

Development Management Sub Committee

Wednesday 12 August 2020

**Application for Planning Permission 19/05803/FUL
at 40 Laverockbank Road, Edinburgh, EH5 3BZ.
Proposed residential development for 7 new dwellings
including change of use of former care home and extension.**

Item number

Report number

Wards

B04 - Forth

Summary

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area.

The proposals largely comply with the development plan and the infringement of LDP policy Hou 3 in relation to open space is justified in this case. The proposal is acceptable in this location and is of an appropriate scale, form and design. The proposal will have no adverse effect on the character or setting of the nearby listed building or the character or appearance of the conservation area. The proposal will not result in any traffic or road safety issues.

There are no material planning considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES03, LDES04, LDES05, LDES12, LEN06, LEN12, LEN16, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LHOU05, LTRA02, LTRA03, LTRA04, NSG, NSGD02, NSLBCA, OTH, CRPTRI, LEN03, LEN09, LDES06,

Report

Application for Planning Permission 19/05803/FUL at 40 Laverockbank Road, Edinburgh, EH5 3BZ. Proposed residential development for 7 new dwellings including change of use of former care home and extension.

Recommendations

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

Background

2.1 Site description

The application site currently contains a disused early Victorian villa with large 1960's mansard extensions to either side. There is also a large modern conservatory at the west side of the building. The buildings overlook extensive gardens areas to the south, but it is noted from maps that the garden was previously much more extensive and has been filled with an additional house. However, it still provides an attractive setting for the buildings being largely grass and vegetation with some large trees.

A C listed building lies to the north at No. 42 Laverockbank Road.

There is an area of hardstanding at the entrance to the site and the site is bounded on all sides by high stone walls.

This application site is located within the Trinity Conservation Area.

2.2 Site History

10 March 1993- 92/01616/OUT- Erect a dwelling house - Refused.

16 August 2001- 01/02507/FUL- Alterations and Extensions- Granted.

Main report

3.1 Description Of The Proposal

The application is for planning permission for the conversion of a disused nursing home to four residential dwellings and the construction of three new dwellings to the side of the existing structure located away from the public road.

The elevation of the existing building which is closest to the road will have a small single storey extension added. There will also be a selection of single storey extensions added to the principal elevation of the existing building.

The upper level rear windows within the existing building will remain as they currently are. New windows and doors will be formed to the rear of the existing building at the ground floor.

The new dwellings will have a depth of between approximately 9.6 and 11.8 metres and a ridge height of around 6.9 metres. The new dwellings will only have windows in their rear elevations at ground level. Roof lights are proposed to provide daylight to the upper floor rooms to the rear.

A small window will be sited at upper level in the gable elevation of proposed house number 7. This will only permit light to a proposed bathroom.

The new properties will be finished in a mixture of stone, timber and slate to the front elevation, whilst the rear elevation of the buildings will be finished in render. Car parking for seven vehicles is proposed. Each property will have ample space for the secure storage of bikes either within the properties or to the small garden areas to the rear.

Each property will have its own front and rear gardens. An element of new tree planting is also proposed.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- (a) the principle of the proposal is acceptable in this location
- (b) the proposal would impact upon the setting of a listed building;
- (c) the proposed scale, form, design and materials will adversely affect the character and appearance of the conservation area, its setting or that of the surrounding area;

- (d) the proposal will result in an unreasonable loss of neighbouring amenity;
- (e) the proposal provides sufficient amenity for the future occupiers of the development;
- (f) the proposal will have adequate car and cycle parking and will have no impact upon road or pedestrian safety;
- (g) any flooding concerns have been addressed;
- (h) the proposal will not have a damaging impact upon trees worthy of merit or be harmful to ecology;
- (i) whether the proposal will be required to contribute to infrastructure provision;
- (j) whether there are any other material planning considerations and
- (k) representations raised have been addressed.

a) Principle

Policy Hou 1 (Housing Development) of the adopted Edinburgh Local Development Plan (LDP) states that housing development will be supported on suitable sites in the urban area, provided the proposals are compatible with other policies in the plan.

The application site is defined as being part of the urban area in the adopted LDP. The principle of housing development at the site is therefore acceptable as long as the proposals are compatible with other policies in the plan.

LDP policy Hou 2 (Housing Mix) states that the Council will seek a mix of house types and sizes where practicable to meet a range of housing needs. The surrounding area is largely composed of large detached and terraced houses. The proposed houses are smaller than many nearby and will either provide family accommodation within the area or properties for those who are downsizing but wish to remain within Trinity. It therefore complies with LDP policy Hou 2.

LDP policy Des 2 (Co-ordinated Development) states that planning permission will be granted for development which will not compromise the effective development of adjacent land. As stated in section 3.3 c, the proposal will have no material impact upon neighbouring properties in terms of amenity and will not compromise the ability of these properties or adjacent land to be developed in the future. It therefore complies with LDP policy Des 2.

Given that the site is currently unused and is beginning to exhibit a rundown appearance, the formation of an attractive new housing development will be an improvement to the wider area.

LDP policy Hou 10 (Community Facilities) states that planning permission for housing development will only be granted where there are associated proposals to provide any necessary health and community facilities relative to the impact and scale of the 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. This policy is geared towards large scale housing development.

LDP Policy Hou 10 does not make reference to the protection of nursing homes. However, the applicant has stated that the nursing home was small, with only 14 beds, privately run and was not economically viable. It cannot be considered a valuable health or community facility. Given that the site is currently unused and is beginning to exhibit a rundown appearance, the formation of an attractive new housing development will be an improvement to the wider area.

LDP policy Hou 5 (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 satisfactory residential environment can be achieved, housing would be compatible with nearby uses, appropriate open space, amenity and parking standards are met and the change is acceptable having regard to other policies in the plan.

The properties proposed will provide a satisfactory residential environment, with appropriate amenity space and parking. The property is surrounded by other residential dwellings and therefore housing is compatible on the site. The proposal will not result in an unacceptable loss of a community facility. Local services will be unaffected by this modest proposal.

The proposal complies with LDP policy Hou 2, Hou 5, Hou 10, Des 2 and Emp 9. However, it does constitute a breach in LDP policy Hou 3 (Private Green Space in Housing Development). The proposal therefore does not fully comply with LDP policy Hou 1. However, in this instance the breach is justifiable.

b) Impact upon Setting of Listed Building

It is noted that No. 42 Laverockbank Road, directly to the north of the site is a category C listed building, while No. 24 York Road, to the south west of the site is a Category A listed building.

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states: *"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall 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."*

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Setting states that *setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.*

Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes.

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

The proposal will extend the built form near to the rear boundary walls of No. 42 Laverockbank Road and No. 24 York Road. The proposal will, however, be shielded by the existing stone boundary walls, trees and shrubbery that line the mutual boundaries. Given the distance of the proposed dwellings from the listed properties and the level of shielding that is also present around the boundaries of the site, the proposed development will not materially impact upon how the listed buildings are understood or experienced.

The proposal complies with LDP policy Env 3 and the relevant Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment.

c) Design and Impact upon Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states: *"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

LDP policy Env 6 (Conservation Area- Development) states that 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.

The statement of significance of Trinity Conservation Area Character Appraisal (CACA) states:

The Trinity Conservation Area is characterised by a wealth of high quality stone built detached and semi-detached residential villas of restricted height, mainly in traditional building materials, set in substantial gardens with mature trees and generous spacing to their neighbours. Key points of the CACA include

- The over-riding architectural form is substantial stone built villas set in extensive garden grounds. A variety of architectural styles are adopted, which contribute to and enliven the character of the area.

- There has been pressure to erect new dwellings within the extensive garden grounds of the larger villas. The unsympathetic subdivision of garden grounds can erode the quality of a building's form and proportion, and the historic relationship between buildings.
- Subsequent development up to 1914 continued to the west and south on the 'plateau' above the shore road, with the density gradually intensifying. At the same time, property types change from detached, to semi-detached, to terraces. This results in a change in the relationship between the houses and the street and between houses themselves. The space between houses reduces, the boundary walls become more of a token feature; with houses fronting the street".

The site is located on the edge of an area of large villas in extensive garden grounds to the north and more dense terraced development to the south. However, the site does have a villa character which must be respected.

LDP policy Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place.

Policy Des 4 (Development Design) states development should have a positive impact on its surroundings, having regard to height and form; scale and proportions, including the spaces between buildings; position of buildings and other features on the site; and materials and detailing.

LDP policy Des 12 (Alterations and Extensions) states that planning permission will be granted for alterations and extensions to existing buildings which in their design and form, choice of materials and positioning are compatible with the character of the existing building.

LDP policy Hou 4 (Housing Density) states that the council will seek an appropriate density of development on each site having regard to the need to create an attractive environment and safeguard living conditions within the development.

The Edinburgh Design Guidance sets out key aims for new development to have a positive impact on the immediate surroundings, through its height and form; scale and proportions; positioning of the buildings on site and materials and detailing.

The application site currently contains an early Victorian unlisted villa with 1960's mansard extensions to either side. There is also a conservatory at the west side, which follow a linear pattern. The buildings overlook extensive gardens areas to the south but it is noted from historical maps that the garden was previously much more extensive and has over the years been filled with housing. However, it still provides an attractive setting for the buildings being largely grass and vegetation with some large trees.

Whilst there are a number of large villa properties to the north of the site, it is acknowledged that the application site has already been subject to a high degree of intervention and extension. Historical maps from 1931-38 also indicate that there were buildings on the site that followed a linear pattern along the northern boundary which continued right up to the edge of the garden at the south west.

It is proposed that an existing large conservatory be removed and replaced with three new dwellings. These will however follow the existing building line within the site.

The site is also screened to quite a high degree by existing walls and the garden grounds. The new development shall not be overly noticeable from public elevations.

It is further noted that the density of development within this area of Trinity changes quite dramatically to the south of the site, with four in a block and terraced properties becoming prevalent with quite limited garden grounds. Laverockbank Grove and Mayville Gardens follow a similar linear pattern of development to that proposed at the site. Historically, the application site would have been the last villa property before this new building pattern was established. The established layout of development within the site already follows this prevalent linear pattern of development to the south. Historical maps indicate that there was previously more linear development present within the site in the past.

The new development proposed within this site will follow this established pattern and will therefore not be an incongruous intervention. The level of density proposed at the site is also comparable to that of the nearby four in a block and terraced properties.

The proposed properties will be lower than the existing Victorian building and will have pitched roofs to match that of properties nearby. The roofs will be finished in slates, while the principal elevations of the proposed dwellings will be finished in stone and timber.

LDP policy Des 5 (Development Design - Amenity) suggests that gated communities should be avoided to help integrate the new development into the wider neighbourhood. However, the majority of houses along Laverockbank Road appear to have original gates at their entrances, which was part of the seclusion and privacy which was prevalent to these villa homes. As such the proposed gates to the front of the property are appropriate.

The alterations to the existing property have been sensitively designed and are acceptable.

Overall the design and density of the proposed dwellings are acceptable.

The proposal complies with LDP policies Env 6, Des 1, Des 4, Des 12, Hou 4 and the relevant Conservation Area character appraisal.

d) Neighbouring amenity

LDP policy Des 5 states that planning permission will be granted for development where the amenity of neighbouring developments is not adversely affected while LDP Policy Des 12 seeks alterations and extensions to existing buildings which would not be detrimental to the neighbourhood amenity.

The Edinburgh Design Guidance confirms that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. This means that there may be higher expectations for separation in suburban areas than in historic areas such as the Old Town. In assessing this, the Council will look at each case individually and assess the practicalities of achieving privacy against the need for development.

The original villa property and mansard extensions already define to a degree the expected privacy distances within the site. These do not meet modern window to window or boundary distances. New windows and door openings are only proposed within the ground floor level of the existing building. The proposed new houses will only have rear windows in the ground floor which are screened by a 1.7 metre (approximately) high stone boundary wall and established trees/shrubbery. One small upper level side window proposed on the west facing gable of property No. 7 will only permit light to a bathroom, which is not classified as a habitable room. Another dormer is proposed on the east facing gable. However, this will overlook the application site, Laverockbank Road and then the screened boundary of the edge of a neighbouring dwelling and Starbank Park. The rooflights proposed to the rear of the new dwellings will be installed at a level above the first floor level (1.8- 2 metres) to restrict any overlooking possibilities.

The front windows of the proposed buildings will be set back by approximately 10-13 metres from the rear garden of the neighbouring property (No. 38 Laverockbank Road) to the south which they will directly face. This is greater than that expected in modern housing developments and is also far greater than the distance between the rear elevation of the four in a block properties which are present in nearby Laverockbank Grove and the rear garden of No. 38. It is noted that No. 38 has windows in its side elevation. However, these side windows do not accord with policy in terms of distance to the shared mutual boundary belonging to No. 38 and No. 40 and therefore cannot be protected for privacy. Overall the privacy distances proposed are acceptable. It is further noted that a level of tree planting is proposed to be retained or planted which should also increase the level of privacy to neighbouring properties.

The proposed new build dwellings are two storey in height and lower than the existing villa. The neighbouring property to the north west of the site has a large outbuilding/garage and hardstanding area located nearest to the site. The property to the north/north east of the site has a largely tree lined boundary. All of these properties have quite substantial garden grounds and the dwellings are well set off mutual boundaries. The applicant has provided daylight/sunlight information that shows that the proposal will not have a material impact upon neighbouring residential properties existing sunlight/daylight levels.

Environmental Protection was consulted as part of the assessment of the application. It confirmed that it had no objections.

The proposal complies with LDP policy Des 2, Des 5 and Des 12.

e) Amenity for future occupiers

LDP policy Hou 5 confirms that planning permission will be granted for the change of use of existing buildings in non residential use to housing provided a satisfactory residential environment can be achieved.

LDP policy Des 5 states that planning permission will be granted for development where it is demonstrated that future occupiers will have acceptable levels of amenity.

It is noted that the properties are all dual aspect and will have large windows that will face to the south. The majority of habitable rooms, like living rooms on the ground floor will have south facing windows. The windows and rooflights to the rear of the dwellings will face north and will have more limited opportunities for daylight, especially at ground floor level as they will be located quite close to the mutual boundary wall which is also tree lined. The windows to the rear will, however, largely provide light to bathrooms and kitchens. The new build properties have also been positioned slightly further back from the mutual wall to permit more daylight to enter these rooms. The rooflights proposed to the rear to provide light to proposed bedrooms are also at a high level and are large. Overall, on balance, there are adequate levels of daylight to the proposed dwellings while views will also be acceptable.

The Edinburgh Design guidance establishes minimum floor space standards for new residential properties. These are: 66 square metres for a two bedrooms property and 81 Square metres for a three bedroom property.

The proposal exceeds these requirements and complies with the minimum floor space standards as established in the Edinburgh Design Guidance.

LDP policy Hou 3 (Private Greenspace in Housing Development) states that planning permission will be granted for development that makes adequate provision for green space to meet the needs of future residents. The Edinburgh Design Guidance expects gardens to be 9 metres deep.

Each property will have a small element of garden ground to the rear and an area of garden ground to the front. This area of garden to the front will however be quite secluded behind the main boundary wall that faces the road and will be south facing and private.

The new proposed dwellings Nos, 5, 6 and 7 will all have front gardens which are on average 9 metres in depth. One has a depth of 10.5 metres, the other two have a depth of approximately 8.4 metres. These dwellings will also have a shared element of communal garden grounds.

One of the properties which will be converted from the existing building on the site , No.4, will also have a front garden with a depth of around 8.5 metres.

Proposed house No. 3 will have a front garden of depth about 5.4 metres, but it will be wide at around 10 metres. Proposed house No. 1 will have a front garden the depth of which varies between 5.5 and 3.5 metres but again the proposed garden will be wide at approximately 10.5 metres.

Proposed house No 2 will have the smallest garden, with a depth of approximately 3.5 metres. However, this will be the smallest dwelling with 2 bedrooms.

It is acknowledged that not all of the proposed dwellings will have garden grounds that meet the guidelines. However, it is noted that there are also a number of flats and houses nearby that have very restricted garden grounds. Examples of these are the terraced dwellings along Mayville Gardens and the four in a block properties along Laverockbank Grove.

It is also noted that the large Starbank Park is also very near the application site.

On balance, the minor breach in LDP policy Hou 3 is acceptable.

f) Road Safety, car and bike storage

LDP policy Tra 2 (Private Car Parking) states that 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.

LDP policy Tra 3 (Private Cycle Parking) states that planning permission will be granted for development where the proposed cycle parking and storage facilities comply with the standards set out in Council guidance.

The Roads Authority was consulted as part of the assessment of the application. It has confirmed that it has no objections to the proposals subject to suitable informatives being added to the consent.

Adequate car and secure cycle parking have been accommodated within the site. The accesses remain as existing.

The proposal complies with LDP policy Tra 2 and Tra3.

g) Flooding

LDP policy Env 21 (Flooding Prevention) states that planning permission will not be granted for development that would increase the risk of flooding or be at risk of flooding itself.

SEPA (Scottish Environmental Protection Agency) flood maps do not show that the site is at risk of surface, coastal or river flooding.

However, a surface water management plan (SWMP) is required and was submitted as part of the application. The Councils Flood Planning section has no objections to the proposal subject to a condition being attached to the consent in relation to the applicant receiving written confirmation from Scottish Water that they agree with the proposed discharge to the combined system. This letter will have to be submitted to the Council for written approval prior to any works commencing on site. As this is not an enforceable or necessary condition, this has been added as an informative.

The proposal complies with LDP policy Env 21.

h) Trees and ecology

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact upon a tree covered by a tree preservation order or worthy of merit.

The applicant has submitted an arboricultural tree report with the application which assesses all of the trees on the site and within 12 metres of the proposed development.

It shows that the majority of the trees within the site are assessed as being in the low (C) retention category by virtue of their poor condition, limited future life expectancy and minimal landscape and amenity value. These trees should not be therefore be viewed as a constraint to development. Five category C trees are proposed to be removed. Two trees assessed as being of medium (B) retention value are also proposed to be removed.

Two existing, quite large trees within the site will however be retained and eight new trees are to be planted within the site.

Whilst the trees within and adjacent to the site might not all be spectacular they form an important element of the setting and add to the overall tree cover. It is therefore important that the suggested replacement planting takes place and a detailed landscape plan has been conditioned should the development be granted.

The proposed replacement tree planting is considered to be acceptable but only in conjunction with the retention of the Lawson cypress and the sycamore tree (tree no. 2381). The proposed horse chestnut (shown planted along the southern boundary) should in time be able to be a good replacement for the nearby sycamore.

Tree protection during construction has also been conditioned.

The proposal complies with LDP policy Env 12.

LDP policy Env 16- (Species protection) states that planning permission will not be granted for development which would have an adverse impact on a species protected by European or UK law.

A stage 1 and stage 2 bat survey was carried out and was submitted to the Council for assessment. The survey raised no concerns in relation to the proposals potential impact upon ecology. The Councils ecologist was consulted and raised no concerns.

The proposal complies with LDP policy Env 16.

I) Financial Contributions

LDP policy Del 1 - (Developer Contributions and Infrastructure Delivery) states that proposal will be required to contribute to the following infrastructure provision where relevant and necessary to mitigate any negative additional impact (either on a individual or cumulative basis) and where commensurate to the scale of the proposed development.

Communities and Families was consulted as part of the assessment of the application and has confirmed that as long as the applicant agrees to pay development contributions for the development in terms of education and land it has no objections to the proposal. A legal agreement has been applied in this respect. This is on the basis of the following:

Total infrastructure contribution required:
£128,737

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

Total land contribution required:
£6,629

Note - no indexation to be applied to land contribution.

The proposal complies with LDP policy Del 1.

j) Other material considerations

Sustainability

LDP policy Des 6 (Sustainability) states that planning permission will only be granted for new development where it has been demonstrated that the current carbon dioxide emissions target has been met, with at least half of this target met through the use of low and zero carbon generating technologies and other features are incorporated that will reduce or minimise environmental resource use and impact.

The plans submitted show that solar panels are proposed on the roof of some of the buildings and electric car charging points are also shown. The number of spaces proposed for off street car parking within the site have also been minimised.

The development will be required to comply with the more stringent requirements of the building regulations in terms of sustainability.

The proposal complies with LDP policy Des 6.

Archaeology

LDP policy Env 9 (Development of sites of archaeological significance) states that planning permission will be granted for development on sites of known or suspected archaeological significance if it can be concluded that no significant archaeological features are likely to be affected by the development.

The Council's Archaeologist was consulted as part of the assessment of the application and has no objections to the proposal subject to a suitable condition being applied to the consent.

The proposal complies with LDP policy Env 9.

Waste

Waste Services was consulted as part of the assessment of the application and has confirmed no objections to the proposal.

k) Public comments

Material Representations - Objections

- Not enough parking spaces on the site- This is addressed in section 3.3f
- Concerns relating to access and egress to the site- This is addressed in section 3.3f
- Impact upon sunlight/daylight levels and overshadowing - This is addressed in section 3.3d
- Loss of privacy- This is addressed in section 3.3d
- Design, scale and materials inappropriate - This is addressed in section 3.3c
- Impact upon listed buildings and their setting- This is addressed in section 3.3b
- Overdevelopment of the site - This is addressed in section 3.3 c
- Impact upon conservation area- This is addressed in section 3.3 c
- Impact upon trees within the site and ecology-.This is addressed in section 3.3 h
- Surface water management concerns-This is addressed in section 3.3 g
- Impact upon local services- This is addressed in section 3.3 a and l
- Disruption and noise - This is addressed in section 3.3 d

Material Representations - Support

- Density of development proposed on site is less than in nearby Mayville Gardens and Laverockbank Grove- This is addressed in section 3.3c
- Development respects character and appearance of conservation area - This is addressed in section 3.3c
- Minimal impact on trees and additional planting- This is addressed in section 3.3h
- Good landscaping and greenspace provided - This is addressed in section 3.3e
- Density of development proposed on site is less than in nearby Mayville Gardens and Laverockbank Grove- This is addressed in section 3.3c
- Adds a mix of house types to the area in compliance with LDP policy Hou 2 - This is addressed in section 3.3a
- Uses good quality appropriate materials - This is addressed in section 3.3c
- Development is sustainable, utilising a brown field site - This is addressed in section 3.3a

Material Neutral Comment

- Concerns about parking and access- This is addressed in section 3.3f
- Overdevelopment of site. This is addressed in section 3.3c
- Impact upon trees and landscape. This is addressed in section 3.3h
- Proposed landscaping and tree removal are acceptable. This is addressed in section 3.3h
- Off street parking provision acceptable and accessible. This is addressed in section 3.3f
- Acceptable design and layout. This is addressed in section 3.3c

Non Material Representations

- Access to BT Equipment- This is not a material planning consideration
- Would establish a precedent- Every application is assessed on its individual merit.
- Disruption and noise during construction - This is not a material planning consideration.

Conclusion

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area.

The proposals largely comply with the development plan and the infringement of LDP policy Hou 3 in relation to open space is justified in this case. The proposal is acceptable in this location and is of an appropriate scale, form and design. The proposal will have no adverse effect on the character or setting of listed building or the character or appearance of the conservation area. The proposal will not result in any traffic or road safety issues.

There are no material planning considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis & reporting) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority
2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
3. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments, screening and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
4. All trees on the site, not to be removed, shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction

Reasons: -

1. To provide a permanent record of the historic structure.
2. In order to protect the special interest of the conservation area.
3. In the interests of amenity.
4. To protect the trees being retained within the site.

Informatives:-

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to Children and Families to alleviate accommodation pressures in the local catchment area.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. (a) In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;
(b) All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
(c) Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future

5. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
6. Written confirmation that Scottish Water accept the proposed discharge into the public network shall be provided for the written approval of the Council prior to works commencing on site. If any soakaways are proposed the results of soakaway testing shall be submitted for the written approval of the Council prior to works commencing on site.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application received 46 objection comments, 28 support comments and two neutral comments. The points raised are addressed in section 3.3 of the report.

Background reading/external references

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

Statutory Development

Plan Provision

Date registered 11 December 2019

Drawing numbers/Scheme 01, 02a,03a,04a,05a,06a,07b,08a,09a,010a,11,12,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer

E-mail:robert.mcintosh@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

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

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

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

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

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

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

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

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

LDP Policy Hou 5 (Conversion to Housing) sets out the criteria for change of use of existing buildings to housing.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

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

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Relevant Non-Statutory Guidelines

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

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

Other Relevant policy guidance

The Trinity Conservation Area Character Appraisal emphasises the wealth of detached villas set in substantial plots with generous spacing to their neighbours, the high quality stone built architecture of restricted height, the predominant use of traditional building materials, and the predominance of residential use.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

Appendix 1

Application for Planning Permission 19/05803/FUL At 40 Laverockbank Road, Edinburgh, EH5 3BZ Proposed residential development for 7 new dwellings including change of use of former care home and extension.

Consultations

Roads Authority

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

- 1. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
- 2. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
- 3. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

Note:

- The proposed 8 car parking spaces are acceptable;*
- Cycle parking can be accommodated within the gardens of each property.*

Environmental Protection

I refer to the above and would advise that Environmental Protection has no objections to this proposed development.

Archaeology

The site is centred upon a surviving unlisted early 19th century Georgian Villa depicted on Kirkwood's 1817 plan of Edinburgh. Named Ivy Lodge the map records it as being in the ownership of a Mr Winton. Prior to the 19th century the site appears to have formed

part of the estate/grounds associated with the adjacent Laverock Bank House depicted on General Roy's 1750's Military Survey of Scotland

Although unlisted the surviving Georgian Villa forming the centre of the care-home in my opinion is clearly of local archaeological and historic significance. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policy ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

It is to be welcomed the unlisted Georgian Villa at the centre of this site is to be retained and converted as part of this application. However, no record survives of this structure. It is recommended therefore that a detailed historic building survey (internal and external elevations, phased plans, photographic and written survey and analysis) is undertaken prior to and during development, to provide a permanent record of this historic structure. In addition, it is recommended that a programme of archaeological work is undertaken on the site of the new buildings to fully excavate and record any significant buried remains affected.

It is recommended that the following condition is attached to any permission granted;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis & reporting) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work would be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Flood Planning

Thank you for the additional information and clarifications, which address most of our comments. Our remaining comment relates to Scottish Water agreeing with the proposed discharge to the combined system.

If discharging to the combined sewer, we request that Scottish Water provide written confirmation they accept prior to determination. Similarly, if proposing soakaways, we also request results of soakaway testing prior to determination. We typically request confirmation of these details before determination, as the surface water management proposals may have to change significantly if relying on something that is later considered unfeasible. I appreciate this may not be possible during the current lockdown. Perhaps a condition could be placed on the application, if no progress can be made at this current time.

Children and Families

Assessment based on: 7 Houses

This site falls within Sub-Area LT-2 of the 'Leith Trinity Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

If the appropriate infrastructure and land contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

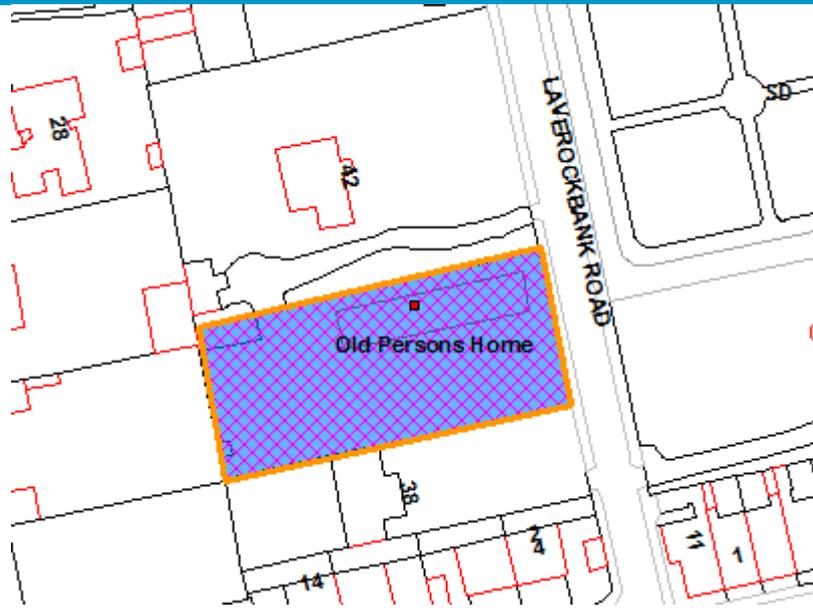
*Total infrastructure contribution required:
£128,737*

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

*Total land contribution required:
£6,629*

Note - no indexation to be applied to land contribution.

Location Plan



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