

**Application by City of Edinburgh Council
at
Montagu Terrace
Edinburgh
EH3 5QX**

**Development Quality Sub-Committee
of the Planning Committee**

Proposal: Resite existing container granted in Planning application ref 03/01621/CEC to take account of bus priority scheme
Applicant: The City Of Edinburgh Council.
Reference No: 04/01901/CEC

1 Purpose of report

To recommend that the application be **APPROVED**

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. The application shall be referred to the Scottish Ministers prior to determination.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2 Main report

Site description

The application site is a section of carriageway on the east side of Montagu Terrace outside number 10.

The site lies within the Inverleith Conservation Area. The site is opposite St James's Church, which is a Category B listed building.

Site history

05.01.2004 - Notification of Intention to Develop for placement of communal domestic refuse containers on South Trinity Road, Bowhill Terrace, Monmouth Terrace and Montagu Terrace received no objection from Scottish Ministers (03/01621/CEC).

Development

The application is for the permanent installation of one 3200 litre refuse container.

Supporting Statement - Available for inspection in Party Group Rooms.

A request has been made by City Development (Transport) to this Department to re-site the container in order that proposed bus priority measures in the Inverleith Row are can proceed. Permission to relocate the container will allow current domestic waste collection arrangements to continue uninterrupted once the bus priority measures are introduced.

The site identified in this current application is within the Inverleith Conservation Area and is subject to an Article 4 Direction and an exemption to Class 30 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. This designation removes the local authority's permitted development rights and as a result this proposal requires planning permission.

In March 1997 the Environmental Services Committee approved the "Containerisation of Refuse" report recommending that the City adopt a rigid bin refuse collection. In adopting this course, the Committee recognised the shortcomings of a sack-based refuse collection service. The indiscriminate presentation of adequately contained refuse on the streets up to seven days per week resulted in litter, spillage and staining on the streets, in addition to posing an obstruction to pedestrians.

Consequently, containers were introduced on a trial basis to the Newington area in April 1998 as part of the Council's containerisation initiative. On 16 February 2000, the Development Control Sub-Committee granted planning permission for the first application submitted

by the Environmental and Consumer Services Department for the siting of permanently fixed communal refuse containers. This was subject to approval by the First Minister, which was duly granted on 27 March 2000. In the intervening period, experience of operating the system has resulted in various changes in locations, sizes, use of fixings and emptying frequencies of the containers. All changes have been made with a view to fine-tuning and delivering an efficient method of refuse collection.

Consultations

No consultations undertaken.

Representations

The application was advertised on 11.06.2004. One letter of representation has been received from a neighbouring occupier who suggests that the container be placed within the widened pavement as part of the junction improvements proposed for Inverleith Row and Ferry Road.

Policy

The site lies within an area identified as Housing and Compatible Uses in the Central Edinburgh Local Plan.

Relevant Policies:

Policy CD2 (LISTED BUILDINGS) sets out criteria for assessing proposals affecting listed buildings and seeks to safeguard their character and setting.

Policy CD5 (CONSERVATION AREAS - REDEVELOPMENT) sets out the criteria against which new development in conservation areas will be assessed, and seeks to preserve or enhance their character and appearance.

Policy CD22 (STREETSCENE) sets out design and quality objectives for street furniture and paving.

Policy H11 (HOUSING AMENITY) establishes a presumption against new development and changes of use likely to introduce increased levels of traffic or activity to the detriment of residential amenity or to the reasonable prospects of further residential development where this is an objective of the Local Plan.

Non-statutory guidelines on the 'SETTING OF LISTED BUILDINGS' supplement local plan conservation and design policies, providing guidance for the protection and enhancement of the setting of listed buildings.

3 Conclusions and Recommendations

Determining Issues

The determining issues are:

- do the proposals preserve the building or its setting or any features of special architectural or historic interest? If they do not there is a presumption against the granting of planning permission. For the purposes of this issue, "preserve", in relation to a building, means preserve either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character;
- do the proposals preserve or enhance the character or appearance of the conservation area? there being a strong presumption against the granting of planning permission if this is not the case;
- 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?

Assessment

To address these determining issues, the Committee needs to consider whether a) the location of this container is appropriate and will not have an adverse effect upon the character and appearance of the conservation area or the setting of adjacent listed buildings, and b) there will be any adverse effect upon the amenity of neighbouring occupiers or road and pedestrian safety.

a) The character of the Inverleith Conservation Area is summarised in the local plan as follows:-

Inverleith developed as a Georgian suburb of villas and terraces to the north of the New Town. It lies on a south facing slope between Ferry Road and the Water of Leith and includes a number of important Victorian institutions set in extensive grounds. Extensive blocks of public and private open space bounded by areas of Georgian and Victorian villas form the essential elements of character, with key views southwards towards the city skyline providing a distinctive setting. Part of the conservation area lies within the area covered by the North East and North West Edinburgh Local Plans.

This section of the conservation area is typically characterised by traditional stone built tenements many of which have commercial premises at ground floor level. The buildings contribute to the high quality built amenity and character of the area.

Whilst of functional design, the introduction of communal refuse containers has been accepted as, on balance, they enhance the appearance of these areas through the removal of black refuse sacks from pavement areas/carriageways. Indeed Committee has already accepted a container outside 7 Montagu Terrace. The current application has been submitted in response to the proposed bus priority measures on Inverleith Row. Amendments to the junction at Inverleith Row and Ferry Road mean that the container that is currently sited outside 7 Montagu Terrace has to be re-located.

The container will be located on the carriageway where there is currently unrestricted parking outwith peak hours. Within off-peak hours, parked cars will effectively screen them. Its position has been chosen carefully so as to be directly outside the stair door of 10 Montagu Terrace rather than the bay window of the ground floor property at number 9. Its position will also allow for a full car length parking space between it and the re-aligned carriageway. This is also the most convenient location for domestic refuse disposal.

The container is opposite the Category B listed building that is St James's Church. However, the listed building is of such a scale and character that it is not considered that the proposed container will have any adverse effect upon its setting.

b) The container will not result in the loss of light to any neighbouring properties. In terms of road safety, the position of each container has been considered within the road users safety audit. Pedestrian safety will not be compromised. Although the containers will be located within areas where residents park, the containers will not result in the loss of designated Resident Parking.

In conclusion, residential amenity and pedestrian and road safety will not be affected by the proposal and the character and appearance of the conservation area and setting of the adjacent listed building will be preserved. There are no material considerations to outweigh this conclusion.

It is recommended that Committee approves this application, subject to the conditions stated.

As this is a Council application and there has been an objection, it must be referred to the First Minister as a Notice of Intention to Develop.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

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Ward affected 11 -Trinity

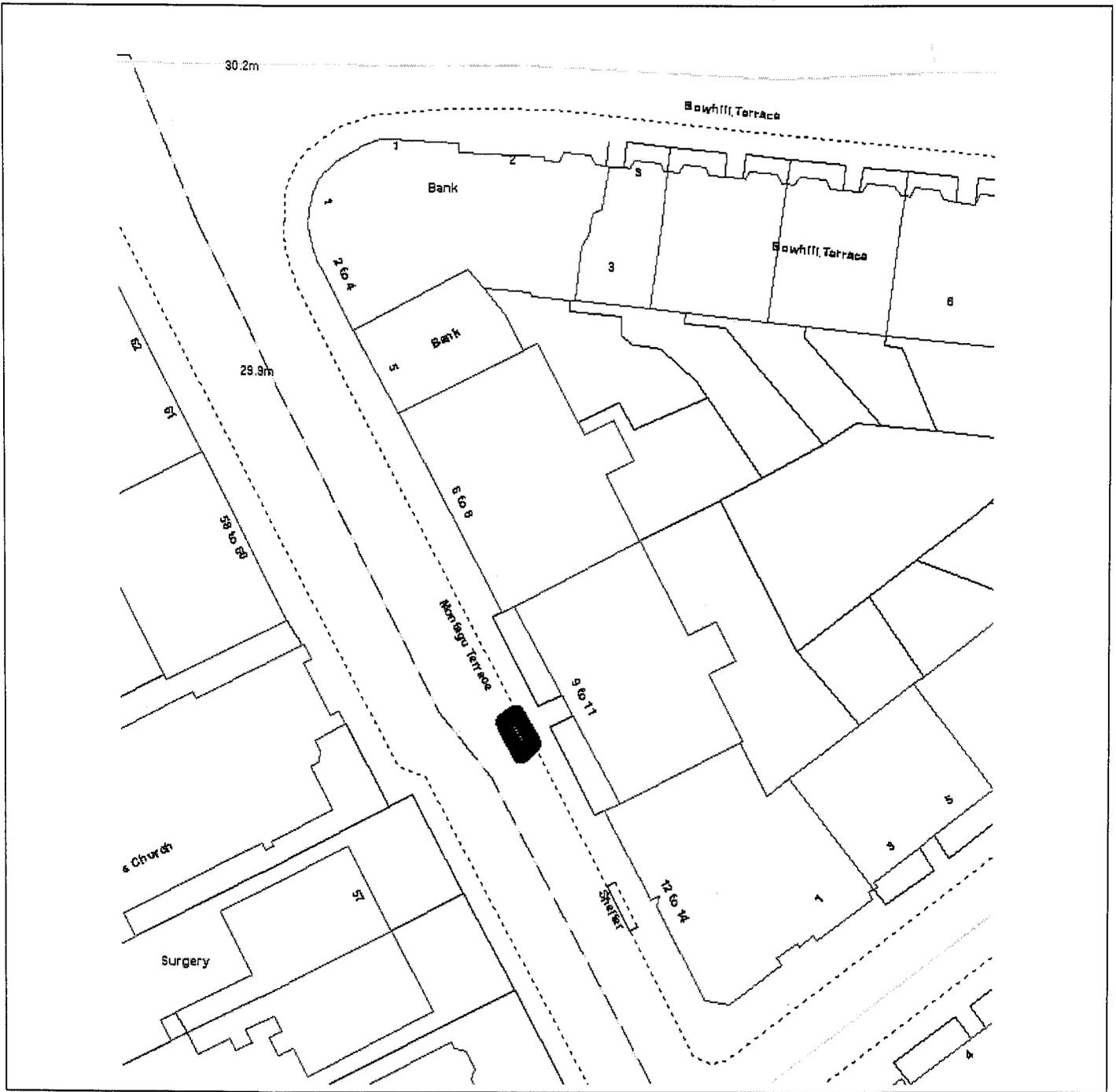
Local Plan Central Edinburgh

**Statutory Development
Plan Provision** Housing and Compatible Uses

File CEC

Date registered 24 May 2004

**Drawing numbers/
Scheme** 1-3



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PLANNING APPLICATION

Address	Montagu Terrace, Edinburgh, EH3 5QX		
Proposal	Resite existing container granted in Planning application ref 03/01621/CEC to take account of bus priority scheme		
Application number:	04/01901/CEC	WARD	11- Trinity

THE CITY OF EDINBURGH COUNCIL
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY