

# Development Management Sub Committee

Wednesday 19 May 2021

## Application for Planning Permission 20/03874/FUL at 12A Cumberland Street North East Lane, Edinburgh. Erection of mews house.

Item number

Report number

Wards

B11 - City Centre

### Summary

---

Provided a condition is applied to the consent stating that the zinc clad roof and the zinc proposed to the rear wall of the building is unacceptable, and is not approved, 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 proposal will also comply with the adopted Edinburgh Local Development Plan and will not damage the Outstanding Universal Value of the Edinburgh World Heritage Site. The proposal is acceptable in this location and is of an appropriate scale, form and design. The proposal will have no material impact upon the amenity of neighbouring residents and will provide an adequate residential environment for future occupants.

There are no material planning considerations which outweigh this conclusion.

### Links

---

[Policies and guidance for this application](#)

LDPP, LDES01, LDES04, LDES05, LEN01, LEN03, LEN06, LEN12, LEN16, LEN09, LEN21, LTRA02, LTRA03, LTRA04, NSG, NSGD02, OTH, CRPNEW,

# Report

## **Application for Planning Permission 20/03874/FUL at 12A Cumberland Street North East Lane, Edinburgh, Erection of mews house.**

### **Recommendations**

---

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

### **Background**

---

#### **2.1 Site description**

The application site is located on the west side of Cumberland Street North East Lane and to the rear of tenement properties in Fettes Row. The site comprises a quite large car parking area built on former garden ground to the rear of Fettes Row. The site is raised from the garden area to the rear and is separated by a retaining wall.

The properties in Fettes Row are listed category B, and the tenements were designed by Thomas Brown, 1821. They were listed on the 15 July 1965 (LB Ref 25181).

To the south, and opposite the site, lie category B listed tenement properties in Cumberland Street with small private garden areas onto the lane. Three modern mews dwellings (with a fourth consented) have already been constructed along the lane and a row of modern garages lie to the eastern end of the lane. The surrounding uses are predominantly residential.

The site is located within the World Heritage Site.

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

#### **2.2 Site History**

There is no relevant planning history for this site.

### **Main report**

---

#### **3.1 Description of the Proposal**

The application is for planning permission for the erection of a three-storey mews dwelling (two storey from the lane).

The proposed mews property will have 2 bedrooms and a study/bedroom. It is traditional in form with contemporary detailing. The mews will measure approximately 8.6 metres in width by 6.5 metres in depth.

It will have a ridge height of approximately 6.7 metres and an eaves height of 4.8 metres at the lane and a ridge height of approximately 9.2 metres and an eaves height of 7.4 metres taken from the rear garden of the property

The two main bedrooms will be on the lower ground floor whilst a study/bedroom and garage will be on the ground floor level and a kitchen, dining room and sitting room will be at first floor level. The proposed height, depth and width of the mews will be broadly similar to that of the other mews buildings along Cumberland Street North East Lane.

The building will be finished in natural stone, hardwood cladding and is shown to have a zinc roof. The principal elevation will incorporate part of the existing stone walls which run along the front boundary of the site. It will have grey aluminium framed windows as well as grey rooflights on the front and rear elevation.

There are a selection of windows proposed to the rear at lower ground floor levels and ground floor level. The windows at the lower ground floor level will be screened by an existing wall and proposed retaining wall whilst the rear windows on the ground floor level will be fitted with obscured glazing. It is also noted that one of the two rear ground floor windows will provide sunlight/daylight to the proposed garage which is not classed as a habitable room.

The mews will have a rear garden. It will measure approximately 4.5 metres by 8.2 metres. One off street car parking space is proposed.

### Supporting Statement

The agent has provided a Design Statement as part of the submission documents. This document is available to view on the Planning and Building Standards Online Services.

## **3.2 Determining Issues**

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority 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.

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 proposed use is acceptable in this location;
- b) the proposal preserves the character and setting of the listed buildings;
- c) the proposal preserves or enhances the character and appearance of the conservation area;
- d) the proposal affects the Outstanding Universal Value of the World Heritage Site or the Historic Garden and Designed Landscape;
- e) the proposal is detrimental to the amenity of neighbours;
- f) the proposal will provide adequate amenity for future occupants;
- g) the proposal affects road safety and parking;
- h) there are any implications with regards to flooding;
- i) the proposal will have any impact on protected trees and
- j) comments raised have been addressed.

#### a) Principle of Development

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 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 provided the proposals are compatible with other policies in the plan. Compliance with other policies in the plan are addressed in further detail below and in sections 3.3 (b- j).

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 a largely a mixture of flats, mews properties and larger dwellings. The proposed mews dwelling would provide further accommodation within the area for families and complies with LDP policy Hou 2.

LDP policy Hou 4 (Housing Density) sets out criteria for establishing whether the density of a proposed development is compatible with the character of the area. Mews houses are a traditional feature of the New Town and there are other examples in this lane. The proposal is compatible with the established spatial character of the area.

The proposal complies with the relevant LDP policies and therefore complies with LDP policy Hou 1.

The development is acceptable in principle.

b) Impact on character and setting of listed buildings

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."*

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.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) states that proposals to alter a listed building will be permitted where those alterations are justified; will not result in unnecessary damage to historic structures or result in a diminution of the building's interest; and any additions would be in keeping with other parts of the building.

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.

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Boundaries states walls, fences and other boundary treatments form important elements in defining the character of historic buildings, conservation areas and designed landscapes.

There are a number of mews properties already present to the rear of the principal buildings on Fettes Row and Cumberland Street. The setting of these buildings is also compromised by modern flat roof garages and the quite large open car parking area on this site. Large elements of the original boundary walls have also been lost to these later developments.

The existing site is utilised as a raised red gravel car parking area which is of no architectural or landscape quality. The proposed mews structure seeks to improve the quality and visual amenity of the lane whilst maintaining the sense of enclosure of the rear gardens and maintaining an appropriate area of garden ground for the houses on Fettes Row. The proposed mews property is in keeping with the other existing mews structures within the lane. The replacement of the existing parking area with a suitably designed mews building will enhance the setting of the surrounding listed buildings.

The new mews building is built off the boundary wall to the lane and the side walls which delineate the plot. The existing opening in the wall will be largely re-used for the garage access and a new window and door will be formed. This has been sensitively done so that the new and old integrate to form a cohesive building.

The historic fabric will be retained and re-used without any damage and the special interest of the listed walls will be retained.

The application complies with LDP policies Env 3 and Env 4 and the relevant Historic Environment Scotland Managing Change in the Historic environment guidance notes.

### c) Design and Impact on 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 Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

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

LDP policy Des 4 (Development Design- Impact upon Setting) states that 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 upon views having regard to

- (a) height and form
- (b) scale and proportion, including the space between buildings
- (c) position of buildings and other features on the site
- (d) materials and detailing.

The New Town Conservation Area Character Appraisal identifies the key characteristics of this part of the New Town as:

*"The overwhelming retention of buildings in their original design form, allied to the standard format of residential buildings, contributes significantly to the character of the area. There is a standard palette of traditional building materials including blonde sandstone, timber windows and pitched slated roofs".*

In relation to mews properties it states *They are usually one and a half storeys high, with a carriage entrance and sometimes a hayloft, both on the lane side. They were usually built with a formal high quality design facing the house and an informal rubble elevation facing the lane of the mews.*

The existing car parking area on the site is unattractive. Its replacement with a high-quality new building has the potential to enhance the character and appearance of the conservation area.

The envelope, traditional form and construction materials of the proposed mews generally reflect the type of buildings that commonly occupy the rear garden areas of Georgian terraced buildings in the Second New Town, which is a significant constituent area of the World Heritage Site.

The principle of mews development has already been established in this particular part of the lane. Other mews structures also appear to be historically evident along Cumberland Street South East Lane and Cumberland Street South West Lane.

Given the subdivision of most of the garden grounds to the rear of this part of Fettes Row and the level of existing development within these plots, the development of a mews building within this site is compatible with the character of the area.

The proposed height and envelope of the proposal broadly matches that of the other mews buildings within the lane and the proposed dimensions are appropriate in this particular location, given the length of the original garden plots. The retention and re-use of the boundary walls ensures the new mews building integrates well with the historic context.

As regards design, the proposed mews is largely of high quality traditional mews form with sympathetic contemporary detailing in traditional materials. This will complement the character and appearance of the New Town Conservation Area in which good quality modern buildings are encouraged. The formal symmetrical rear facade proposed facing the listed terrace on Fettes Row was a common approach to New Town mews design and is acceptable as long as adequate privacy levels to neighbouring properties can be maintained. The proposed traditional materials of natural stone, slate and timber are in keeping with the historic palette of the area.

However, it is proposed that the development will have a zinc roof and an element of zinc to the proposals rear wall. Zinc is not a traditional material utilised on the walls or roofs of mews properties. The use of zinc for the wall and roof also does not conform with the New Town Conservation Area Character Appraisal. A condition has been applied that states that the element of zinc proposed to the rear wall of the development and the zinc roof are not approved and that more appropriate materials should be submitted for the written approval of the planning authority within 2 months of the consent being granted.

Overall, if the element of zinc proposed for the external rear wall and the proposed zinc roof was replaced with more suitable materials, then the new building will be compatible with the character of the conservation area and can be viewed overall as a positive enhancement.

The site is only largely visible from the lane and surrounding residential tenements. The proposal will improve the visual amenity of the lane and will therefore enhance the appearance of this part of the New Town Conservation Area.

In summary, the proposed mews building will both preserve and enhance the character and appearance of the conservation area through the replacement of the unattractive car parking area with a new traditional style structure of appropriate scale, and design. Provided a condition is applied to the consent stating that the element of zinc proposed for the external rear wall of the proposal and the proposed zinc roof is not approved, the proposal complies with LDP policies Des 3, Des 4 and Env 6.

#### d) Impact on World Heritage Site and the Historic Garden and Designed Landscape

LDP Policy Env 1 (World Heritage Sites) states that development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh will not be permitted.

The Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site (EWHS) is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Statement of Outstanding Universal Value emphasises the importance of maintaining the authenticity of the Site which "*continues to retain its historic role as the administrative and cultural capital of Scotland, while remaining a vibrant economic centre.*"

Mews style properties for residential use within these lane are a common feature in the New Town and the proposal does not have a detrimental impact on the OUV of the World Heritage Site. It complies with LDP policy Env 1.

LDP policy Env 7 (Historic Gardens and Designed Landscapes) states that development will only be permitted where there is no detrimental impact on the character of the site recorded in the Inventory of Gardens and Designed Landscapes, adverse effects on its setting or upon component features which contribute to its value. The site falls within the recorded New Town Gardens.

The inventory of Gardens and Designed Landscapes states, *The internationally recognised New Town Gardens comprise a series of 18th and 19th century town gardens, squares and walks. Although broadly contemporary with other developments in city planning, Edinburgh New Town has the most extensive system of public and private open space, designed to take full advantage of the topography and Edinburgh townscape.*

The proposal will be constructed on an area of garden that has been converted into a parking area in the past. The proposal will restore part of the site to a garden once again. It will have no detrimental impact upon the character of the New Town Gardens.

The proposal complies with LDP policy Env 7.

### e) Impact on Residential Amenity

LDP policy Des 5 (Development Design - Amenity) states that planning permission will be granted for development where the amenity of neighbouring developments is not adversely affected.

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.

The Edinburgh Design Guidance states 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 like the Old Town.*

There are windows proposed to the rear elevation of the building. However, the two large bedroom windows to the rear will be sited at lower ground level where they will be screened by a proposed retaining wall and the existing boundary wall to the rear of the plot. Two other rear windows are proposed to the ground floor level. However, one of these windows will only permit light to the proposed garage, which is not classed as a habitable room. The other window will provide light to study/bedroom. The plans submitted show that both of these windows will be fitted with obscure privacy glazing. There will also be a glass door to the rear elevation on the ground floor which shall provide access to the rear garden. This door, however, will only provide light to a hallway and will again be fitted with obscure glazing. A small platform and steps will lead down to the rear garden. The platform proposed is small and will not enable opportunities for overlooking.

With regards to privacy to neighbouring properties on the opposite (south) side of the lane, the distances between the windows on the front elevation of the mews and the rear garden boundaries of properties in Cumberland Street across the lane will be approximately 6 metres, with a window to window distance of roughly 10 metres. Whilst the proposal will not meet the 18 metre window to window distance set out in the Edinburgh Householder Guidance, it is noted that the tight urban form of the lane and the existing mews buildings present, which have the same window to window distances as that proposed, already form an established pattern of development in the street. This means that the appropriate distances between buildings and consequential privacy distances are less than would be expected within a modern residential estate.

The proposal will have one small ground floor window which will provide light to a W/C. One of the two windows on the first floor will directly overlook the staircase/hallway area of the floor whilst the other will provide light to the kitchen/dining room area. The proposal shall therefore only have one window to its principal elevation that provides sunlight/daylight to a habitable space within the property. Any potential loss of privacy experienced will not be unreasonable.

The view from the properties on Fettes Row over the rear gardens will not be obscured. The properties to the rear of Cumberland Street will still have an immediate view over the rear garden grounds and the lane.

The Edinburgh Design Guidance states that - *New buildings should be spaced out so that reasonable levels of daylight to existing buildings are maintained. The layout of buildings in an area will be used by the Council to assess whether the proposed spacing is reasonable.*

The proposed mews building will be located in line with the existing mews dwellings in the lane. It will also be of a broadly similar depth and height to the other existing mews properties. The spacing between mews properties and other buildings to the front and rear of the lane is therefore established and must be seen as reasonable. The proposed development will have a similar impact on directly neighbouring properties, in terms of potential loss of sunlight/daylight, as the existing mews buildings. Unlike some mews properties, this development will have its own rear garden. This will minimise any overshadowing that the proposal will cause to the gardens to the rear of the site.

The proposal broadly complies with LDP policy Des 5 and the Edinburgh Design Guidance.

#### f) Amenity for future occupiers

LDP policy Des 5 also expects future occupiers to have acceptable levels of amenity.

It is acknowledged that the two main bedrooms will be located at the lower ground floor level of the property. However, these rooms will both have large double windows which will permit adequate levels of sunlight/daylight to enter these rooms. It is also acknowledged that there are many other examples of lower ground floor rooms nearby within the properties along Fettes Row and Cumberland Street which have quite restricted access to sunlight/daylight.

The ground floor bedroom/study to the rear shall have a large window, albeit obscured, whilst the first floor room shall have two large south facing windows and a selection of rooflights. Views will be quite limited but this has to be expected in a built up area such as this.

The Edinburgh Design guidance establishes minimum floor space standards for new residential properties. These are, 66 square metres for a two bedroomed property. The proposed property exceeds these requirements.

LDP policy Hou 3 (Private Green Space) states that planning permission will be granted for development that makes adequate provision for green space to meet the needs of future residents. It is acknowledged that mews properties traditionally either had no or minimal garden grounds. This is part of the character of these buildings. In this instance, however, the proposed property will have a rear garden of approximately 4.5 metres depth and 8.2 metres width. This will be adequate greenspace for future residents.

#### g) Road Safety and parking

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 application was assessed by the Roads Authority. The application proposes one off street car parking space, within the garage, which is acceptable. The removal of the existing car parking site helps promote the Council's policies in terms of reducing traffic movements and encouraging active travel. The proposed property has a large hall and a secure garage in which secure cycle storage could be provided.

The proposal complies with LDP policy Tra 2 and Tra3.

#### h) Flooding

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

Flood Planning was consulted as part of the assessment of the application. It confirmed that the site does not fall within an area at risk of flooding. A Surface Water Management Plan was however requested. This was submitted and was assessed by Flood Planning. Flood Planning requested that the applicant confirm that Scottish Water accept the proposed surface water discharge to the combined system. This confirmation has not yet been received. As the consent of Scottish Water is a separate statutory regime outwith the control of the planning authority, this requirement has been added as an informative.

The proposal complies with LDP policy Env 21.

#### i) Trees

LDP policy Env 12 (Tree Protection) 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.

There is a selection of trees which are located directly around the site. The applicant has submitted an arboricultural tree report which was assessed by the Council's tree officer. The tree report states that no roots of nearby trees shall be harmed. It does state that some pruning of the branches of nearby trees will be required but that this will not harm the trees. As the nearby trees are located within the defined conservation area, permission will be required from the planning authority for any works to these trees. The proposal will not harm the trees worthy of retention.

The proposal complies with LDP policy Env 12.

## j) Public Comments

### **Material Comments - Objections:**

- impact on listed buildings and their setting. This is addressed in section 3.3 b)
- the use of zinc for the walls and roof is inappropriate for a building within the defined conservation area and within the World Heritage Site. This has been addressed in section 3.3 c and d)
- the design which has windows to the rear is inappropriate. This has been addressed in sections 3.3 c) and d)
- loss of privacy and overshadowing. This is addressed in section 3.3 e)
- loss of immediate views. This is addressed in section 3.3 e)
- impact on trees. This is addressed in section 3.3 i)

### **Material Comments - Support**

- will enhance the conservation area and the lane. This is addressed in section 3.3 c)
- good to see the existing wall being retained and incorporated. This is addressed in section 3.3 c)

### **Neutral Comments**

- potential harm to nearby trees. This is addressed in section 3.3 i)

### **Non Material Objections**

- potential damage to perimeter wall and potential subsidence. This will be addressed by the required Building Warrant
- impact of noise and disruption throughout build. This is not a material planning consideration.
- loss of view. This is not a material planning consideration.
- the development would set an undesirable precedent for mews properties with rear windows. Every application is determined on its own individual merit.
- hours of construction should be restricted. This is not a material planning consideration and is controlled by different legislation.

## **Conclusion**

Provided a condition is applied to the consent stating that the zinc clad roof and the zinc proposed to the rear wall of the building is unacceptable, and is not approved, 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 proposal will also comply with the adopted Edinburgh Local Development Plan and will not damage the Outstanding Universal Value of the Edinburgh World Heritage Site. The proposal is acceptable in this location and is of an appropriate scale, form and design. The proposal will have no material impact upon the amenity of neighbouring residents and will provide an adequate residential environment for future occupants.

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. 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.
2. Notwithstanding the planning permission hereby granted, permission is not given for the proposed zinc roof covering or the element of zinc cladding shown to the rear wall of the development. Details of a more appropriate roof covering and wall finish shall be submitted for the approval of the Planning Authority within 2 months of the date of this consent.
3. i) Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
  - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

4. Prior to work commencing on site, further details of the proposed obscure glazing to be utilised within the windows of the property shall be submitted for the written approval of the planning authority.
5. No trees which overhang the application site shall be lopped, topped, pruned or felled without the approval of the Planning Authority.
6. During excavation and construction if any tree roots over 25mm diameter or large bundles of fine-roots are discovered within the site then a suitably qualified arboriculturalist shall be contacted and the roots inspected to clarify whether the works shall harm these trees. A written report of any findings following this inspection shall be submitted to the Planning Authority for further approval prior to any further works commencing.
7. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
8. Further details of the construction method of the new mews building in relation to the existing front and side stone walls shall be submitted for the approval of the Planning Authority prior to the commencement of development.

**Reasons:-**

1. In the interests of amenity.
2. To preserve or enhance the special character or appearance of the conservation area.
3. To ensure the safety of future residents.
4. In the interests of amenity.
5. In order to ensure the protection of the nearby trees.
6. To protect the trees near to the site.
7. To protect the archaeological interest of the site.
8. To ensure any listed walls are retained as part of the development.

## **Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The applicant should be advised that as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See [https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item\\_77\\_-\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf) (Category A - New Build);
5. Prior to works commencing on site confirmation that Scottish Water will accept the proposed surface water discharge to the combined system shall be submitted to the planning authority.

## **Financial impact**

---

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

There are no financial implications to the Council.

## **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:**

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

## **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**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

The application received 8 objection comments, 1 neutral letter of comment and 1 support comment. The points raised are addressed in section 3.3 of this 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** 14 September 2020

**Drawing numbers/Scheme** 01-24,

Scheme 1

**David Givan**  
**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 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 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

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

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

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

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

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

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

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

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

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

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

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

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

### **Other Relevant policy guidance**

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

# Appendix 1

## **Application for Planning Permission 20/03874/FUL At 12A Cumberland Street North East Lane, Edinburgh, Erection of mews house.**

### **Consultations**

---

#### **Roads Authority**

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

1. *The applicant should be advised that as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See [https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item\\_77\\_-\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf) (Category A - New Build);*

*Note:*

- The proposed single car parking space proposed complies with the current parking standards (1 space per residential unit);*
- The proposed development results in a net reduction in car parking, this is considered acceptable*

#### **Archaeologist**

*The site occurs at the core of Edinburgh's 18th century New Town, occupying the rear of 12 Fettes Row, part of a B-listed row of Georgian Townhouses. These tenements designed by Thomas Brown in 1821 though earlier maps such as those by Ainslie 1804 and Kirkwood 1821, reflect the earlier masterplan for the site which formed part of the 1st planned extension of the New Town. The original plans indicate provision for an earlier mews building on this site, however this was never constructed, as a result the site has remained undeveloped garden ground until recently and its current use as a car-park.*

*This application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies ENV4, ENV6, ENV8 & 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 welcomed that the proposals will retain the existing listed garden wall fronting onto the Lane. The site has remained undeveloped since the construction of Fettes Row c.1821. As such the site could contain information regarding the construction and development of the garden areas Associated with these Georgian tenements, which would be removed by the construction of the new mews. Overall this impact is considered to have a low archaeological significance however it is recommended that an appropriate programme of archaeological excavation is undertaken prior to/during development in order to fully excavate, record and analysis any surviving archaeological remains.*

*It is recommended that the following condition be attached to any permission to ensure that this programme of archaeological works is undertaken:*

*'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (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 must 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.*

## **Environmental Protection**

*I refer to the above and would advise that Environmental Protection has no objections to the application subject to the condition below.*

*The site is situated between two gardens with residential properties to the north and south, further west and east.*

*The site should be assessed for contamination to ensure that it is made safe for the proposed end use. In this regard, a condition is recommended below.*

*Therefore, Environmental Protection offers no objections to the proposal subject to the following condition:*

*Prior to the commencement of construction works on site:*

- (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and*
- (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning*

*Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.*

## Location Plan

---



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420  
**END**