

# Development Management Sub-Committee Report

**Wednesday 26 April 2023**

**Application for Planning Permission  
5B Hope Terrace, Edinburgh, EH9 2AP**

**Proposal: Erect dwelling.**

**Item – Committee Decision  
Application Number – 22/06107/FUL  
Ward – B15 - Southside/Newington**

## **Reasons for Referral to Committee**

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-committee as it has received more than six material representations in objection and the recommendation is to grant planning permission.

### **Recommendation**

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

### **Summary**

The proposed development complies with the National Planning Framework 4 and Edinburgh Local Development Plan as the proposed development design is acceptable, future occupiers will have acceptable levels of living amenity within the development and neighbouring amenity will not be adversely affected. Conditions relating to trees and archaeology have been applied. The proposals are acceptable and there are no material considerations that would outweigh this conclusion. It is recommended that the application be approved.

## **SECTION A – Application Background**

### **Site Description**

The application site is a vacant plot on the north side of Hope Terrace. Trees are positioned around the site and there is a garage to the eastern side. Vehicular and pedestrian entrances take access from Hope Terrace.

The street consists predominantly of stone villas and there is a modern house opposite the application site.

The application is located within Grange Conservation Area.

### **Description Of The Proposal**

The application proposes to construct a new detached dwellinghouse comprising two and half storeys, with four bedrooms and a single garage to the side. The proposed materials consist of aluminium windows, zinc cladding, ashlar sandstone and grey single ply membrane. In addition, the application proposes solar panels on the roof and an air source heat pump. The boundary walls will be repaired and repointed using lime mortar.

### **Supporting Information:**

Design statement

Drainage plan

Views

Surface Water Management Plan check list

Tree report

Letter from Scottish Water

Sustainability statement

### **Relevant Site History**

19/06098/FUL

5B Hope Terrace

Edinburgh

EH9 2AP

To form a private dwelling house.

Granted

28 February 2020

### **Other Relevant Site History**

None

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

Waste Management

Scottish Water

Archaeology Officer

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

## Publicity and Public Engagement

**Date of Neighbour Notification:** 15 December 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 23 December 2022

**Site Notices Date(s):** 19 December 2022

**Number of Contributors:** 66

## Section B - Assessment

### Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations; and
- any other identified material considerations.

### Assessment

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

- a) **The proposals harm the character or appearance of the conservation area?**

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

- Managing Change - Conservation Areas

The Grange Conservation Area Character Appraisal emphasises the high quality stone built architecture of restricted height enclosed by stone boundary walls, the uniformity resulting from the use of local grey sandstone for buildings and boundary walls and Scots slate for roofs, the formal and picturesque detached and semi-detached dwellings of generous scale and fine proportions, the low density grain of the area, and the spacious and uncluttered streetscape.

The proposal will be a modern intervention to the street and addition to the conservation area. On the south side of Hope Terrace there is a three storey, modern contemporary flat roofed residential development with sawn sandstone and zinc cladding. The street however, is overwhelmingly traditional in character with variations to its sandstone colours and detailing throughout.

The details proposed on the front elevation, such as feature bands to the sandstone walls, will give the elevation a horizontal emphasis reflecting the stone on the surrounding buildings. Most of the building will be constructed using traditional materials. However, more contemporary materials, for example, aluminium windows and zinc, are used for the roof and the doors. The elevational treatment to the front positively reflects the immediate surroundings. Although the amended scheme is approximately 0.8m higher in terms of the roof scape, the change is minimal, and would not have a negative impact on the neighbouring properties. The distinctiveness of the design will preserve the character and appearance of the conservation area.

### **Conclusion in relation to the conservation area**

The proposals are acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

#### **b) The proposals comply with the development plan?**

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and Edinburgh Local Development Plan (LDP) policies to be considered are:

- NPF 4 Policy 1, 2 and 9;
- NPF 4 Policy 7d, 7e and 7o
- NPF 4 Policy 14
- LDP Design policies Des 1, Des 3, Des 4 and Des 5
- LDP Environment policies Env 12 and Env 21
- LDP Housing policies Hou 1, Hou 3, and Hou 4

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF 4 Policy 7.

### Climate and Nature Crisis

NPF 4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The application addresses this through:

- Introducing elements of climate mitigation to reduce or prevent emissions of greenhouse gasses by including solar panels and air source heating system
- Enabling development and empowering people to shape their places.
- The preservation and enhancement of trees within the site will provide tree cover.
- Further energy saving standards and carbon reduction measures will be considered during the building standards process

NPF4 Policy 2 a) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change. NPF4 Policy 9 intends to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

With regard to 2 a), measures have been taken to achieve a high level of energy efficiency and providing solar panels. Regarding 2 b), the site is designed to manage surface water through permeable surfacing and the remaining mature trees would provide shade and shelter from sun and wind as the climate changes. The land is vacant between two existing detached dwellinghouses and it is in a highly sustainable location.

The proposed development is considered to comply with the provisions of NPF 4 Policy 1, 2 and 9.

### Impact on the setting of the conservation area

This has been assessed in section a) and the proposals comply with NPF 4 Policy 7d and 7 e as the proposal would preserve and enhance the character and appearance of the conservation area.

### Principle of development

LDP Policy Hou 1 Housing Development states the circumstances in which priority will be given to the delivery of the housing land supply. Criteria (d) of policy Hou 1 permits housing on suitable sites in the urban area, provided that the proposals are compatible with other policies in the plan.

The street and surrounding area are residential in character. In this regard, the proposal for a new residential use in this location is appropriate. Furthermore, planning permission was granted in February 2020 for a new house on the site, establishing the principle of the use as acceptable.

In conclusion, the principle of the development of a new house in this location is acceptable subject to compliance with other LDP policies which will be assessed in the following sections of the report.

### Development design

The development pattern of the area is that of stone villas in large plots set behind stone walls. The proposed house will sit behind a low stone wall and will respect the building line of the existing buildings on the north side of Hope Terrace. The proposed additional storey has been well designed as it is set back from the edges of the building and clad in dark material to emulate the colour and tone of a traditional slate roof. The overall height of the building is commensurate with the adjacent buildings and the attic floor is of a similar height to the ridge line of the adjacent pitched roofs. Its depth and height are similar to the other houses in the row and its position on the land respects the established distance between buildings. The depth of both the front and rear gardens the high amenity value of gardens in the area.

Whilst the design is bold, it will not result in an overwhelming or dominating addition to the character and appearance of the street. The current proposal would be compatible with the existing and established spatial pattern of the street, and scale and massing of the surrounding area and wider conservation area.

The design is a high quality contemporary architectural style which will provide a contrast with the predominantly stone villas on the street. Materials proposed are a mix of traditional and modern materials. The elevations will be sandstone and the window frames will be grey aluminium. Zinc and powder coated aluminium is proposed for the projecting window and roof and steel is proposed for the main door. The large glazed first floor frontage provides an individualism to the proposed building which will contrast with the neighbouring traditional buildings and will result in a proposed modern building opposite an existing modern contemporary building. The flue chimneys are a small detail of the proposal and will not detract from the overall quality of the design. The mix and balanced use of a limited palette of both traditional and modern materials will work well within the streetscene.

The proposal is for a high quality and contemporary development and is of an appropriate scale, form and design. It complies with LDP Design policies Des 1, Des 3 and Des 4 and NPF 4 Policy 14c.

### Amenity for future occupiers

The Edinburgh Design Guidance prescribes the minimum internal floor areas for new development. The floor area of the proposed dwellinghouse exceeds the 91sqm standard for a four-bedroom dwellinghouse. The arrangement of the proposed living spaces and windows will ensure that future occupiers will have sufficient levels of daylight.

Future occupiers will have an appropriate access to private garden space to the front and rear of the site. The depth and layout of the garden will provide future occupiers with useable private outdoor amenity space to the rear in accordance with the Edinburgh Design Guidance.

The proposals comply with LDP Policies Des 5, Hou 4 and Hou 3 and comply with the Edinburgh Design Guidance to provide a sufficient amount of private amenity space both internally and externally and an attractive residential living environment.

### Neighbouring Amenity

The proposed building will be placed in a gable to gable position with the neighbouring properties. The proposed building will not have a detrimental impact on neighbouring properties in terms of overshadowing or loss of daylight and sunlight. The proposed solar panels on the roof will not impact on the sunlight to the neighbouring property.

The front windows and balcony overlook the public street and residential gardens which are in the public street. The rear windows comply with the minimum distance from the rear boundary as advised in the Edinburgh Design Guidance. Windows within a gable to gable situation are not generally protected by the non-statutory Edinburgh Design Guidance and, therefore, the proposed side windows are acceptable.

The outlook from the neighbouring property to the rear (north) of the proposal will change. However, the proposal is in an urban area and fits in with the rear building line of the street.

Potential noise from air source heat pump will not be adverse.

The proposals will not have a detrimental impact on neighbouring amenity and comply with LDP Policy Des 5 and the Edinburgh Design Guidance.

### Flooding and drainage

Policy Env 21 (Flood Protection) states permission will not be granted for development that would increase flood risk.

A flood risk assessment and surface water management plan have been submitted.

This information has been reviewed by Flood Planning and no objections have been received.

The proposal complies with policy Env 21 of the LDP.

### Trees

An arboricultural survey and a tree protection drawing were submitted with the application. There are no new trees proposed to be removed; the applicant proposes to reinstate the original holly hedge along the southern boundary and to plant two ornamental trees on the north and northeast boundary.

The condition has been placed for the protection of the trees prior and during the construction stages in accordance with BS 5837 2012.

The proposal will not have a detrimental impact on the trees or on the landscape character of the conservation area and complies with policy Env 12 of the LDP.

## Historic Assets - Archaeology

NPF4 policy 7 o) states that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible.

The proposed development will require significant ground-breaking works which could disturb archaeological remains. A condition is therefore applied to ensure that a programme of archaeological work is undertaken prior to development. This is to fully excavate, analyse and record any archaeological remains that may be affected and that they are protected and preserved in situ where feasible.

### **Conclusion in relation to the Development Plan**

The proposed development complies with the policies contained in NPF 4 and Edinburgh Local Development Plan.

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

The following material planning considerations have been identified:

#### Emerging policy context

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

#### Equalities and human rights

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

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

#### Public representations

The application has attracted 11 letters with objections and 55 letters of support.

#### *material considerations - objections*

- additional floor breaks the line of neighbouring roofs - assessed in section (b)
- impact of the additional solar panels on sunlight to the properties behind - assessed in section (b)
- lack of information on dimensions, heights etc. - The submitted plans provided sufficient information for the determination of this application;
- no information about proposed materials - design statement has clearly outlined proposed materials as well as those details are on drawings.
- no information about type of windows - details of the windows are provided in the design statement and on the submitted drawings.

- proposed flue should be built-in - assessed in section (b)
- noise impact of the proposed heat pump - assessed in section (b)
- detailed landscape plan has not been submitted - there is no requirement for a detailed landscape plan
- first floor balcony projects forward from the Hope Terrace building line - assessed in section (a)
- proposed materials are out of keeping with conservation area - assessed in section (a)
- impact of overlooking - assessed in section (b)
- the scale of the property appears to be disproportionate to the neighbouring properties and appears out of keeping with the area - assessed in section (b)
- the plan does not identify the existing trees that will be removed - assessed in section (b)
- no information provided on the drainage of surface water - assessed in section (b)

*material considerations - support*

- the high quality design would complement and enhance the area
- supportive of a new residential property
- the proposal would bring a neglected site back into positive use which would benefit the area
- the house will be eco friendly

**Conclusion in relation to identified material considerations**

The proposals do not raise any issues in relation to other material considerations identified.

**Overall conclusion**

The proposed development complies with the National Planning Framework 4 and Edinburgh Local Development Plan as the proposed development design is acceptable, future occupiers will have acceptable levels of living amenity within the development and neighbouring amenity will not be adversely affected. Conditions relating to trees and archaeology have been applied. The proposals are acceptable and there are no material considerations that would outweigh this conclusion. It is recommended that the application be approved.

**Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

**Conditions**

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

2. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 .
3. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

### **Reasons**

1. In order to safeguard the interests of archaeological heritage.
2. In order to safeguard protected trees.
3. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

### **Informatives**

It should be noted that:

1. 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.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

### **Background Reading/External References**

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

### **Further Information - Local Development Plan**

**Date Registered: 14 December 2022**

### **Drawing Numbers/Scheme**

01-15  
Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Weronika Myslowiecka, Planning Officer  
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## Appendix 1

### Summary of Consultation Responses

NAME: Waste Management

COMMENT: No objection.

DATE: 20 February 2023

NAME: Scottish Water

COMMENT: Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced.

DATE: 30 January 2023

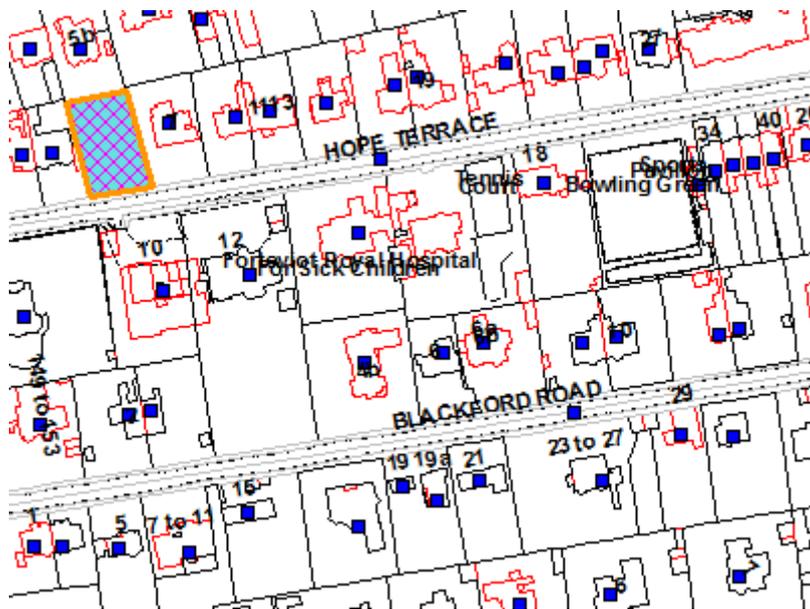
NAME: Archaeology Officer

COMMENT: It has been recommended to add condition to the planning permission to ensure that archaeological mitigation is undertaken.

DATE: 9 January 2023

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

### Location Plan



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