the conversion and extension of an existing property. Whilst the trees to be retained on site will impact on light available to external areas, the size of those areas is such that an overall adequate living environment will be achieved with no excessive shading in place.

Whilst some of the windows in the residential units proposed are to be positioned near retained trees which will reduce, to a degree, the amount of light entering certain rooms, the number of window openings incorporated in tandem with the size of the rooms will ensure that adequate levels of daylight will be achieved internally.

Garden Space – Policy Hou 3 of the Council’s Local Development Plan requires communal open space provision of 10 sq. metres per unit proposed. The scheme as presented in the application suggested that three of the apartments proposed be provided with areas of private open space measuring 67 sq. metres (Apartment 1), 153 sq. metres (Apartment 2) and 238 sq. metres (Apartment 4) with no such space (private or communal) provided to Apartments 3, 5 and 6. Whilst these are our client’s preferred arrangements, should that not be acceptable there are two other options as noted below, either of which could be secured through the imposition of a condition on any permission granted:

- (i) Private amenity areas could be provided as proposed to Apartments 1 and 2 with Apartments 3-6 given the rights to the amenity area to the north (front) of the building; or

- (ii) All of the amenity areas could be made communal and therefore accessible to each of the six apartments proposed.

Overlooking/Privacy – A separation distance of c.8.9 metres exists between the proposed two storey extension on the western boundary with the closest neighbouring residential property at Church Hill. As there are no windows proposed on the upper levels of the western elevation of the proposed extension combined with the favourable orientation of the neighbouring property, the existence of the boundary wall and presence of the trees, there would be no detrimental impact on the amenity of occupiers of 2 Church Hill by way of overlooking or unacceptable loss of daylight/sunlight.

To the south there would be a separation distance of c. 26.7 metres from the south facing elevation of the proposed two storey extension to the closest neighbouring residential properties at Chartwell House. As a consequence, no detrimental impact would occur.

To the east there would be a separation distance of 15.5 metres from the existing east facing elevation to the closest neighbouring residential properties at 4 & 5 Church Hill Drive. Given the existing stone boundary wall between the properties, the extent of tree cover and the established use of the property as a care home there would be no detriment to the amenity of the existing properties.

4.30 In light of the considerations outlined above, with specific reference to daylight/sunlight, garden space and overlooking/privacy considerations, the application proposals will not result in an adverse effect on amenity levels enjoyed by neighbouring property owners – a consideration reflected by the lack of objections to the application from any of the properties referred to. The scheme advanced will also provide for high internal and external amenity standards in all of the apartments proposed resulting in high quality residential products in an inherently sustainable location.

4.31 Policy Des 6 on ‘*Sustainable Buildings*’ states the following:

‘Planning permission will only be granted for new development where it has been demonstrated that:

- a) *the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low and zero carbon generating technologies.*
- b) *other features are incorporated that will reduce or minimise environmental resource use and impact, for example:*
 - i. *measures to promote water conservation*
 - ii. *sustainable urban drainage measures that will ensure that there will be no increase in rate of surface water run-off in peak conditions or detrimental impact on the water environment. This should include green roofs on sites where measures on the ground are not practical*
 - iii. *provision of facilities for the separate collection of dry recyclable waste and food waste*
 - iv. *maximum use of materials from local and/or sustainable sources*

- v. *measures to support and encourage the use of sustainable transport, particularly cycling, including cycle parking and other supporting facilities such as showers.*

4.32 The scheme has been produced with a focus on sustainability credentials to ensure that the layout and design meet the needs and expectations of the Scottish Government in reducing carbon footprints and optimising resources. The new properties will benefit from high specification heating systems, boilers and materials to ensure that they achieve the relevant criteria for carbon reduction. The development will be supported by drainage proposals which will comply with the principles of sustainable urban drainage. Refuse collection areas are provided for at the entrance to the site with appropriate recycling opportunities contained within that. The external materials proposed are widely available locally and considered appropriate for a development of this type and in this location. It is likely that detailed material specification will be subject to planning condition and submission of samples to the local authority in the event of planning permission being granted. Finally, the development is close and accessible to local amenities and the existing road and public transport network and as a consequence of this provides an opportunity to create a new truly sustainable residential development.

4.33 Policy Des 7 on ‘*Layout and Design*,’ states the following:

‘Planning permission will be granted for development where:

- a) *a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces, services and SUDS features has been taken*
- b) *new streets within developments are direct and connected with other networks to ensure ease of access to local centres and public transport and new public or focal spaces are created where they will serve a purpose*
- c) *the layout will encourage walking and cycling, cater for the requirements of public transport if required and incorporate design features which will restrict traffic speeds to an appropriate level and minimise potential conflict between pedestrians, cyclists and motorised traffic*
- d) *car and cycle parking areas and pedestrian and cycle paths are overlooked by surrounding properties*
- e) *safe and convenient access and movement in and around the development will be promoted, having regard especially to the needs of people with limited mobility or special needs*
- f) *public open spaces and pedestrian and cycle routes are connected with the wider pedestrian and cycle network including any off-road pedestrian and cycle routes where the opportunity exists.*

4.34 The proposed development is served by an existing access off Church Hill which in turn provides effective linkages to other parts of the road, footpath and cycle network serving the wider area.

4.35 Policy DES 8 on ‘*Public Realm and Landscape Design*’ states the following:

‘Planning permission will be granted for development where all external spaces, and features, including streets, footpaths, civic spaces, green spaces boundary treatments and public art have been designed as an integral part of the scheme as a whole, and it has been demonstrated that:

- a) the design and the materials to be used are appropriate for their intended purpose, to the use and character of the area generally, especially where this has a special interest or importance*
- b) the different elements of paving, landscaping and street furniture are coordinated to avoid a sense of clutter, and in larger schemes design and provision will be coordinated over different phases of a development*
- c) particular consideration has been given, if appropriate, to the planting of trees to provide a setting for buildings, boundaries and road sides and create a robust landscape structure*
- d) a satisfactory scheme of maintenance will be put in place.*

4.36 The application proposals provide for the sympathetic treatment of all external areas within the site which will contribute significantly to the character and appearance of the area through the creation of attractive open space and landscaped areas.

4.37 Policy Des12 on ‘*Alterations and Extensions*’ states the following:

‘Planning permission will be granted for alterations and extensions to existing buildings which:

- (a) in their design and form, choice of materials and positioning are compatible with the character of the existing building;*
- (b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties*
- (c) will not be detrimental to neighbourhood amenity and character.’*

4.38 As noted under our assessment of Policy Des 1 on ‘*Design Quality and Context*’ and Policy Des 5 – ‘*Development Design – Amenity*,’ the extension proposed to facilitate the conversion of the property from a care/nursing home to six residential apartments is compatible with the character and appearance of the existing building; will not result in an unreasonable loss of privacy or natural light to neighbouring properties; and will not be detrimental to neighbourhood amenity or character. It therefore accords with the requirements of Policy Des 12.

4.39 Policy Env 3 on ‘*Listed Buildings – Setting*’; Policy 4 on ‘*Listed Buildings – Alterations and Extensions*’; and Policy Env 6 on ‘*Conservation Areas - Development*,’ state the following:

‘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.’ (Policy Env 3)

‘Proposals to alter or extend a listed building will be permitted where

- (a) those alterations or extensions are justified;*

- (b) *there will be no unnecessary damage to historic structures or diminution of its interest; and*
- (c) *where any additions are in keeping with other parts of the building.* (Policy Env 4)

Development within a conservation area or affecting its setting will be permitted which:

- (a) *preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal;*
- (b) *preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area; and*
- (c) *demonstrates high standards of design and utilises materials appropriate to the historic environment.*

Planning applications should be submitted in a sufficiently detailed form for the effect of the development proposal on the character and appearance of the area to be assessed. (Policy Env 6)

4.40 As outlined in our response to Policy Des 1 on ‘*Design Quality and Context*’ and to Policy Env 12 on ‘*Trees*’ below, the extension proposed will not result in a detrimental impact on the architectural character, appearance or historic interest of the building, or on its setting. In a similar vein the extension will not result in an adverse effect on the character and appearance of the Conservation Area. Insofar as trees are concerned, the accompanying Arboricultural Impact Assessment (See **Document 2y**) recommends the felling of one tree to the rear of the site (T8) and the pruning of two trees (T10 & T11) at the front of the site. The latter works are recommended irrespective of the development proposed. It is not considered that the felling of the single tree suggested given its location to the rear of the site and notwithstanding its Category B status, would impact adversely on the character or appearance of either the site or the Conservation Area.

4.41 Policy Env 12 on ‘*Trees*’ states the following:

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. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

4.42 As noted above, the Arboricultural Impact Assessment submitted with the application recommends the felling of one tree (T8 – Category B - Lawson Cypress) at the rear of the site and the pruning of two trees (T10 and T11 – Category B - Common Lime & Whitebeam) at the front of the site. The felling of the tree referred to is to facilitate the construction of a new boundary wall whereas the pruning works recommended are unrelated to any development works proposed. Whilst unfortunate that the proposal necessitates the felling of a single tree, it is not considered that it will have a significant impact on the character or appearance of the Conservation Area. Our client is willing to undertake replacement plant elsewhere on the site in compensation of the tree lost if required.



4.43 Policy E16 on ‘*Species Protection*’ states the following:

‘Planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law, unless:

- a) there is an overriding public need for the development and it is demonstrated that there is no alternative*
- b) a full survey has been carried out of the current status of the species and its use of the site*
- c) there would be no detriment to the maintenance of the species at ‘favourable conservation status*’*
- d) suitable mitigation is proposed.’*

4.44 The application proposals will not have an adverse effect on any species protected by European or UK Law.

4.45 Policy Env 21 on ‘*Flood Protection*’ states the following:

‘Planning permission will not be granted for development that would:

- (a) increase a flood risk or be at risk of flooding itself*
- (b) impede the flow of flood water or deprive a river system of flood water storage within the areas shown on the Proposals Map as areas of importance for flood management*
- (c) be prejudicial to existing or planned flood defence systems.’*

4.46 The applications will have little or no impact on flooding/surface water considerations pertaining to the area within which the site is located. The proposals result in a very marginal increase to the area of hard standing existing.

4.47 Policy Env 22 on ‘*Pollution and Air, Water and Soil Quality*’ states the following:

‘Planning permission will only be granted for development where:

- a) there will be no significant adverse effects for health, the environment and amenity and either*
- b) there will be no significant adverse effects on: air, and soil quality; the quality of the water environment; or on ground stability*
- c) appropriate mitigation to minimise any adverse effects can be provided.’*

4.48 We are unaware of any constraints preventing the development of the site for any of the reasons referred to in Policy Env 22 above.

4.49 Policy on Hou1 on ‘*Housing Development*’ states the following:

‘1 Priority will be given to the delivery of the housing land supply and the relevant infrastructure as detailed in Part 1 Section 5 of the Plan including:*

- a) *sites allocated in this plan through tables 3 and 4 and as shown on the proposals map*
- b) *as part of business led mixed use proposal at Edinburgh Park/South Gyle*
- c) *as part of the mixed use regeneration proposals at Edinburgh Waterfront (Proposals EW1a-EW1c and EW2a-2d and in the City Centre)*
- d) *on other suitable sites in the urban area, provided proposals are compatible with other policies in the plan*

2 *Where a deficit in the maintenance of the five year housing land supply is identified (as evidenced through the housing land audit) greenfield/greenbelt housing proposals may be granted planning permission where:*

- a) *The development will be in keeping with the character of the settlement and the local area*
- b) *The development will not undermine green belt objectives*
- c) *Any additional infrastructure required* as a result of the development and to take account of its cumulative impact, including cross boundary impacts, is either available or can be provided at the appropriate time.*
- d) *The site is effective or capable of becoming effective in the relevant timeframe.*
- e) *The proposal contributes to the principles of sustainable development.*

** This should be addressed in the context of Policy Del 1, Tra 8 and the associated Supplementary Guidance.'*

4.50 The application proposals will result in the development of six new residential units through the conversion of and extension to an existing building located within the settlement boundary where the principle of residential development is acceptable.

4.51 Policy Hou 2 on '*Housing Mix*' states the following:

'The Council will seek the provision of a mix of house types and sizes where practical, to meet a range of housing needs, including those of families, older people and people with special needs, and having regard to the character of the surrounding area and its accessibility.'

4.52 The application proposals provide for a mix of two- and three-bedroom properties of varying sizes and will therefore contribute to the mix of available properties in this part of the city.

4.53 Policy Hou 3 on '*Private Green Space*' in Housing Development states the following:

'Planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents.'

- a) *In flatted or mixed housing/flatted developments where communal provision will be necessary, this will be based on a standard of 10 square metres per flat (excluding any units which are to be provided with private gardens). A minimum of 20% of total site area should be useable greenspace.*

b) For housing developments with private gardens, a contribution towards the greenspace network will be negotiated if appropriate, having regard to the scale of development proposed and the opportunities of the site.'

4.54 As noted previously in our assessment of Policy Des 5 on '*Development Design – Amenity*, ' the scheme as presented in the application suggested that three of the apartments proposed be provided with areas of private open space measuring 67 sq. metres (Apartment 1), 153 sq. metres (Apartment 2) and 238 sq. metres (Apartment 3) with no such space (private or communal) provided to Apartments 3, 5 and 6. Whilst apartments 3, 5 and 6 will not have access to amenity space on site such a scenario is very common with proposals in the City involving the conversion of existing buildings. Whilst these are our client's preferred arrangements, should that not be acceptable, there are two other options, as noted below, either of which could be secured through the imposition of a condition on any permission granted:

- (a) Private amenity areas could be provided as proposed to Apartments 1 and 2 with Apartments 3-6 given the rights to the amenity area to the north (front) of the building; or
- (b) All of the amenity areas could be made communal and therefore accessible to each of the six apartments proposed.

4.55 Policy Hou 4 on '*Housing Density*' states the following:

'The Council will seek an appropriate density of development on each site having regard to:

- a) its characteristics and those of the surrounding area*
- b) the need to create an attractive residential environment and safeguard living conditions within the development*
- c) the accessibility of the site includes access to public transport*
- d) the need to encourage and support the provision of local facilities necessary to high quality urban living.*

Higher densities will be appropriate within the City Centre and other areas where a good level of public transport accessibility exists or is to be provided. In established residential areas, proposals will not be permitted which would result in unacceptable damage to local character, environmental quality or residential amenity.'

4.56 The application proposals, as noted previously, involve the extension to and conversion of a former care/nursing home property to residential use in a highly sustainable location in close proximity to existing facilities and services (including access to bus based public transport facilities) within the Local Centre at Morningside. The alterations and extension to facilitate the change of use are respectful to the character and appearance of the surrounding area. The apartments can be provided with sufficient levels of open space and other supporting facilities (e.g. car parking) to facilitate high quality urban living.



Site lies within easy walking distance of Morningside Local Centre

4.57 Policy Hou 5 on ‘Conversion to Housing’ states that:

‘Planning permission will be granted for the change of use of existing buildings in non-residential use to housing, provided:

- a) a satisfactory residential environment can be achieved*
- b) housing would be compatible with nearby uses*
- c) appropriate open space, amenity and car and cycle parking standards are met*
- d) the change of use is acceptable having regard to other policies in this plan including those that seek to safeguard or provide for important or vulnerable uses.’*

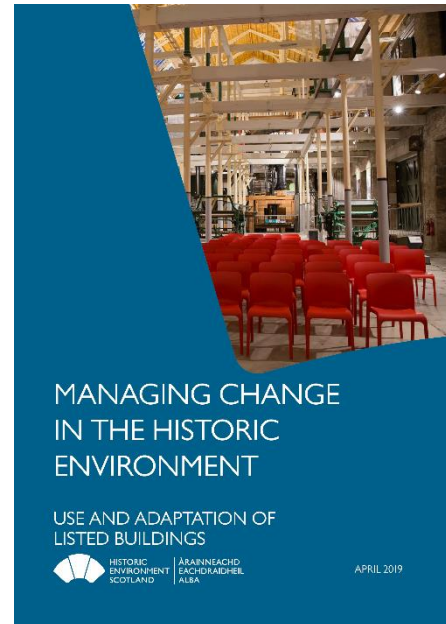
4.58 It is evidently clear that the application proposals will provide a high-quality residential development compatible with surrounding uses. The scheme can be provided with generous and attractive areas of open space which can be made available to all residents. Car and cycle parking requirements are also met. The Use and Adaptation of Listed Buildings Guidance Note produced by Historic Environment Scotland as part of its Managing Change series is an important consideration is assessing the appropriateness of converting the building to residential use.

Managing Change in the Historic Environment – Use and Adaption of Listed Buildings

4.60 The Guidance Note sets out, inter-alia, the key messages to be applied in the Use and Adaptation of Listed Buildings which are as noted below:

1. *The listed buildings in Scotland reflect a wide range of our history and culture. They celebrate the diversity of our communities at every level, showing national, regional and local distinctiveness. They contribute to our well-being culturally, socially and economically. We can’t have these benefits without caring for these buildings. We need to make sure they have a long term future if we want to benefit from in them in the long-term.*

2. *A listed building can't be replaced once it's gone. Demolishing a listed building is always a loss. It is a last resort when every other option has been explored. The best way to protect our buildings is usually to keep them in use – and if that isn't possible, to find a new use that has the least possible effect on the things that make the building special.*
3. *Decisions about listed buildings should always focus on the qualities that make them important – their special interest . Lots of things can contribute to a building's special interest, but the key factor when we're thinking about making changes will be its overall historic character.*
4. *For a building to stay in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect of them. This should always be considered carefully and avoid harming the building's special interest. A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm.*
5. *Alterations to a building, even if they are extensive, will be better than losing the building entirely. If the only way to save a building is a radical intervention, we have to avoid being too cautious when we look at the options. If a building might be totally lost, we should be open to all the options to save it.*
6. *Keeping a listed building in use has wider benefits. Listed buildings contribute to their wider surroundings and community. They can influence proposals for new development, and inspire positive change. They teach us about what people value in the places they live, work, and spend time in, and so they help us to build successful places.'*



4.61 The proposed change of use of the application building from a nursing/care home to the residential apartments proposed will safeguard its long-term future and in the process contribute to the supply of much needed residential accommodation particularly in such a sustainable location as Church Hill. As noted above and below we are very firmly of the opinion that the proposed extension, alterations and conversion of the property to facilitate such a use will be undertaken sympathetically and without adverse impact on the special architectural or historic interests of the property concerned. Externally the proposed extension, which will be barely visible to public view from Church Hill has been set back from the principal elevation of the building and is subordinate in scale and height to the main building. Internally the building has been adversely impacted as a consequence of earlier interventions. The further internal alterations now proposed are essential to facilitate the conversion of the building to residential use and do not harm the building's special interest, which we have noted from the statutory description was listed in 1993 in the absence of an internal inspection.

4.62 Policy Hou 6 on ‘*affordable housing*’ states the following:

‘Planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. For proposals of 20 or more dwellings, the provision should normally be on-site. Whenever practical, the affordable housing should be integrated with the market housing.’

4.63 As the scheme proposed involves the creation of six residential units only there is no requirement to provide affordable housing in association with it.

4.64 Policy Hou 10 on ‘*Community Facilities*’ states the following:

‘Planning permission for housing development will only be granted where there are associated proposals to provide any necessary health and other community facilities relative to the impact and scale of development proposed. Development involving the loss of valuable health or other community facilities will not be allowed, unless appropriate alternative provision is to be made.’

4.65 The application proposals will not pose unnecessary or unmanageable demands on existing community facilities in the area.

4.66 Policy Tra 1 on ‘*Location of Major Traffic Generating Development*’ states the following:

‘Planning permission for major development which would generate significant travel demand will be permitted on suitable sites in the City Centre. Where a non-City Centre site is proposed, the suitability of a proposal will be assessed having regard to:

- a) the accessibility of the site by modes other than the car*
- b) the contribution the proposal makes to Local Transport Strategy objectives and the effect on targets in respect of overall travel patterns and car use*
- c) impact of any travel demand generated by the new development on the existing road and public transport networks.*



In general, applicants should demonstrate that the location proposed is suitable with regard to access by walking, cycling and public transport and that measures will be taken to mitigate any adverse effects on networks and bring accessibility by and use of non-car modes up to acceptable levels if necessary.’

4.67 The application site which is located approximately 100 metres to the east of Morningside Road (A702 - Public Transport Corridor) site is readily accessible by a choice of modes of transport (walking, cycling and public transport). Given the small scale nature of the development traffic generated will have a negligible impact on the surrounding road and junction network.

4.68 Policy Tra2 on ‘*Private Car Parking*’ states the following:

‘Planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance. Lower provision will be pursued subject to consideration of the following factors:

- a) whether, in the case of non-residential developments, the applicant has demonstrated through a travel plan that practical measures can be undertaken to significantly reduce the use of private cars to travel to and from the site*
- b) whether there will be any adverse impact on the amenity of neighbouring occupiers, particularly residential occupiers through on-street parking around the site and whether any adverse impacts can be mitigated through control of on-street parking*
- c) the accessibility of the site to public transport stops on routes well served by public transport, and to shops, schools and centres of employment by foot, cycle and public transport*
- d) the availability of existing off-street parking spaces that could adequately cater for the proposed development*
- e) whether the characteristics of the proposed use are such that car ownership and use by potential occupiers will be low, such as purpose-built sheltered or student housing and ‘car free’ or ‘car reduced’ housing developments and others providing car sharing arrangements*
- f) whether complementary measures can be put in place to make it more convenient for residents not to own a car, for example car sharing or pooling arrangements, including access to the city’s car club scheme.’*

4.69 The application site is located within Zone 1 of the Parking Standards outlined in the Edinburgh Design Guidance. Residential developments in Zone 1 should have a maximum car parking provision of one space per dwelling. The submitted plans identify a total of seven car parking spaces, one each for the six apartments proposed and an additional parking space introduced for flexibility which could be used either for visitors or as an electric vehicle charging point.

4.70 Policy Tra 3 on ‘*Private Cycle Parking*’ states the following:

‘Planning permission will be granted for development where proposed cycle parking and storage provision complies with the standards set out in Council guidance.’

4.71 The parking standards also detail that the proposal should have a minimum of 12 cycle parking spaces. The site plan submitted shows a total of 10 cycle spaces. If required, an additional two cycle spaces could be provided elsewhere on the site and secured through the imposition of an appropriately worded condition on any consent granted.

4.72 Policy Tra 4 on ‘*Design of Off-Street Car and Cycle Parking*’ states the following:

‘Where off-street car parking provision is required or considered to be acceptable, the following design considerations will be taken into account:

- a) surface car parks should not be located in front of buildings where the building would otherwise create an active frontage onto a public space or street, and main entrances to buildings should be located as close as practical to the main site entrance*

- b) *car parking should preferably be provided at basement level within a building and not at ground or street level where this would be at the expense of an active frontage onto a public street, public space or private open space*
- c) *the design of surface car parks should include structural planting to minimise visual impact*
- d) *the design of surface car parking or entrances to car parking in buildings should not compromise pedestrian safety and should assist their safe movement to and from parked cars, for example, by the provision of marked walkways.*
- e) *space should be provided for small-scale community recycling facilities in the car parking area in appropriate development, such as large retail developments.*

Cycle parking should be provided closer to building entrances than general car parking spaces and be designed in accordance with the standards set out in Council guidance.'

4.73 The car parking areas associated with the proposal are set to the east (5 spaces) and north (2 spaces) immediately adjacent to the existing access arrangements and similarly located as they were when the property was used as a care/nursing home. The cycle spaces are located to the east of the access drive in close proximity to the main entrance and benefitting from the screening offered by the existing trees.

4.74 Policy RS6 on '*Water and Drainage*' states the following:

'Planning permission will not be granted where there is an inadequate water supply or sewerage available to meet the demands of the development and necessary improvements cannot be provided.'

4.75 The application site can be satisfactorily served with water and drainage infrastructure.

National Planning Framework 4

4.76 As noted previously, in addition to the Council's Local Development Plan it will also be necessary to give due consideration to National Planning Framework 4 (NPF4) which was adopted by the Scottish Government on 13th February 2023 and now forms part of the development plan. In a letter dated 8th February 2023 dealing with the transitional arrangements for NPF4, the Minister for Planning and the Chief Planner of Scotland gave the following advice to decision-makers in relation to the application of NPF4:

*'Section 25 of the 1997 Act requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. **Application of planning judgement to the circumstances of an individual situation remains essential to all decision making, informed by principles of proportionality and reasonableness.** (highlighting added)*

NPF4 sets out 33 policies against which the merits of applications will have to be assessed as noted below.

Policy 1 – Tackling the Climate and Nature Crises: The application proposals involve the extension to and conversion of an existing building to residential use in a highly sustainable urban location close to services and amenities.

Policy 2 – Climate Mitigation and Adaptation: (As above in Policy 1)

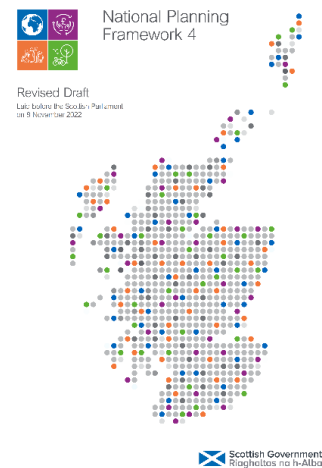
Policy 3 – Biodiversity: The application proposals will not impact adversely on biodiversity considerations relating to the site.

Policy 4 – Natural Places: The proposals will not have an adverse impact on the natural environment.

Policy 5 – Soils: The application proposals are on a brownfield site and will not have an adverse impact on soils.

Policy 6 – Forestry, Woodland and Trees: The application proposals necessitate the felling of one single tree and the pruning of two others. The developments to be derived from the conversion of the building and the provision of residential accommodation proposed outweighs the loss of that single tree which does not, in our opinion, make any significant contribution to the character or amenity of the Conservation Area.

Policy 7 – Historic Assets and Places: As noted previously in our responses to the Design Policies in the Council’s Local Development Plan, we do not consider that the extension proposed will have an adverse effect on the architectural or historical character of the application building or on the character or appearance of the Conservation Area within which it is located. Indeed, the application proposals will result in benefits and improvements to the building through the removal of earlier additions including the ramp arrangements on its eastern side and the modern conservatory extension on the western side. Such benefits considerably outweigh any perceived negative impacts associated with the extension as proposed.



Policy 8 – Green Belts: Not relevant to the application proposals as the site is located within the urban area.

Policy 9 – Brownfield, vacant and derelict land and empty lands: The application proposals involve the conversion of an existing building for beneficial residential purposes in a highly accessible and sustainable location.

Policy 10 – Coastal Development: Not applicable as the site is not located in a coastal area.

Policy 11 – Energy: The scheme has been produced with a focus on sustainability credentials to ensure that the layout and design meet the needs and expectations of the Scottish Government in reducing carbon footprints and optimising resources. The new properties will benefit from high specification heating systems, boilers and materials to ensure that they achieve the relevant criteria for carbon reduction as contained in the Building Regulations.

Policy 12 – Zero Waste: The application proposals will seek to reduce, reuse and/or recycle materials in line with the waste hierarchy.

Policy 13 – Sustainable Transport: The application site is in a highly accessible location and within easy walking distance of public transport services and a range of other facilities and services.

Policy 14 – Design, Quality and Place: The proposals developed for the site will generate a sense of place befitting of a bespoke high-quality sustainability located and attractive residential development. The re-purposing of the building will contribute to the character, appearance and vitality of the area

Policy 15 – Local Living and 20-minute neighbourhoods: The application site, as noted previously, is located in a highly sustainable location and has all the credentials to support local living when assessed against the criteria relating to 20-minute neighbourhoods.

Policy 16 - Quality Homes: The application site is located on an unallocated site (white land) within the urban boundary where the principle of converting properties to residential use is considered acceptable. The use of the building for residential purposes is entirely appropriate given the nature of surrounding land uses.

Policy 17 – Rural Homes: Not relevant to the application proposals which are located in an urban area.

Policy 18 – Infrastructure First: Our client is committed to providing all infrastructure required to service the proposed use of the site for residential purposes.

Policy 19 – Heating and Cooling: The application proposals are not within or adjacent to a Heat Network Zone.

Policy 20 – Blue and Green Infrastructure: The proposals will not have an adverse impact on blue or green infrastructure considerations.

Policy 21 – Play, Recreation and Sport: Not applicable to application proposals as they do not relate to existing open space, sport or recreational facilities.

Policy 22 – Flood Risk and Water Management: The application proposals are not at risk of flooding. The extension proposed only marginally increases the hard standing area compared to the existing. Water will be managed through the use of Suds.

Policy 23 – Health and Safety: The application proposals will not generate any adverse health or safety implications for residents or neighbouring owners/occupiers.

Policy 24 – Digital Infrastructure: The application properties will be provided with all available digital infrastructure.

Policy 25 - Community Wealth Building: The proposed development will create local employment opportunities during construction and will support existing facilities and services when developed and occupied.

Policy 26 – Business and Industry: Whilst the proposals are for residential development as opposed to being business related it is important to note that they will be equipped with facilities to provide for home working.

Policy 27 – City, town, local and commercial centres: The application proposals will contribute to the vitality and viability of nearby commercial facilities and services which are within easy walking distance of the application site.

Policy 28 – Retail: Whilst not applicable to the current proposals the proximity of the application site to existing retail facilities on Morningside Road should be noted as the additional footfall arising from the residential scheme will contribute to its vitality and viability.

Policy 29 – Rural Development: Not applicable to current proposals which are located within the urban area.

Policy 30 – Tourism: Not applicable to current proposals which are residential in nature.

Policy 31 – Culture and Creativity: Not applicable to current proposals.

Policy 32 – Aquaculture: Not applicable to current proposals.

Policy 33 – Minerals: Not applicable to current proposals.

4.77 In short there are no policies within the National Planning Framework (NPF4) which would prevent the granting of planning permission for the application proposals as submitted.

Other material considerations

4.78 Other material considerations in the assessment of the application include consultation responses and third-party representations.

4.79 *Consultation Responses* – Insofar as we can establish the Council undertook internal consultations with Archaeology, Flood Planning and its Arboriculturalist in connection with the application for planning permission. It also consulted with Historic Environment Scotland (HES) in connection with the sister application for listed building consent (See **Document 5**).

Archaeology concluded that there were ‘no significant archaeological implications in terms of the impact upon this Villa’s historic fabric nor upon any potential buried remains.’

Flood Planning advised that a Surface Water Management Plan (SWMP) would be required. Given the small area of hardstanding to be increased as a result of the extension proposals, such a requirement could be met through the imposition of a condition on any consent granted.

The Council’s **Arboriculturalist** raised the following concerns about the application proposals:

- (i) that the proposed cycle parking and bin storage areas posed a threat to three of the existing trees proposed for retention along the eastern boundary;

- (ii) that the extension proposed could pose a threat to the welfare of the group of trees existing along the western boundary of the site; and
- (iii) that the potential loss of trees would be to the detriment of the setting of the property and the conservation area which would be contrary to ENV 12 of the local plan.

The Arboricultural Impact Assessment submitted in support of the application identifies the removal of a single tree (Category B – Lawson Cypress) to facilitate the development of a boundary wall. That tree does not, in our opinion, make a significant contribution to the character or appearance of the Merchiston and Greenhill Conservation Area. The Planning Officer claims, on the back of comments in a consultation response from the Council’s Arboriculturalist that the proposals will result in the loss of three trees in the vicinity of the proposed bin and cycle storage areas and a further group of trees existing along the western boundary of the site. Our client’s Arboriculturalist has produced additional information (method statement outlining mitigation measures) in support of this Review Request and in response to the reason of refusal referred to. As far as the three trees next to the bin/cycle storage areas are concerned the statement identifies methods of removing the existing hard standing and the installation of ground protection to ensure trees roots will not be compacted such as would threaten their future survival. As far as the group of trees on the western boundary of the site are concerned the majority of the foundations relating to the planned extension sits on the existing foundation with only a very small area encroaching into the Root Protection area associated with one tree. This area will be hand-dug under arboricultural supervision to ensure the least invasive effect on the retained trees. We are confident that the trees in relation to which the Council’s Arboricultural Officer expresses concern will not be lost and will continue to make a positive contribution to the character and appearance of the Conservation Area following the development of the application proposals.

Historic Environment Scotland (HES) has, as noted previously, advised in its consultation response that the materiality, form, scale and siting of the proposed extension to be **broadly acceptable**. Whilst considering that the proposed extension might benefit from being reduced by one storey, to achieve a more subsidiary appearance, or that consideration could be given to two mirrored single-storey extensions to either side of the listed building instead it has raised no formal objection to the application as proposed. As noted in response to Policy Des 1 on ‘*Design Quality and Context*’ in the Council’s Local Development Plan we are of the view that the extension proposed is already subsidiary/subservient to the existing building and is appropriately set back from the principal elevation so as not to impact on its symmetry and resultant appearance.

- 4.80 **Third Party Representations** – The Council has received a single representation from the occupiers of Chartwell House (4B Church Hill) which supports the development proposed (**See Document 6**). The representation remarks, inter-alia, that the ‘*new build is sensitively conceived, in that it is set back from the façade, is partly concealed by the existing garden wall, is among trees and gives a blank visage to the street view,*’ and that it would be a ‘*considerable set back*’ for them if the plans advanced were not approved. Not a single letter has been submitted to the Council objecting to the proposals contained in the planning application.
- 4.81 Having assessed the merits of the proposal in this section of the statement against the contents of both the development plan and other material considerations we are firmly and unequivocally

of the view that the application, which had sought planning permission for the extension of and conversion of the property to create six residential apartments, should not have been refused.

5. Response to Reasons for Refusal

5.1 The planning application was refused for a total of seven reasons (See **Document 4**). Reasons 1-5 relate to the design of the proposed two storey extension. Reason 6 relates to private amenity space. Reason 7 relates to trees. The reasons referred to and our responses to them are outlined below:

Reasons 1-5 (Design Related Considerations)

- (1) *The proposed two storey extension elements scale, massing and height will fail to respect the setting of the B listed (LB27048) Strathmore House. The proposals are therefore unacceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.*
- (2) *The proposed two storey extension elements scale, massing and height will fail to preserve or enhance the established character of the Merchiston and Greenhill Conservation Area. The proposals are therefore unacceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.*
- (3) *The proposals are contrary to LDP policy Env 6 - Conservation Areas, as the proposed two storey extension element on the western elevation's scale, massing and design will fail to preserve or enhance the established character of the Merchiston and Greenhill Conservation Area.*
- (4) *The proposals are contrary to LDP policy Env 3 - Listed Buildings - Setting, as the proposed two storey extension element on the western elevation's scale, massing and design will fail to respect the setting of the B listed (LB27048) Strathmore House.*
- (5) *The proposals are contrary to LDP policy Des 1 - Design Quality and Context, LDP policy Des 4 - Development Design - Impact on Setting and LDP policy Des 12 - Alterations and Extensions as the proposed two storey extension element would be damaging to the character of the wider townscape and landscape.*

5.2 The Planning Officer advances the view in the first five reasons for the refusal of the application that the scale, massing and height of the extension proposed fails to respect the character and setting of the Category 'B' Listed Building and the wider Merchiston and Greenhill Conservation Area. The views expressed conflict with those of Historic Environment Scotland (HES) who in its consultation response on the 'sister' application for listed building consent described the proposals as being '*broadly acceptable.*' HES further advised that the proposals did '*not raise historic environment issues of national significance*' and as a consequence they did object to the granting of permission for the proposals. Key points supporting our view that the proposals do not have an adverse effect on the host building or on the wider Conservation Area include the following:

- (i) The proposed extension has been skilfully designed and sited in due cognisance of Historic Environment Scotland's Managing Change in the Historic Environment Design Guidance on Extensions.

- (ii) The two storey element of the extension has been sited to the rear of the building with its roof line sitting below the eaves level of the existing building. It clearly plays a subordinate/subservient role to the existing building in accordance with the requirements of the Guidance referred to and does not dominate the original as a result of its scale, materials or location on the site. The degree of setback referred to and the very limited views of the site from Church Hill is such that the symmetry of the building will not be adversely affected.
- (iii) The rear elevation of the existing building is not, as implied in the Planning Officer's Report of Handling (See **Document 3**), symmetrical in nature. It is considered to be of lesser architectural quality and composition and not one of its defining qualities, that being the position reserved to the front principal elevation. Notwithstanding this, the extension proposed has also been set back from the rear elevation which in combination with its lesser height ensures that it plays a subordinate role in connection with it.
- (iv) The contemporary design and choice of modern materials as a whole are considered to complement the existing building and are entirely legible, distinguishable and reflective of the current period and works undertaken to other buildings in the general vicinity.
- (v) The external alterations proposed will result in a number of visual improvements to the existing building amongst which include the removal of the ramp arrangements on its eastern side and the removal of the modern sun lounge extension on the western side which detract from the character and appearance of the building. Internally the proposals will result in the removal of offensive ensuite facilities from a number of principle rooms thereby restoring the original character of those said rooms.

Reasons 6 (Private Amenity Space)

5.3 The sixth reason for the refusal of the application states the following:

- 6. *The proposals are contrary to LDP policy Hou 3 - Private Green Space in Housing Development, as there would be a shortfall in private amenity space provision to serve the proposed residential use on site and a satisfactory residential environment would not be created.*

5.4 As noted under our assessment of Policy Hou 3, the application proposes to assign the amenity space within the development to Apartments 1 and 2 on the Ground Floor and to Apartment Floor on the First Floor. Whilst Policy Hou 3 requires 10 sq. metres of amenity space to be assigned to each apartment proposed (60 sq. metres in total), three of the apartments (3, 5 and 6) will not have direct access to private green space within the development. These are our client's preferred arrangements as it is very common for flatted developments created through the conversion of existing buildings in the City not to enjoy ownership or direct access to private amenity space. Should for any reason this be unacceptable, there are two other options, either of which could be secured through the imposition of a condition on any consent granted as noted in order of preference below:

- (i) Private amenity areas could be provided as proposed to Apartments 1 and 2 with Apartments 3-6 given the rights to the amenity area to the north (front) of the building; or
- (ii) All of the amenity areas could be made communal and therefore accessible to each of the six apartments proposed.

Reason 7 (Trees)

5.5 The seventh reason for the refusal of the application states the following:

'The proposals are contrary to LDP policy Env 12 - Trees, as the proposal will result in the substantive loss of mature trees on-site and their removal is not for good arboricultural reasons which would have a detrimental impact on the character of the conservation area and surrounding townscape.'

5.6 The Arboricultural Impact Assessment submitted in support of the application identifies the removal of a single tree (Category B – Lawson Cypress) to facilitate the development of a boundary wall. That tree does not, in our opinion, make a significant contribution to the character or appearance of the Merchiston and Greenhill Conservation Area. The Planning Officer claims, on the back of comments in a consultation response from the Council's Arboriculturalist that the proposals will result in the loss of three trees in the vicinity of the proposed bin and cycle storage areas and a further group of trees existing along the western boundary of the site. Our client's Arboriculturalist has produced additional information (method statement outlining mitigation measures) in support of this Review Request and in response to the reason of refusal referred to. As far as the three trees next to the bin/cycle storage areas are concerned the statement identifies methods of removing the existing hard standing and the installation of ground protection to ensure trees roots will not be compacted such as would threaten their future survival. As far as the group of trees on the western boundary of the site are concerned the majority of the foundations relating to the planned extension sits on the existing foundation with only a very small area encroaching into the Root Protection area associated with one tree. This area will be hand-dug under arboricultural supervision to ensure the least invasive effect on the retained trees. We are confident that the trees in relation to which the Council's Arboricultural Officer expresses concern will not be lost and will continue to make a positive contribution to the character and appearance of the Conservation Area following the development of the application proposals.

5.7 In light of the considerations outlined above we do not accept the Planning Officer's reasons for the refusal of the application and as such it is respectfully requested that they be reviewed by the Council's Local Review Body and planning permission granted for the proposal.

6. Introduction

6.1 Having considered the proposed development against the terms of both the development plan and other material considerations as required under the terms of the Town and Country Planning (Scotland) Act 1997 (as amended) we have demonstrated and are very firmly of the opinion that the application/review request should be upheld, and planning permission granted for the proposal. Our position on this Review Request can be summarised as follows:

- The application site, which measures c.1183 metres in area is located at No. 4 Church Hill (southern side) in the Morningside Area of Edinburgh immediately to the west of Churchill Drive. The area surrounding the site is of mixed-use character with a predominance of residential and institutional uses in the immediate vicinity. Morningside Local Centre with its associated services, facilities and commercial offerings exists a short distance to the west. Areas to the east and north of the site are characterised by large predominantly detached residential properties set in generously proportioned garden grounds with significant tree cover. Areas to the south and east of the site offer a spatial pattern of higher density.
- The application property which has three storeys and is finished in a cream sandstone is a former nursing/care home (12 residents) which closed in 2021. It is Category 'B' Listed in the Statutory List (1993) and lies within the Merchiston and Greenhill Conservation Area.
- There is a modern sun lounge on the western side of the building at its lower level. This was granted planning permission and listed building consent in April 2002 under Application Reference Numbers 01/04509/FUL and 01/04509/LBC and is assumed to have been built at or around this time. There is a ramping system on the east side of the building which leads to a basement door. There is some parking on the site to the side and rear and a number of trees within its grounds. The building shares an access with an eight-unit flatted retirement complex to the immediate south (Chartwell House, 4B Church Hill) which is located within a more modern brick building.
- The application which had been submitted to the City of Edinburgh Council had sought planning permission for the demolition of the existing single storey sun lounge extension on the western elevation and the erection of a new flat roofed extension accommodating three floors to facilitate its change of use from a nursing/care home to 6 no. residential apartments. Other works proposed included the removal of the existing ramping system to the east of the building; the rationalisation of car parking arrangements and the provision of bin and bicycle storage arrangements. A single tree (Category B Lawson Cypress) will be removed to facilitate the extension proposals.
- The proposed extension, which is contemporary in its appearance is set back from the front elevation of the property and sits below existing eaves level on the host building. Materials proposed in the extension include dressed buff sandstone

block/cladding, zinc cladding, Ppc coated aluminium windows and spandrel panels (anthracite grey) and a painted metal balustrade (anthracite grey). Parking facilities in association with soft and hard landscaping are proposed within the grounds.

- The application was refused under delegated powers by the Appointed Planning Officer for a total of seven reasons. The first five reasons advance the view that that the scale, massing and height of the extension proposed fails to respect the character and setting of the Category ‘B’ Listed Building and the wider Merchiston and Greenhill Conservation Area within which the application site lies. These reasons for the refusal of the application are expanded upon in the Planning Officer’s Report of Handling where he claims that:

‘The scale, size and height of the proposed extension would unbalance the symmetrical design of the front facing, principal elevation, and rear elevation by being overly dominant with a resultant detrimental impact on the special architectural interest of the listed building.’

- We disagree with the reason(s) for the refusal of the application referred to and have cited the following reasons in support of our client’s position that planning permission should be granted for the proposals:
 - (i) The proposed extension has been skilfully designed and sited in due cognisance of Historic Environment Scotland’s Managing Change in the Historic Environment Design Guidance on *‘Extensions.’*
 - (ii) The two-storey element of the extension has been sited to the rear of the building with its roof line sitting just below the eaves level of the existing building. It clearly plays a subordinate role to the existing building in accordance with the requirements of the Guidance referred to and does not dominate the original as a result of its scale, materials or location on the site. The degree of setback from the front principal elevation referred to and the very limited views of the site from Church Hill is such that the symmetry of the building will not be adversely affected.
 - (iii) The rear elevation of the existing building is not, as implied in the Planning Officer’s Report of Handling, symmetrical in nature. It is considered to be of lesser architectural quality and composition and not one of its defining qualities, that being the position reserved to the front principal elevation. Notwithstanding this, the extension proposed has also been set back from the rear elevation which in combination with its lesser height ensures that it plays a subordinate role in connection with it.
 - (iv) The contemporary design and choice of modern materials as a whole are considered to complement the existing building and are entirely legible, distinguishable and reflective of the current period and works undertaken to and in other buildings in the general vicinity.

- (v) The external alterations proposed will result in a number of visual improvements to the existing building amongst which include the removal of the ramp arrangements on its eastern side and the removal of the modern sun lounge extension on the western side which detract from the character and appearance of the building. Internally the proposals will result in the removal of offensive ensuite facilities from a number of principle rooms thereby restoring the original character of those said rooms.
- The sixth reason for the refusal of the application claims that there would be a shortfall in private amenity space provision to serve the proposed residential use on site and a satisfactory residential environment would not be created.
- According to Policy Hou3 in the Council's Local Development Plan flatted developments should be provided with an area of private amenity space amounting to 10 sq. metres per flat/apartment proposed (total 60 sq. metres). The application proposals provide private amenity space of 458 sq. metres which will be assigned to Apartment Nos 1, 2 and 4 as these enjoy immediate adjacency to the amenity spaces referred to. Whilst apartments 3, 5 and 6 will not have access to amenity space on site such a scenario is not unusual with proposals in the City involving the conversion of existing buildings. Whilst these are our client's preferred arrangements, should that not be acceptable, there are two other options, as noted below, either of which could be secured through the imposition of a condition on any permission granted:
 - (i) Private amenity areas could be provided as proposed to Apartments 1 and 2 with Apartments 3-6 given the rights to the amenity area to the north (front) of the building; or
 - (ii) All of the amenity areas could be made communal and therefore accessible to each of the six apartments proposed.
- The seventh and final reason for the refusal of the application claims that the proposal will result in the substantive loss of mature trees on-site which are not required to be removed for aboricultural reasons. The Aboricultural Impact Assessment submitted in support of the application identifies the removal of a single tree (Category B – Lawson Cyprus) to facilitate the development of a boundary wall. That tree does not, in our opinion, make a significant contribution to the character or appearance of the Merchiston and Greenhill Conservation Area. The Planning Officer claims, on the back of comments in a consultation response from the Council's Aboriculturalist that the proposals will result in the loss of three trees in the vicinity of the proposed bin and cycle storage areas and a further group of trees existing along the western boundary of the site. Our client's Aboriculturalist has produced additional information (method statement outlining mitigation measures) in support of this Review Request and in response to the reason of refusal referred to. As far as the three trees next to the bin/cycle storage areas are concerned the statement identifies methods of removing the existing hard standing and the installation of ground protection to ensure trees roots will not be compacted such as would threaten their future survival. As far as the group of trees

on the western boundary of the site are concerned the majority of the foundations relating to the planned extension sits on the existing foundation with only a very small area encroaching into the Root Protection area associated with one tree. This area will be hand-dug under arboricultural supervision to ensure the least invasive effect on the retained trees. We are confident that the trees in relation to which the Council's Arboricultural Officer expresses concern will not be lost and will continue to make a positive contribution to the character and appearance of the Conservation Area following the development of the application proposals.

- 6.2 In view of the considerations outlined it is respectfully suggested that this request to review the Planning Officer's decision be upheld and that planning permission is granted for the proposal as applied for. We reserve the right to respond to any submissions on the review request from either the Appointed Officer, Consultees or Third Parties prior to its determination.

Signed 
Derek Scott

Date 24th February 2023

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