

Full Planning Application 04/03996/FUL
at
8A Ellersly Road
Edinburgh
EH12 6JA

Development Quality Sub-Committee
of the Planning Committee

1 Purpose of report

To consider application 04/03996/FUL, submitted by Miller Homes - Scotland East Region.
The application is for: **New dwelling house and construction of driveway**

It is recommended that **REFUSED** for the reasons in Appendix B.

2 The Site and the Proposal

Site description

The site for the proposed house is part of the parkland and terraced lawns to the west of the original large mansion house and is 0.731 hectare in area. The overall policies of Belmont House previously extended to 2.62 hectares (6.488acres) before the recent Plots were developed. Access is via a private drive off the new private road which runs across the front of Belmont House. The site is tucked up into the bank where a retaining wall exists in the lawned slope. The site is screened to the west, north and north east by dense woodland from properties in Easter Belmont Road at the top of the hill, but is exposed to Belmont House on its south east side.

The site contains trees which are covered by a Woodland Management Plan. The site contains two badger setts, one in the north west corner and one in the south west corner.

The mansion house is by Playfair, circa 1828. It is an Italianate style, category 'A' listed building. The building was listed on 17 July 1966.

The site is within the West Murrayfield Conservation Area.

This property is located within the West Murrayfield Conservation Area.

Site History

November 1991 - Application withdrawn for six dwellings and change of use and extension of main house to form hotel in outline

February 1992 - Planning permission granted to erect six dwelling houses in the grounds (as amended to 5) (2398/91).

April 1995 - Planning permission granted to erect five dwelling houses in outline (2838/94).

July 1998 - Planning permission granted (as a renewal) to erect five dwelling houses, subject to reserved matters:

Siting, levels, access roads, landscaping and external appearance. Additional conditions included tree protection; houses to be built in accordance with the Villa Policy; access road to be implemented before the houses are commenced; and the Belmont Road access being used for emergency purposes only (1008/98).

August 2001 - Planning application for five dwellings - reserved matters, withdrawn (01/192/FUL).

April 2002 - Planning permission granted for the erection of five houses (as amended) in outline. The initial submission was a detailed application but lacked any house types or details and was therefore granted as a further outline consent (02/263/OUT).

Other consents exist for individual houses, two of which are under implementation at Plots 2 and 3, to the west. Plot 1 and 4/5 have been granted to the west and north east within the original policies of Belmont House but have not yet been implemented:

Plot 1 granted December 2003 (03/768/FUL);
Plot 2 granted April 2003 (03/430/FUL);
Plot 3 granted December 2002 (02/3901/FUL) and
Plots 4/5 (one dwelling) granted June 2003 (02/4651/FUL)

October 2004 - Planning permission refused for the construction of a granny flat at the foot of house Plot 3 (04/2270/FUL).

Reasons:

- 1) *The application is contrary to previous decisions of the Council to strictly control the number and density of units within the grounds of the main category 'A' listed villa, in order to maintain open ground and protect major trees.*
- 2) *The proposal is contrary to Central Edinburgh Local Plan Policy CD11, in respect of New Development, as the proposal does not respect the constraints of the site, which include only one dwelling on Plot 3 with integral garage, and a footprint restricted by a tree protection zone.*
- 3) *The proposal is contrary to Central Edinburgh Local Plan Policy GE2, in respect of Open Space Protection, as the building would result in amenity space being lost to the dwelling on Plot 3 and in the Belmont policies generally.*
- 4) *The proposal is contrary to Central Edinburgh Plan Policy GE11, in respect of Tree Protection, as the proposal would result in the loss of a major tree, which has been safeguarded in previous consents.*

5) *The proposal is contrary to Central Edinburgh Local Plan Policy GE12, in respect of Landscaping, as the proposal would result in the loss of landscaped ground to the detriment of the dwelling and the conservation area.*

The original coach house on the east side of Belmont House is nominally known as Plot 6, but is currently within the same ownership as Plots 4 and 5 and is an original building on the estate.

Description of the Proposal

Accommodation and Dimensions:

The application is for the erection of a single house in L shaped plan form, on three floors. The accommodation includes four double bedrooms and a single bedroom. The footprint will measure twenty-one metres by nearly nineteen metres. The proposed house would be just under fourteen metres from this south east boundary but is in excess of thirty metres to the other boundaries. The height would be 81.40 AOD.

Design

The proposed house is in a horizontal style with flat roofs, reminiscent of and reflecting a mix of design concept by Mies Van de Rohe, Le Corbusier and Adolf Loos. An Italianate fenced garden extends from the south west periphery of the house along the terraced contours of the site, with a children's' enclosed garden tucked into the north east corner, at the opposite end.

Access:

It includes a new driveway accessed off the new private road serving three other house plots and an integral triple garage. Three visitor parking spaces are placed to the side of the driveway adjacent to new shrub planting. A further area of shrub planting and double row of beech hedge is proposed on the other side of the driveway. The site is to be screened on its south east side by a planted timber screen fence or 'fedge'.

Materials:

The house will be built primarily in natural sandstone and coloured render with a double glazed aluminium window system and ancillary hardwood louvres, doors and wall cladding.

Applicant's Supporting Statement

The applicants have submitted Supporting Statements which include an assessment of the policy background to the proposals and an assessment of the development context. An Historical Survey Report and an Appendix (9) listing/illustrating the consents for other houses within the Belmont policies is also submitted. A Badger analysis and revised landscaping proposal document have also now been submitted.

The Supporting Statements are available for in the Party Group Rooms.

3 Officer's Assessment and Recommendations

Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption of granting of permission.

Do the proposals preserve the building or its setting or any features of special architectural or historic interest which it possesses? If not, there is a presumption against the granting of

permission. For the purposes of this issue, "preserve", in relation to the building, means preserve it 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 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, are there any compelling reasons for approving them?

ASSESSMENT

To address these determining issues, the Committee needs to consider whether:

- a) The proposal is acceptable in principle;
- b) The proposals have an adverse impact on the character or appearance of the conservation area;
- c) The proposals have an adverse impact on the building, or its setting;
- d) The design and materials are satisfactory given the setting of the site;
- e) There will be an adverse impact on the trees or wildlife on the site;
- f) The proposals are detrimental to amenity or road safety.

a) The proposed house is acceptable under Policy H1 of the local plan for residential development, but potentially conflicts with policies GE8 to protect wildlife, GE2 open space protection, and the setting of the category A listed building, Policy CD2. In addition, the proposal conflicts with previous decisions made by this Council not to allow development of this site in order to provide adequate open space setting for the principle mansion and the retention of the formal landscaped gardens attached to the west side of the house.

Whilst it is accepted that consent for development of plots peripheral to Belmont House has been granted, this reflects a development pattern agreed as far back as 1992 in outline consents. These consents were renewed and reserved matters have been approved. Plot 2 is built and Plot 3 nearing completion. This has changed the extent of the policies surrounding Belmont House, but not its remaining quality. Plots 1 - 3 are set well to the west with a strong woodland belt in between. Plots 4 and 5, to the north east, are set well behind the House, sufficiently separated by topography and trees not to have an impact on the setting of Belmont House. The applicant indicates that only four houses have been consented within the grounds in relation to the original outline consents for 5 dwellings. However, this has come about because a proprietor decided to amalgamate Plots 4 and 5 to build one big house. Plots 4 and 5 could still be developed separately as the existing consent is still valid and has not yet been commenced. This proposal would result in a sixth plot which would be sited on the western lawns of the House and which will alter its historical relationship with the House.

The principle of development in this location is not acceptable.

b) The character of the West Murrayfield Conservation Area is described in the Central Edinburgh Local Plan as follows:-

"An area of mostly detached Edwardian villas set in large walled gardens. The inter-war equivalent is found in Easter Belmont Road, a tree lined avenue where grass verges replace pavements."

Previous consents for development of Plots 1-5 have not been regarded as adversely affecting the character or appearance of the conservation area, because they are individually designed villas set within a mature woodland setting on the hillside, which is a spatial characteristic of this area and which has been safeguarded. In this application case, the same analysis is appropriate. In itself, the proposed dwelling sits well into the hillside and will be surrounded by mature woodland to the west, north and north east. It would also be screened from the valley to the south by mature forest trees, as are Plots 1-3.

The proposed house, therefore, will not have an adverse impact on the character or appearance of the conservation area.

c) The Villa policy is not applicable to this site as it is larger than the threshold 0.5 hectare and no previous outline condition to such an effect applies. However, the location of the proposed house within the site will allow more than the minimum privacy distance and required separation between the new build and Belmont House. The proposed house footprint only takes up 4.75% of the site and hardstanding 6.21%. This totals only 11% of the site and is therefore well below the 20% maximum threshold.

Nonetheless, the proposal will have some effect on the setting of Belmont House because of its proximity to the mansion. The applicant indicates that a landscape buffer will be created along the south-east side of the new driveway to screen the development. However, this deciduous screen will re-define the immediate setting of Belmont House. The proposal will change the relationship between the listed building and its formal curtilage which includes this site as part of its lawned/cultivated apron. The development and screen landscaping proposed will alter this relationship and separate the western lawned area from the House. Whilst the design of the house would respect the constraints of the site, it will reduce the area of open terraced lawn.

The landscaping scheme has been amended to address a screening shortcoming, and a wider planting area given over to it. The driveway has been moved further west, so that its excavation does not affect existing trees. Nonetheless, the historic relationship between the mansion and its western lawns would be severed. The proposals will have an adverse impact on the setting of the listed building.

d) The design and materials are exceptional. The design represents a concerted effort to keep the building as low as possible and arrange it across the site so that it fits into the topography and is screened on three sides. It represents a fusion of modern/contemporary architectural styles drawn from Mies van de Rohe, Le Corbusier and Adolf Loos and is well executed with good quality stone, render and glass materials. A formal Italian garden and garaging are integrated as part of the design.

The design and materials are satisfactory, given the setting of the site.

e) Initially, it had been considered that the proposal would have a severe impact on the badger population as it would remove one of their most important foraging areas within the Belmont House policies, following development of Plots 1-5. Badgers use lawned or closely grazed areas to hunt for earthworms which constitute about 50% of their food. This would be denied them if this site is developed. However, badgers can exploit other food sources and the lawned area of the site is sub-optimal in its worm population. The applicant is prepared to provide a Badger Protection Plan which would include details of induction, fencing, monitoring, supervision, liaison, foraging areas and habitat elements. This plan would be subject to scrutiny by the Council, Scottish Natural Heritage and the Edinburgh Badger Group.

There are two setts in the woodland to the west of the proposed house location and one to the south east. A recent survey indicates that sett 2 has no supporting evidence of Badger occupation and its status as a sett is not clear; and sett 3, outwith the site to the south east, is not a badger sett. This leaves only sett 1 as a potential active sett, yet this appears recently not to be used. The overall conclusion is that the loss to hard area of 10.96% of the site would not affect the overall Corstorphine Hill population as they have a gross 207 hectares with

more than 60 setts, which equals 34 hectares of land per badger social group. Furthermore, it is concluded that the supply of forage and available sett locations are both plentiful and that the population is healthy. The applicant intends to clear invasive rhododendron and self seeding holly, in order to increase bluebell coverage and grassland which will support foraging areas for Badgers and other wildlife.

The site is identified as 'Semi-improved Neutral Grassland' in the Edinburgh Habitat Survey. This represents an integral part of the bio-diversity of Edinburgh and would also be lost as a result of the development. However, Plots 1 to 3 have already set a precedent which conflicts with this designation.

By virtue of the proposed *Badger Protection Plan* it is considered that the Badger situation can be addressed and therefore the most important wildlife species on the site can be protected.

The proposal will have a detrimental impact on the peripheral trees to the south and east of the site since construction of the house and the driveway will require scaffolding and machinery up the east side. Cutting into the slope to provide the driveway will undermine roots and have a detrimental impact on the important tree screen between the site and Belmont house, although these effects have been limited by design amendments and proposed planting enhancement of the tree screen. This situation would be ameliorated if the house and driveway were to be repositioned.

The proposal will have an adverse impact on the flora of the site but not significantly on the fauna of the site.

f) The proposals will have no significant effect on amenity as the site will be screened from most public views, comply with privacy and overshadowing guidelines and have no impact on road safety.

Conclusion

This report outlines the approach adopted in 1992 as a framework for residential development in the grounds of Belmont House. Areas were identified that could accommodate houses within the wider landscape of the grounds and allowed for a generous residual setting for Belmont House itself. Assessment of the appropriate area of the setting for Belmont House was based on identifying a visually adequate space around the building, and on the historic landscape structure that included upper and lower lawns to the west of the House.

It is recommended that this spatial structure is adhered to and consequently the proposed house should be refused planning permission. However, the applicant has put forward a reasoned case for adjusting the development framework and considering approval for the proposed house.

It is also acknowledged that considerable information submitted in support of the application and design amendments made since the original submission.

The principal points argued by the applicant are that:- The site on the upper lawn is clearly defined by present landscape planting (to be further enhanced), leaving a generous and appropriate setting for Belmont House; Any effect on 'strategic' views towards Belmont House policies from the south are minimal and considerably less than the impact of other approved and built houses in the grounds; The quality of building and landscape design is extremely high; The setting of Belmont House to the west has already been compromised by approval of a garage with residential accommodation over, much closer to the House than the proposal.

It is acknowledged that the quality of the design is very high and any impact will not significantly affect wider views or the character of the Conservation Area. The issue therefore is effectively limited to assessing the acceptability of the proposal in relation to the immediate setting of Belmont House and whether the integrity of the landscape structure around the

House is sufficiently maintained. Despite refinements to the design and landscaping, a building of this scale and siting will have some adverse impact on this immediate setting. The currently approved development framework for the grounds remains appropriate and therefore the proposal is unacceptable.

It is recommended that the Committee Refuses planning permission as the proposal is at odds with the aim of the original consent for additional plots at Belmont House, is detrimental to the setting of Belmont House, results in the loss of amenity space and would result in some loss of trees, all to the detriment of the surroundings.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Duncan Robertson on 0131 529 3560
Ward affected	15 - Murrayfield
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Housing and Compatible Uses
Date registered	15 November 2004
Drawing numbers/ Scheme	01- 03; 04A- 09A; 10 -19 Scheme 2

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, Martin Easson on 0131 529 3989. Email: martin.easson@edinburgh.gov.uk. Alan Henderson on 0131 529 3494. Email: alan.henderson@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 gavin.king@edinburgh.gov.uk or sarah.bogunovic@edinburgh.gov.uk

Application Type Full Planning Application
Application Address: 8A Ellersly Road
Edinburgh
EH12 6JA
Proposal: New dwelling house and construction of driveway
Reference No: 04/03996/FUL

Consultations, Representations and Planning Policy

Consultations

Scottish Natural Heritage

Our records indicate the presence of badger setts in this locality. Badgers are protected under the Protection of Badgers Act, 1992 and it is an offence to harm or cause disturbance to badgers or their setts. Therefore Scottish Natural Heritage does not object to this application on the condition that the following measures are addressed:

- 1) The Council should ensure that, prior to any development, the location and status of any sett(s) is assessed. If a sett lies within 30m of the proposed works, then SNH should be contacted for advice.*
- 2) Licences are required for all works within 30m of setts where there is the potential for disturbance to badgers or damage to setts.*
- 3) Points of access for machinery should be considered. Access to the site should avoid disturbance of any badger setts and therefore we should maintain some distance from the sett(s).*

It is likely that construction will involve the removal of some existing semi-natural woodland and therefore the potential for the provision of mitigation measures i.e. Replanting in the area should be explored. Unless the planting of exotic tree and shrub species is required to restore elements of any designed landscape features, SNH would strongly recommend all new planting utilises appropriate native species.

Edinburgh and Lothians Badger Group

Object. When planning consent (01/01992/FUL) was given for the division of the grounds of Belmont House and erection of houses it was decided that the interests of badgers would be best served by excluding them from the gardens of new dwellings but giving them access to lawns and woodlands forming the setting of the sub-divided Georgian mansion. The short grass of these long established lawns provides an excellent source of earth worms, which compose 50% of the badgers diet, and the presence of three satellite setts confirms the significance of this area to the nearby badger clan.

The current application for development will destroy these lawns and the surrounding shrubs and woodland. The construction work would also disturb badgers occupying the three nearby setts. It would be unreasonable for badgers to be excluded from the garden of this new dwelling as they will need to forage on whatever open areas remain, as well as requiring continued free access to the grounds of Belmont House. There could be compensatory foraging provided, for example, if the current area of rough grassland north of Belmont House became short mown lawns and the existing lawns to west of Belmont House were retained and not replaced by hard-paved areas. A badger mitigation plan should be included in the landscaping scheme.

Scottish Wildlife Trust

When consent was given for the division of the grounds of Belmont House originally, it was our understanding that badgers would be excluded from the new house gardens but given access to the lawns and woodlands forming the setting of the Mansion. The new application looks like it will destroy those lawn feeding areas and is thus contrary to the original permission.

Historic Scotland

The Historic Buildings Inspectorate offers the following comment:-

As your Council is aware, the former Edinburgh Historic Buildings Inspector, Graham Reed, has been involved in discussions with Council planning staff about possible development within the Belmont Estate over a number of years. Through this consultation procedure HS has consistently drawn attention to the obvious merit of the prominently located Belmont House, recognised by its listing at category A, and the critical importance of protecting its landscape setting. Historic Scotland is aware that the size of the estate was decreased in the early 20th century, and that more recently several new properties have been built within the Belmont Estate. However, the form, number and location of the recent new developments has been carefully controlled in an effort to retain the undeveloped nature of surrounding landscape. It is the opinion of Historic Scotland that the proposed new building intrudes significantly into the surviving setting of Belmont House, only a short distance to the north-west, and will therefore have a detrimental impact upon it, reducing the perceived green space around the building by a factor much greater than the footprint of the proposed new development. The development should therefore be firmly discouraged.

Appendix 1, Section 10.0.0 of the "Memorandum of Guidance on Listed Buildings and Conservation Areas" (Historic Scotland 1998) advises: "Works both immediately adjacent to and some distance from a listed building can have a considerable physical and visual impact upon it. Development capable of having such an impact may lie within the curtilage for the building but may also lie outwith it (page 201)". Section 10.1.0 continues: "At all times the listed building should remain the focus of its setting. Attention must never be distracted by the presence of any new development whether it be within or outwith the curtilage. Development within the curtilage should always be regarded as affecting the setting. The only exception to this general rule may occur when the curtilage is very large and the new building will not be visible in any principle view either from or of the listed building or buildings. It should be noted in this respect that it is not sufficient that the listed building or buildings and the new development will not be intervisible" (Page 201-2). The proposed new house will be clearly visible from Belmont House, and may also be visible from longer views.

The "Belmont House Historical Report" (LUC for Miller Homes, 2004) concludes that the area of land to the north-west of Belmont House, upon which the new house is proposed to be located, "...has been subject to various structures being built upon it over the last two hundred years" (Page 10). Map evidence would suggest that between the mid and late 19th century there was a bowling green in this area, after which (and before the end of the century) a large glass house, possibly a fernery, was built. It seems likely (again from map evidence) that the uppermost of the terraces was also formed at this time. A clear network of paths linked garden area with Belmont House and the surrounding landscape. Two further terraces with retaining walls appear to have been added, to the south of the original, in the first half of the 20th century. Historic Scotland, would suggest that, based on map evidence, this area of the Belmont Estate has been used as part of the formal gardens of the present Belmont House. It is recognised that the form of this area has evolved; however, the only point within this period when there was a structure not directly associated with its use as a garden, was for a decade or so in the 1930's when the bungalow occupied the site near the now demolished glasshouses. We would propose that the existence of this small domestic building, for a very short period of time, should not be regarded as a precedent for a considerably larger dwelling on the site. The continued survival of this area of garden is, in our opinion, an important part of both the setting and the character of the Belmont House.

In addition to the above, Historic Scotland would suggest that the formation of a significant amount of hard landscaping (a new road and paved courtyard), as well as associated lighting, trellis, fencing and boundary walls will further erode the quality of the existing soft landscape.

Historic Scotland also strongly suggests that given the long history of Belmont House, your Council's archaeologist is consulted.

Historic Scotland objects to this application and advises against the granting of consent, due to its serious impact on the landscape setting of the category A-listed Belmont House.

Revised Comments:

Historic Scotland is still of the opinion that the new building intrudes significantly into the surviving setting of Belmont House and that the development should be firmly discouraged. The objections stated in our letter dated 8th December 2004 are still relevant to building upon this part of the site.

SEPA

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

Sewage Disposal

1. There was no indication given in the application regarding the treatment of foul drainage from the proposed development. 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 you require clarification of the position then it is recommended that you consult with Scottish Water on this issue.

Surface Water

2. SEPA would request that any planning permission granted includes a condition requiring the applicant treat surface 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 the parking areas, filter drains, soakaways and roadside swales. The surface water drainage arrangements will need to meet the requirements of SW, the Council and SEPA area staff.

3. Temporary measures such as the provision of silt traps must be provided to deal with surface water run-off during construction and prior to the operation of the final SUDS. It is recommended that this aspect be covered by a planning condition.

Landscaping and Construction

4. Construction works associated with the development of the site must be carried out with due regard to the SEPA's pollution prevention guidelines: prevention of water pollution and working at construction and demolition sites (PPG1 and PPG6). These publications are available free of charge on the SEPA website www.sepa.org.uk/guidance/ppg/ppghome.htm or from any SEPA office. It is recommended that these guidelines be referred to in a planning condition.

5. There may be waste management licensing implications arising from the importation of waste material such as soil for landscaping or for any other purpose. Generally, waste material can only be imported to a site if a waste management license is in effect or if any activity exempt from licensing has been registered with SEPA in accordance with the Waste Management Licensing Amendment (Scotland) Regulations. Similarly, any waste removed from a site must be deposited either at a suitably licensed site or at a site for which a relevant exempt activity has been registered. SEPA regards all soils, including top soil, removed from sites as waste.

6. 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:

- (i) The transport of controlled waste by registered carriers.*
- (ii) The furnishing and keeping of duty of care waste transfer notes.*

Transport

No objections

Environmental and Consumer Services

No response

Representations

The application was advertised on 26 November 2004. Three letters have been received including that from Murrayfield Community Council:

It objects to the overdevelopment and suburbanisation of the policies of Belmont House and the detrimental effect on badgers, but supports the design of the house itself.

Two letters of support state that they would like to see the whole site completed at the earliest possible date rather than face major disruption some time in the future and provided the design, screening and parking is worked on.

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

The site is allocated 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 CD4 (CONSERVATION AREAS) requires that developments in a conservation area retain all features which contribute to the area's character and appearance.

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 CD12 (HEIGHT CONTROL) protects the city's historic skyline and views from adverse high development.

Policy CD16 (NEW DEVELOPMENT IN VILLA AREAS) sets out the essential requirements of approved guidelines which seek to regulate the form and layout of new development in the garden grounds of villa properties.

Policy GE8 (NATURE CONSERVATION - DEVELOPMENT IMPACT) requires that all development proposals be considered for their impact upon wildlife and its habitat and sets out criteria to mitigate the effects of acceptable developments.

Policy GE10 (TREE PLANTING) encourages tree planting by both the public and private sector.

Policy GE11 (Tree Protection) sets out tree protection requirements for new development.

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.

Non-statutory guidelines on 'TREE PROTECTION' supplement local plan green environment policies, and support the retention of healthy trees of landscape or amenity significance, encourage new tree planting wherever appropriate within new development and promote a substantial renewal of the city's woodland resource.

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Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **REFUSED**

1. The application is contrary to the aims of the previous planning permissions at the site since 1992 which sought to strictly control the number of new units within the grounds of Belmont House to five, in order to maintain its landscaped, arcadian setting.
2. The proposal is contrary to Central Edinburgh Local Plan Policy CD2, in respect of Listed Buildings, as the proposal, whilst of high quality design, would be detrimental to the setting of the category A listed building because of its proximity to it, its visibility from it, and the loss of formal garden ground.
3. The proposal is contrary to Central Edinburgh Local Plan Policy GE2, in respect of Open Space Protection, as the proposal would result in amenity space being lost, which is critical to the environmental character of Belmont House.
4. The ground works required to facilitate the construction of the main house structure and the under cutting for the driveway, due to the severe change in levels, will result in the loss of all the important trees on the south and east of the site which form a screen between Belmont House and the site, and which have previously been identified for retention in the master Woodland Management Plan and tree survey related to the whole policies of Belmont House.
5. The proposal is contrary to Central Edinburgh Local Plan Policy CD11, in respect of New Development, as the proposals will not respect the surroundings because of the disruption to the formal west lawned garden of the category A listed building

End

