

Full Planning Application 04/04418/FUL

at

30 West Mill Road

Edinburgh

EH13 0NX

Development Quality Sub-Committee of the Planning Committee

1 Purpose of report

To consider application 04/04418/FUL, submitted by D Tedesco.. The application is for: **New dwelling house**

It is recommended that this application be **GRANTED** subject to the conditions in Appendix B.

2 The Site and the Proposal

Site description

The site is to the west of number 30, West Mill Road. There is a large garage within the site which sits behind the hedge on the edge of West Mill Road. Access to the site is via a wide gate that currently serves 30 West Mill Road. The gate access is by an electronically driven sliding system that operates in a parallel direction to West Mill Road. There is a high hedge along the southern boundary with West Mill Road and strong woodland belt to the west of the site, whilst to the north there is the natural vegetation associated with the banks of the Water of Leith. To the east is the applicant's large house and garden.

Site history

There is an extensive history on the larger site of which this site forms part. The site history includes the refusal of planning permission for housing in the 1970s and 1980s, and the refusal of planning permission for a nursing home in 1990 which was appealed but was subsequently dismissed.

In 1992, contrary to recommendation, the Committee chose to grant planning permission for the conversion of the premises to a single dwellinghouse. (91/01565/FUL)

In 1997 planning permission was granted to subdivide the unit into two dwellinghouses. (96/01553/FUL)

25.07.2000 planning permission was granted to alter and extend dwelling the house (00/01801/FUL)

1.4.03 planning permission was granted for alterations and extensions (02/04246/FUL)

In July 2002 planning permission was sought for alterations and extension. The application was withdrawn in order that the size of the extension could be reduced in line with the Council's non-statutory planning guidelines. (03/02163/FUL)

30th August 2004, an appeal against refusal for the refusal of planning permission to erect a house at the site was upheld and planning permission was granted subject to conditions. (03/01272/FUL)
The conditions covered external materials, tree protection, new tree planting and visibility.

Description of the Proposal

The proposal is to erect a dwelling house.

The house is mostly single storey and arranged around a central courtyard, amounting to 187 square metres. There is a two storey element on the south east corner of the building. There would be a north facing integral conservatory. Most of the windows face to the west, north and east. The house would have a pitched roof in slate, the walls would be rendered and the windows and doors would be timber.

The applicants have submitted a supporting statement which explains why the central courtyard design of the house is important to cater for the special needs of their son.

In comparison with the consent granted at appeal the proposal is to increase the size of the site and change the design of the previously approved house together with an increase in its size.

3 Officer's Assessment and Recommendations

DETERMINING ISSUES

The determining issues are:

- Do the proposals enhance or preserve the character and 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 the determining issues, consideration requires to be given to whether

- a) The proposed use is acceptable in this Green Belt location;
 - b) The proposals would be visually compatible with the character or appearance of the Conservation Area;
 - c) The proposals would be compatible with the character or appearance the Greenbelt and the have any adverse impact upon the Urban Wildlife Corridor;
 - d) There would be any adverse effect on residential amenity;
- a) The proposal is not required for agriculture, forestry countryside recreation or other uses appropriate to the rural area. The proposal is contrary to the Green belt policies of both the adopted local plan and the Draft West Edinburgh Local Plan. However when the previous proposal, on a smaller site, was considered, the Reporter considered that since the Local Plan was adopted, some time ago, considerable development has occurred along West Mill Road, including the applicant's own site. In consequence the Reporter did not consider the site to be an isolated development in the countryside.

In terms of the Greenbelt, the Reporter considered that as the site formed part of the applicant's garden and that development existed in 3 directions around the site, the physical boundaries of the City were not being threatened. In addition, the land did not provide countryside recreation nor did it maintain the landscape setting of the city to the extent that a refusal would be justified.

The previously approved site amounted to a plot size of 571 square metres, with a building footprint of 86 square metres (16% of the plot size). The proposal is for a larger plot of 1329 square metres but still forming part of the applicant's garden. The changes in the size of the plot do not raise any new issues in relation to the Greenbelt.

The footprint of the proposed house would be 190 square metres which equates to 14% of the new plot area. The footprint of the house is larger than that previously approved but the plot to development ratio in this area is varied and providing other policy issues can be complied with, the size of the house is not considered to be excessive in relation to either the size of the site or character of the area.

The principle of the development is considered acceptable.

b) With regard to Conservation Area issues, the Reporter considered that the impact would be neutral.

c) With regards to the appeal decision on the previous proposal, the Reporter accepted that there would be some loss of trees and shrubs but this would be minimal and would not intrude into the natural woodland to the west which is of a different character. Compensatory planting could be secured by condition, as could woodland management.

The applicant's original dwelling house, which was subdivided into two dwellings, retains much of its industrial character, which is not particularly in keeping with the neighbouring properties and adds little to the character of its setting.

The proposed house is in line with other buildings in West Mill Road and the two storey element relates to the applicant's own house to the east. The rest of the house is single storey and because of the existing screening around the site, is unlikely to be prominent in the area. The house styles in the area are varied and the proposal continues this theme. The character and appearance of the Conservation Area will not be adversely affected.

The proposal does not impinge upon the footway along the banks of the river and with additional planting, the natural landscape could be enhanced and habitats maintained.

d) There would be no overshadowing caused by the development. There are windows at ground and first floor level on the eastern elevation of the house but these are 9 metres from the boundary. The windows on the west facing

elevation are less than 9 metres away from that boundary but this faces onto the neighbouring woodland where there are no privacy implications.

In conclusion, the proposal will not compromise the open character of the Greenbelt or create coalescence to the detriment of the setting of the City. The house is in keeping with the character and appearance of the Conservation Area and there will be no adverse impacts on the Water of Leith walkway or its nature conservation interests. There are no adverse impacts on privacy and overshadowing. There are no material considerations which outweigh this conclusion.

It is recommended that the Committee approves this application subject to the conditions on drainage, external materials, tree protection, landscaping and contamination.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	David McFarlane on 0131 529 3512 (FAX 529 3716)
Ward affected	43 - Colinton
Local Plan	South West Edinburgh Local Plan
Statutory Development Plan Provision	Greenbelt
Date registered	6 December 2004
Drawing numbers/ Scheme	4,5,7

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Control Portal: www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner, Helen Martin on 0131 529 3517. Email: helen.martin@edinburgh.gov.uk.

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail blair.ritchie@edinburgh.gov.uk or sarah.bogunovic@edinburgh.gov.uk

Appendix A



Application Type Full Planning Application
Application Address: 30 West Mill Road
Edinburgh
EH13 0NX

Proposal: New dwelling house
Reference No: 04/04418/FUL

Consultations, Representations and Planning Policy

Consultations

City Development, Bridges and Flood Prevention

Although the site is close to the Water of Leith it is considerably higher than the river. I do not consider there to be any flood risk from the river and therefore do not require a Flood Risk Assessment.

Where possible, it is best practice for a new development to implement Sustainable Urban Drainage Systems(SUDS). Should the developer have any drainage that will eventually discharge to the watercourse, or water body, drainage must be designed to avoid flood risk or pollution. Drainage must be designed in accordance with the current design manual SUDS, and this must be approved by SEPA.

East Lothian Council

The site falls to be considered against Policy ENV2 of the Edinburgh and the Lothians Structure Plan 2015. This states a presumption against development or changes of use in the Green Belt unless necessary for the purposes of agriculture, horticulture, forestry, countryside recreation, other uses appropriate to the rural character of the area or operations covered by Policies ECON3 and ECON4 of the Plan.

The application seeks permission for the erection of a residential dwelling house within the Edinburgh Green Belt. Planning permission has previously been granted for a smaller single dwelling house on a smaller site at this location on appeal. This latest application seeks to increase the size of the house and plot. You may consider that the net effect on the Green Belt is not significant at this location and that the purposes of the Green Belt, as set out in policy ENV2 of the Edinburgh and the Lothians Structure Plan 2015, may not be compromised by this proposed development.

It is recommended that the application be considered in light of the above circumstances. As such, East Lothian Council would not wish to formally object to this application. If you have any queries please do not hesitate to call me on the number below.

SEPA

SEPA has no objection in principle to the proposed development although the following comments will apply:

Flood Risk Assessment

The Centre for Ecology and Hydrology (CEH) indicative 1 in 100 year return period flood maps (1% annual likelihood) show that this area may be at risk. It is important to note that these flooded areas have been generated using a generalised technique and should not, by themselves, be used to infer that specific areas are, or are not, at risk of inundation. Flood risk at any specific location may be influenced by local factors-not least flood defences- that have not been taken into account. The method has not been applied to rivers with catchment areas less than 10 sq.kms, nor has it been applied downstream of the tidal limit.

Please note that the flood maps show inundation areas for the "100 year event". However, SPP7 provides The Risk Framework, which indicates that a more stringent standard of flood protection is appropriate for the majority of development. Scottish Planning Policy 7: Planning and Flooding states in paragraphs 16 and 17 respectively the "for planning purposes the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year". And "Built development should not therefore take place on the functional flood plains".

You are aware that it is for the planning authority to determine if further information is required from the applicant in the form of a Flood Risk Assessment (FRA). SEPA would be pleased to provide further comment in respect of any submitted FRA.

Details of the information relevant to nay study requested by your authority is described in Annex B of SEPA's Policy 41, A SEPA-Planning Protocol which can be found on SEPA's website, www.sepa.org.uk.

Foul Drainage

There was no indication given in the documents supplied regarding the proposed foul drainage arrangements at the site. However, foul drainage from the proposed development should be connected to the public foul sewer. Connection to the sewer is subject to the approval of Scottish Water (SW) and permission to connect may depend on the availability of spare capacity. If the applicant requires further clarification then it is recommended that they consult with Scottish Water on this issue.

Surface Water

SEPA would request that the applicant treat water from the site in accordance with the principles of Planning Advice Note 61 and "Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland", CIRIA C521 (<http://www.ciria.org.uk>). Such measures include the use of porous surfacing for parking areas and soakaways.

Landscaping and Construction

There may be waste management licensing implications arising from the importation of waste material such as soil for landscaping or for any other purpose. Where waste is either imported to or exported from a site, applicants and their contractors should be fully aware of the relevant requirements relating to the transport of controlled waste by registered carriers and the furnishing and keeping of duty of care waste transfer notes.

Representations

The proposal was advertised on 24.12.2004 and one letter from the Colinton Amenity Association has been received. The comments made are as follows:-

- Loss of rural character
- Contrary to green belt policy, Conservation Area policy, adverse impact upon Water of Leith and nature conservation, residential amenity.

Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.

Planning Policy

Edinburgh and Lothian Structure Plan 2015

South West Edinburgh Local Plan

Green Belt and part of the Colinton Conservation area. The site is also recognised as an Area of Great Landscape Value and Urban Wildlife Site within the Greenbelt. The site is also identified as an opportunity to improve environmental quality and open space provision.

Draft West Edinburgh Local Plan

Green belt and within the Colinton Conservation Area, an urban wildlife site and adjacent to The Water of Leith.

Policy GE16 seeks to protect and enhance the Water of Leith and Union Canal corridors.

Relevant Policies:

South West Edinburgh Local Plan

Policy ENV1D states that local plans should include policies for protecting and enhancing Regional and Local Natural Built Environment Interests.

Policy ENV2 presumes against development in the Green Belt unless for the purposes of agriculture, horticulture, forestry or uses appropriate to the rural character of the area.

South West Edinburgh Local Plan

Policy H3 expects new housing development to harmonise with, and reflect the particular character of, the surrounding area, if appropriate, and subject to a number of criteria.

Policy H4 imposes special controls over new housing development in the garden grounds of villas in Conservation Areas, of listed buildings, other garden grounds of landscape quality and areas of traditional and largely uniform suburban character, in order to protect character and amenity.

Policy E3 establishes that within all Conservation Areas, the Council will exercise careful control over all development in order to preserve and enhance the special character of the areas. Demolition of buildings and structures will not be permitted if likely to affect adversely the character of the area.

Policy E5 requires all new buildings to make a positive contribution to the overall quality of the environment throughout South West Edinburgh in terms of materials, landscaping, setting and other matters.

Policy E8 seeks to restrict development in the Green Belt to agriculture, forestry, countryside, recreation or other uses appropriate to a rural area, except where it can be shown to be necessary and where no suitable alternative location exists. Prime agricultural land will be safeguarded.

Policy E9 continues support for the Edinburgh Green Belt Initiative and its objectives of improving the character and value of the Green Belt for residents and visitors. The improvement of certain specified sites is sought.

Policy E13 seeks to protect and enhance the recreational potential of the Water of Leith and proposes a number of measures for this purpose.

Policy E17 seeks to protect significant individual and groups of trees and does not permit development within 20 metres of the trunk of a protected tree or within 10 metres of its canopy, whichever is the greater. Where necessary, Tree Preservation Orders shall be sought.

Draft West Edinburgh Local Plan

Policy DQ6 states that new development should make a positive contribution to the quality, accessibility and safety of the environment, having regard to the character, opportunities and constraints of the site and its surroundings and the basic character of the city

Policy DQ7 states that the new development should include proposals for new tree planting and robust landscaping to achieve a suitable visual setting for new building and enhance open spaces and boundaries, and should be designed to minimise its impact on any trees subject to a Tree Preservation Order and other healthy trees worthy of retention.

Policy DQ17 states that development or redevelopment proposals within a conservation area will only be permitted where the proposal is of a high design standard and would preserve or enhance the character or appearance of the area.

Policy GE2 states that permission will not be given for development in the Green Belt except:

- a) Where necessary for the purposes of agriculture, horticulture, forestry and uses appropriate to its open character;
- b) Changes of use of existing buildings provided these are of a substantial construction;
- c) Changes of use of listed buildings and other buildings of an attractive visual character in their context;
- d) Minor extensions of existing buildings where this would not lead to the unacceptable intensification of an existing non-conforming use.

Policy GE5 requires that the development proposals in the Green Belt should demonstrate that rural amenities and local landscape character and distinctiveness can be maintained and enhanced

Policy GE11 states that development within or affecting Urban Wildlife Sites will not be permitted unless it can be demonstrated that appropriate mitigation measures can be incorporated into the development to enhance or safeguard the nature conservation value of the site

Non-statutory guidelines 'DAYLIGHTING, PRIVACY AND SUNLIGHT' set criteria for assessing proposals in relation to these issues.

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Conditions/Reasons associated with the Recommendation

Recommendation

To recommend that this application be **Granted**

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. The development shall not commence until drainage details for both foul and surface water disposal for the site have been submitted to and approved in writing by the Head of Planning and Strategy. Any such approval will be dependant upon agreement through consultation with Sepa and Scottish Water. The details shall comply with the requirements of Surface Water Best Management practice for Sustainable Urban Drainage. Approved details shall be implemented prior to occupation of the development.
3. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Head of Planning & Strategy before work is commenced on site; Note: samples of the materials may be required.
4. Only those trees physically in the way of the development, as agreed in writing by the Head of Planning, shall be removed, and no work shall be carried out on the remaining trees at any time without the prior written approval of the Head of Planning & Strategy.
5. The trees which are to be retained on the site shall be protected during the construction period by the erection of chespale fencing, or similar fencing as approved in writing by the Head of Planning & Strategy, at the limit of the canopy spread of the trees; no materials, equipment or buildings shall be stored or located within the protected area, nor shall there be any access

through it. The fencing shall be maintained in a secure and upright condition to the satisfaction of the Head of Planning & Strategy.

6. A scheme of tree planting shall be submitted for the written approval of the Council prior to the commencement of any works on site. The approved scheme shall thereafter be implemented in accordance with the agreed terms. The scheme shall also include woodland management proposals which shall extend to all trees within the land controlled by the applicants.
7. Notwithstanding the requirement to provide tree planting proposals for the site under the terms of condition 6 above, 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 Head of Planning & Strategy before work is commenced on site.
8. The approved landscaping scheme shall be fully implemented within six months of the completion of the development, and thereafter shall be maintained by the applicants and/or their successors to the entire satisfaction of the planning authority; maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.
9. 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 to the satisfaction of the Head of Planning and Strategy, 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 Head of Planning and Strategy.
- 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 to the satisfaction of the Head of Planning and Strategy.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.

3. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
4. In order to safeguard protected trees.
5. In order to safeguard protected trees.
6. To ensure that woodland and wildlife interests are considered comprehensively
7. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
8. In order to ensure that the approved landscaping works are properly established on site.
9. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

End

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Location Plan

