

Development Management Sub-Committee Report

Wednesday 21 June 2023

**Application for Planning Permission
land 16 metres southeast of 25 Argyle Crescent, Edinburgh.**

Proposal: Erection of 2x new build, 3 storey, semi-detached townhouses on gap site (as amended).

**Item – Committee Decision
Application Number – 23/00897/FUL
Ward – B17 - Portobello/Craigmillar**

Reasons for Referral to Committee

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

Recommendation

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

Summary

The proposed development is in compliance with the development plan. It complies with the aims and objectives of the policies of National Planning Framework 4 and the Edinburgh Local Development Plan, providing a sustainable use, with good access to local facilities, without reliance on private car use. It is in compliance with NPF4 Policy 1, which underpins NPF4 in seeking to tackle global climate crises.

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Other material considerations support the presumption to grant planning permission.

SECTION A – Application Background

Site Description

The application site is a gap site located to the south of Argyle Crescent. It is set within an area of two storey detached and semi-detached Victorian and Edwardian villas in a residential area. The area is characterised by stone walls and slate roofs. Many of the houses in the area have been subdivided to form flats.

To the rear of the site is a tree covered embankment that rises to Sir Harry Lauder Road. To the front of the site is a high privet hedge.

To the east of the site, 23 and 23A Argyle Crescent is a category B listed building (LB reference: LB26737, listed on 4 September 1995).

The site is within Portobello Conservation Area.

Description of the Proposals

The application proposes the erection of two new, semi-detached, houses. The houses will be two main storey, with a third floor within the proposed roofspace. A single storey element will be located to the rear of the houses. The existing site area is approximately 975 sqm.

The design of the new houses is contemporary in style, with a grey standing seam roof featuring modern style dormer windows and buff brick walls to the front elevation. To the side and rear it is proposed that the houses will be finished in white render.

Proposed landscaping will consist of grass and paving. To the street, new railings above the existing stone wall are proposed to enclose the front garden area. One off street parking space is to be located within the front garden of each property with external cycle storage provided.

Supporting documents

The following documents have been provided to support the application:

- Design & Access statement;
- Tree Survey Report;
- Drainage Details and Layout.

These documents are available to view on the Planning and Building Standards Online Service.

Relevant Site History

11/01396/FUL
Land 16 Metres Southeast Of
25 Argyle Crescent
Edinburgh

Renew of planning permission 05/04163/FUL for the erection of a pair of semi-detached houses (as amended).

Granted

24 June 2011

14/02387/FUL

Land 16 Metres Southeast Of 25

Argyle Crescent

Edinburgh

Application for renewal of planning consents for the erection of 2 semi-detached houses at 25 Argyll Crescent Edinburgh EH15 2QE, (previous consents; 05/04163/FUL, and 11/01396/FUL).

Granted

18 August 2014

15/01849/FUL

Land 16 Metres Southeast Of 25

Argyle Crescent

Edinburgh

Three new build two storey pitched roof 3/4 bedroom terraced dwellings.

Granted

25 August 2015

Other Relevant Site History

No additional history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Transport Planning

Children and Families

Flood Planning.

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

Publicity and Public Engagement

Date of Neighbour Notification: 9 March 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 17 March 2023

Site Notices Date(s): 14 March 2023

Number of Contributors: 42

Section B - Assessment

Determining Issues

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

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

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

This report will then consider the proposed development under Sections 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 listed building and its setting?**

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires assessment of the proposals in relation to any potential harm to Listed Buildings or their settings.

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

- Managing Change in the Historic Environment: Setting.

The proposals shall not harm the setting of the Category B Listed Building adjacent to the site. This is due to the separation distance involved, and the fact that the houses have been sensitively designed in order to appear subservient to the listed building. The materials are appropriate and will not detract from the setting or character of the listed building.

Conclusion in relation to the listed building

There will be a neutral impact on the setting of the listed building directly to the east of the application site.

b) The proposals harm the character or appearance of the conservation area?

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

- Historic Environment Policy for Scotland (HEPS)
- Managing Change: Setting

The Portobello Conservation Area Character Appraisal notes that *"streets became wider in the Victorian era, continuing the pattern of small front gardens and larger back gardens. Most streets were serviced by back lanes, although the railway line prevented this from happening on the south side of Argyle Crescent.*

The development of new buildings in a Conservation Area should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. Therefore, while development of a gap site in a traditional terrace may require a very sensitive design approach to maintain the overall integrity of the area; in other cases modern designs sympathetic and complimentary to the existing character of the area may be acceptable.

The proposals will be a contemporary addition that will be sympathetic to the surrounding conservation area but do not propose a pastiche reproduction of the historic buildings. The design and layout of the building is appropriate and respects the urban grain of the area. While buff brick is proposed for the front elevation, a condition is recommended to ensure that an appropriate stone is used. The use of appropriate materials on the building will contrast, but not significantly detract from the traditional materials which are characteristic of the surrounding area. The proposals will preserve the appearance of the conservation area.

Conclusion in relation to the conservation area

The proposal preserves the character and appearance of the conservation area in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) Compliance 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 LDP policies to be considered are:

- NPF4 sustainable places policies 1, 2, 3, 7, 9, 12, 13
- NPF4 liveable places policies 14, 15, 16, 19, 20, 22, 23
- LDP environment policies Env 21 and Env 22
- LDP housing policies Hou 1, Hou 2, Hou 3, Hou 4,
- LDP design policies Des 1, Des 3, Des 4, Des 5, Des 8
- LDP transport policies Tra 2 Tra 3 and Tra 4.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF4 Policy 7.

The 'Edinburgh Design Guidance' (EDG) is a material consideration that is relevant in the consideration of several LPD design, and transport policies.

Principle

NPF4 policy 9 states that development proposals that will result in the sustainable reuse of brownfield land including vacant land will be supported. Although the site has not previously been developed, it has an extensive planning history for use as a residential development site and assessment against other relevant policies has been made below in accordance with NPF4 Policy 9.

Within the urban area, LDP Policy Hou 1 gives priority to the delivery of housing on suitable sites provided proposals are compatible with other policies in the plan. The proposal for residential dwellings at this site, complies in principle with the requirements of this policy (subject to other policy considerations).

Climate mitigation

NPF4 Policy 1 (Tackling the climate and nature crisis) 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 proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of an existing developed site for alternative uses.

NPF4 Policy 2 a) (climate mitigation and adaption) 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.

Measures are proposed to ensure building fabric performance overall energy consumption will meet relevant building standards. The energy strategy removes all requirements for fossil fuels and includes air source heat pumps for space heating. A solar PV array is proposed on the rear elevation of the main roofslope which is south facing.

Sustainable transport is prioritised by the low car parking levels proposed in the new development, private cycle storage and location within an established residential area.

Historic Environment

NPF4 Policy 7 (Historic assets and places) requires that proposals with a potentially significant impact on historic assets or places should be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records. This policy only supports development proposals in conservation areas where they preserve or enhance the character and appearance of the conservation area and its setting.

This has been assessed in section a) and the proposals comply with NPF4 Policy 7.

Design and Materials

NPF4 Policy 14 (Design, quality and place) supports development proposals that are designed to improve the quality of an area and are consistent with the six qualities of successful places.

LDP Policies Des 1 (Design Quality and Context), Des 3 (Development Design - Incorporating and Enhancing Potential Features) and Des 4 (Development Design - Impact on Setting) ensure that developments will create or contribute towards a sense of place, based upon positive characteristics of the surrounding area, and planning permission will not be granted for poor quality or inappropriate design that would damage the surrounding character of the area.

The Edinburgh Design Guidance (EDG) seeks to ensure that new developments will have a positive impact on their surroundings through height and form, scale and proportions, site layouts and materials utilised.

The plot is located in an area which is historically characterised by low density development. The design and materials of the proposed alterations will not detract from this established character. The proposed dwellings will occupy a similar footprint to other semi-detached properties in the area. The building will not extend beyond the building line of the adjacent properties.

The proposed dwellings will be a matching pair of semi-detached houses spread over three levels. The use of bay windows is commonly found in the street, but the proposal will make use of a contemporary design to the proposed dormer windows which will be complimented by the use of modern materials.

Scheme 1 originally showed the side elevations to be finished in render. This was revised to brick to match the front elevations and provide better continuity in the materials palette. In addition, the existing dwarf stone wall to the front boundary of the site is to be retained and altered.

The Edinburgh Design Guidance seeks that natural sandstone will be used as the main external building material in development where sandstone is the dominant material on neighbouring buildings or in the surrounding area, particularly within conservation areas. This is particularly important on facades that can be seen from the street. Therefore, a condition is recommended in order to seek sandstone on the principal elevation.

LDP Policy Des 8 (Public Realm and Landscape Design) supports proposals where all external spaces, and features, including streets, footpaths, green spaces and boundary treatments have been design as an integral part of a scheme as whole.

An outline landscaping plan has been provided. It contains areas of paving and grass with planters to the front garden. The revised scheme has included the retention of an existing tree within the rear garden of one of the houses. A condition has been added requiring specification details and that the landscaping is carried out within a specified timescale.

Amenity for existing neighbours and future occupiers

LDP Policy Des 5 (Development Design - Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring residential properties is not adversely affected in terms of loss of privacy or natural light.

As the main part of the proposed buildings broadly matches that of the adjacent properties, there will be no significant loss of daylight to habitable rooms or sunlight to garden ground. Gable windows on neighbouring houses are not protected under the EDG.

Although there will be a loss of privacy to neighbouring rear garden ground as a result of the proposed development, this will not be direct facing and at oblique angles only. Consequently, the positioning of the proposed buildings on the site is found to be acceptable.

The proposed development will provide future occupiers with high levels of daylight and sunlight to front and rear rooms. The occupiers will benefit from a generous plot with considerable rear garden ground.

Flooding and Drainage

A Surface Water Management Plan (SWMP) has been submitted which includes a drainage strategy. The proposed surface water is to be collected from each property and discharged into a 'surface water soakaway pit' located in the rear gardens of both properties.

The proposal causes no significant flood risk to the surrounding area. The proposal complies with NPF policy 22 and LDP policies Env 21 (Flood Protection) and RS 6 (Water Supply and Drainage) which all seek to ensure sustainable water management and flood risk measures are in place for new development.

Biodiversity

NPF4 Policy 3 (Biodiversity) seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

Biodiversity enhancements will be delivered through the landscape plan. It is recommended that a condition be added encouraging other measures such as swift bricks in the new roof form.

Transport

NPF4 Policy 13 (sustainable transport) requires proposals to demonstrate that the transport requirements generated have been considered in line with sustainable travel priorities.

LDP policy Tra 3 (Private Cycle Parking) and Tra 4 (Design of Off-Street Car and Cycle Parking) ensures that private car parking and cycle parking in new developments complies with and does not exceed the parking levels set out in the Edinburgh Design Guidance with appropriate design and layout.

The application includes provision for one off street parking space within the front garden which meets the maximum standards in the EDG. The site is located close sustainable transport options with local facilities available on Portobello High Street.

The cycle parking provision will be within enclosed storage facilities in the garden ground of each house.

Infrastructure

NPF4 Policy 18 (Infrastructure First) states that development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported. LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) requires contributions to the provision of infrastructure to mitigate the impact of development.

There are no relevant contributions for this site identified in the LDP or Action Programme.

Conclusion in relation to the Development Plan

The proposed development broadly complies with the provisions of NPF4 and the LDP and there is not considered to be any significant issues of conflict.

Other matters to consider

The following matters have been identified for consideration:

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. The development should be built out in accordance with the relevant building standards in terms of equalities and accessibility.

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

Public representations

A summary of the representations is provided below. The issues raised have been addressed in the report above.

Material comments - objection:

- Too large in scale;
- Not subservient to neighbouring properties;
- Detracts from the setting of neighbouring listed buildings;
- Inappropriate design;
- Fails to comply with LDP Policy Des 1;
- Swift nest bricks should be included;
- Inappropriate materials;
- Dormers not in proportion;
- Front wall should be rebuilt in stone;

Material comments - support

- Compliments the character of the conservation area;
- Includes biodiversity improvements;
- Appropriate height and massing;
- Sustainable construction methods proposed;
- Provides needed family housing;

Non-material comments

- Fails to comply with LDP policies ENV3, ENV6

Conclusion in relation to other matters considered

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

Overall conclusion

The proposed development is in compliance with the development plan. It complies with the aims and objectives of the above policies of National Planning Framework 4 and the Edinburgh Local Development Plan, providing a sustainable use, with good access to local facilities, without reliance on private car use. It is in compliance with NPF4 Policy 1, which underpins NPF4 in seeking to tackle global climate crises.

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Other material considerations support the presumption to grant planning permission.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. 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.
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. For the avoidance of doubt, the principal (front, street-facing) elevation shall be finished in natural stone.

Note: samples of the materials may be required.

3. No trees identified in the tree survey shall have roots cut or be lopped, topped, felled, uprooted or removed, unless otherwise agreed in writing with the Planning Authority.
4. Prior to the commencement of development, details shall be submitted to show the location of proposed swift bricks/boxes on the proposed building. Thereafter, the building shall be constructed in accordance with these details as approved by the Planning Authority.
5. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
6. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to ensure that no damage is caused to the existing trees during (demolition and) development operations.
4. In order to safeguard the interests of nature conservation.
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
6. In order to ensure that the approved landscaping works are properly established on site.

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.
3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 2 March 2023

Drawing Numbers/Scheme

01, 02A-07A, 08, 09

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Rachel Webster, Planning Officer
E-mail: rachel.webster@edinburgh.gov.uk

