

# Development Management Sub Committee

Wednesday 27 August 2014

## Application for Planning Permission 13/04788/FUL At Land 58 Metres Northeast Of 13, Clermiston Road North, Edinburgh Erection of new detached dwelling house.

Item number	4.1
Report number	
Wards	A03 - Drum Brae/Gyle

### Summary

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The proposals represent a departure from the development plan. However, this can be justified in that the proposed residential use, scale and design of dwelling would not be detrimental to the character of the Green Belt. The proposal would satisfactorily respond to the character of the site and the surroundings including the network of Open Space, Area of Great Landscape Value and adjacent Local Nature Reserve. The proposal would not result in an adverse impact to trees or protected species and would maintain the nature conservation value of the site. The proposal would not be detrimental to the amenity of neighbouring properties and adequate levels of amenity would be achieved for occupiers of the development. The proposal would not raise any transport impacts.

### Links

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<a href="#">Policies and guidance for this application</a>	CITH1, CITH3, CITD1, CITD3, CITD6, CITD8, CITOS1, CITE10, CITE11, CITE12, CITE15, CITE16, NSGD02, NSGCGB,
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# Report

## **Application for Planning Permission 13/04788/FUL At Land 58 Metres Northeast Of 13, Clermiston Road North, Edinburgh Erection of new detached dwelling house.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site is 62.5 metres in depth by 28 metres in width and approximately 0.2 hectares in area. It is situated to the north west corner of Corstorphine Hill Local Nature Reserve. It slopes steeply uphill from Clermiston Road North to the north east by approximately 9.5 metres.

Vehicular access to the site is provided from Clermiston Road North situated to the west with a plinth wall and railings partially defining the boundary to the street.

The former Barnton Quarry, now a City of Edinburgh Council depot is situated to the east of the site with an electricity sub-station flanking the north west boundary. Residential properties comprising a mix of bungalows and semi-detached houses lie opposite the site to the west. The areas to the north and south of the plot is woodland forming part of the Local Nature Reserve.

The site is covered by mature trees and vegetation to the north east and south west. A redundant water tank, originally developed between 1908-1914, is situated to the centre of the site. This was originally concealed within the slope. The front of the tank (western elevation) has been excavated in recent years to a height of approximately 3.2 metres, this becoming more visible from the road.

The site is designated as open space within the Edinburgh Green Belt and an Area of Great Landscape Value. A Local Nature Reserve is located to the northern and southern site boundaries.

#### **2.2 Site History**

21 March 2005- Application refused for a Certificate of Lawfulness for Class 4 Business use (Application reference: 04/03098/CLU) - Application refused following an appeal

19 December 2006- Planning permission refused for the conversion and extension to water storage tank to form a single dwelling house (Application reference: 06/04038/FUL). Application refused as non conforming use within the green belt, scale of development and garage detrimental to landscape quality, visual amenity of the area and openness of the green belt.

20 December 2006- Planning permission refused for the conversion and extension to water storage tank to form a nursery (Application reference;- 06/04039/FUL). Application refused as non conforming use within the green belt, scale of development and level of parking detrimental to landscape quality, visual amenity of the area and openness of the green belt.

15 July 2009- Planning permission granted for the conversion of water storage tank to a house (Application reference: 07/05184/FUL)

#### History of adjacent site

23 December 2008 - Planning permission granted for alterations to the adjacent substation including a new roof and flanking walls to the transformer to provide acoustic containment (Application reference: 08/04325/FUL)

## **Main report**

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### **3.1 Description of The Proposal**

Development of a flat roofed two storey detached dwelling house, including the conversion and extension of the disused water tank is proposed. The footprint is 12.45 metres in width by 12.5 metres in depth. The proposal would measure 5.3 metres in height to the highest point.

The lower level of the dwelling would utilise the existing structure of the water tank with a projecting wing to the north east, staircase to the north west elevation and external terrace to the south these rising above the prevailing ground levels of the site.

The dwelling would be constructed to meet standards for low energy performance, and achieve full passive house certification. The external finishes would comprise a varied palette including oak or western red cedar timber shingle, charred Siberian larch vertical board cladding, aluminium standing seam cladding (Kalzip) and green living wall cladding. Natural stone retaining walls (from existing rock if feasible) with some exposed concrete facing would be used at the lower level of the dwelling with reclaimed telegraph poles providing a full height shading screen to the west elevation. All windows and doors would be triple glazed timber/aluminium doors (Anthracite grey RAL 7016) with glass balustrading to the external terrace. The roof would be of aluminium standing seam construction, with parapet coloured to match the window frames.

The majority of trees on the site would be retained, with root zone protected during the construction period.

The development would utilise the existing vehicular access from Clermiston Road North, with new grasscrete driveway being formed to the front of the dwelling.

## Previous scheme

As above. Additional information and amended plans subsequently provided in respect of material treatments.

## Supporting documents

- Planning Design Statement, December 2013
- Badger Mitigation Proposals, November 2013
- Noise Impact Assessment, 09 April 2014
- Updated Tree Survey Report, Constraints and Protection Plans, March 2014
- Updated Bat Survey Report, March 2014

### **3.2 Determining Issues**

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?

### **3.3 Assessment**

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

- a)The principle of development is acceptable;
- b)The proposals would be visually compatible with the character or appearance of the site and surroundings and achieves an acceptable quality of design;
- c)The proposals would adversely affect protected species or the nature conservation value of the site;
- d)There would be an adverse impact upon residential amenity;
- e)There would be an adverse traffic impact;
- f)The proposals raise equalities and human rights impacts and
- g) Representations been addressed;

### a) Principle of development

The principle of residential use on the application site has previously been established through application 07/05184/FUL, which approved the conversion of the redundant water tank to a single residential dwelling in July 2009.

The application site lies within the designated Green Belt and as such the proposal has been advertised as a departure to the development plan. Local Plan Policy Env 10 states that development will only be permitted in the Green Belt where the proposal is for the change of use or small scale extension of an existing building, particularly a building of architectural or historic merit, provided that any proposed extension or ancillary development would not be detrimental to the character or appearance of the Green Belt.

The site also forms designated Open Space. Local Plan Policy OS1 identifies that proposals involving the loss of open space should not result in a significant impact to the quality and character of the local environment or be detrimental to the wider network of open space including its continuity or biodiversity. However, the site forms part of a much larger area of open space, is fenced off from the adjacent Local Nature Reserve and is occupied by an existing structure. In view of this, the proposed development would not be detrimental to the quality and character of the open space, including the continuity of the wider network or biodiversity.

Local Plan Policy Hou 1 outlines that housing development will be permitted within the urban area, provided the proposals are compatible with other policies in the plan. These issues and the impact upon the character of the Green Belt, Open Space and Area of Great Landscape Value are further assessed in sections b) and c) of the report.

### b) Character and appearance

The previously approved scheme comprised a 2 storey, single aspect dwelling based upon the footprint of the existing water tank, with projecting wing walls to the south west. The upper floor of the dwelling was encased by a turf roof, this graded into the levels of the slope of the site to the sides and rear.

This application proposes a marginally greater level of accommodation to the upper level, including a projecting wing to the north east (approximately 28 square metres), a staircase to the north west and external south facing terrace rising above the prevailing ground levels of the site. This proposal would also seek to utilise the existing structure of the water tank.

The proposed level of development at the upper level of the dwelling would represent a small scale extension to this existing structure. Whilst the water tank structure is of no special architectural merit, it has been present as a feature of the site for 100 years and the proposal would seek to provide a sustainable re-use for the structural elements. The proposed flat roofed form and height of the structure will ensure minimal visual impact.

The proposed footprint of the dwelling would occupy less than 10% of the total area of the application site, with the frontage being set back approximately 26 metres from the road, behind mature trees, thus maintaining the landscape character of the site. The character of the application site contrasts markedly with the suburban development lying to the east. However, the proposal is appropriate within the site context and will maintain a differentiation in character.

The dwelling would be of a contemporary architectural style which would utilise a varied materials palette including timber shingle and board cladding, green wall cladding, aluminium standing seam and natural stone. The proposed material finishes have been selected for their sustainable credentials and achieve passive house design objectives, whilst seeking to integrate the development into the natural surroundings.

The positioning of the dwelling and the proposed height, scale and form would not be considered detrimental to the character and appearance of the Green Belt or Area of Great Landscape Value, thus meeting the requirements of Local Plan Policies Des 1, Des 3, Env 10 and Env 11. In terms of the impact to the Open Space and compliance with Local Plan Policy OS 1, the proposal would not result in a significant impact to the quality or character of the local environment or be detrimental to the wider open space network including its continuity or biodiversity. The design approach is also considered to meet the requirements of Local Plan Policy Des 8, which states that development will only be permitted on sites at the Green Belt boundary where it conserves and enhances the landscape setting and the special character of the city.

The proposed dwelling has been designed to Passivhaus standards (an industry standard for maximum thermal efficiency) and although this scale of development falls below the threshold requiring a sustainability statement to be provided, the design would exceed the requirements of Local Plan Policy Des 6.

The proposal would introduce a small scale extension to an existing building within the Green Belt. The design has sought to draw upon the positive characteristics of the site and surroundings to reinforce a sense of place, contributing to a high quality, sustainable living environment. Features of the site including trees and prevailing topography have been retained, with materials and detailing considered appropriate to the character of the site. The proposal therefore complies with Local Plan Policy Env 10c) which justifies a departure from the development plan in this particular instance.

Given the sensitive nature of the site, it is recommended that the final details of material finishes, including samples, and design of additional landscaping would be stipulated through condition.

### c) Nature conservation value and protected species

An updated tree survey, with a constraints and protection plan has been submitted as part of the application. This indicates that the majority of trees on the site are of high to moderate value and would be retained as part of the proposal with root protection measures established during construction. In order to recognise the sensitivity of the site within an Area of Great Landscape Value and adjacent to the Local Nature Reserve, conditions will stipulate requirements in relation to tree removal, tree protection and design of additional landscaping.

Detailed proposals have been submitted in relation to badger mitigation, which would include an appropriate design of fence and badger gate to the north west corner of the site. The design of these proposed measures are considered acceptable in that they will allow badgers to access the site from the adjacent woodland.

An updated bat survey has been submitted as part of the application process. This concluded that no evidence of bats has been found and the existing building has low potential to support them.

The proposals would meet the requirements of Local Plan policies Env 12 and Env 15 in that trees worthy of retention would be retained and development would not result in an adverse impact to protected species or adversely affect the nature conservation interest of the site.

#### d) Residential Amenity

The proposed dwelling house would be set within substantial landscaped grounds, providing an appropriate level of private amenity space for the occupiers of the development.

Environmental Assessment has reviewed the findings of the Noise Assessment Study submitted as part of the application and it is not considered that the presence of the Electrical Substation adjacent to the northern boundary would adversely affect the amenity of the occupiers of the proposed development.

The closest dwelling to the site boundary is situated a minimum of 38 metres from the proposed dwelling and would not raise issues of overlooking or loss of privacy.

The design approach also seeks to introduce a multi-aspect dwelling with fenestration to all principal elevations, thus maximising daylighting and solar gain to ensure high levels of residential amenity.

The proposals would meet the requirements of Local Plan policies Hou3 and Des 3 c) and the Edinburgh Design Guidance in relation to privacy and daylighting.

#### e) Transport Impact

The development would utilise the existing entrance to the site from Clermiston Road North. The nature of the proposal would result in minimal levels of vehicle movement and would not place additional pressure on the road network. Transport Planning has confirmed that the proposed sightlines from the entrance on to Clermiston Road North are acceptable.

#### f) Equalities and Human Rights

An Equalities and Human Rights Impact Assessment has been completed for the application. However, the proposal is for a private dwelling and design is not considered to raise any impacts in relation to equalities or human rights.

### g) Representations

Two letters of representation have been received and raise the following material issues which have been assessed as follows:-

- Plot is adjacent to Corstorphine Hill Nature Reserve, in the green belt, environmentally sensitive and should be incorporated into the nature reserve (addressed in section 3.3 a) b):
- Planning applications for the site have been previously rejected - Noted, whilst earlier applications for the site were refused, permission was granted in July 2009 for the conversion of the water storage tank to a house (Application ref:- 07/05184/FUL);
- Proposal out of character, land unsuitable for development with no residential development evident on the east side of Clermiston Road North (addressed in section 3.3 a) and b);
- Proposal will create traffic congestion and additional traffic controls may be required (addressed in section 3.3 e).

In conclusion, the proposals can be justified as a departure from the development plan in that the proposed residential use, scale and design of dwelling would not be detrimental to the character of the Green Belt. The proposal would satisfactorily respond to the character of the site and the surroundings including the network of Open Space, Area of Great Landscape Value and adjacent Local Nature Reserve. The proposal would not result in an adverse impact to trees or protected species and would maintain the nature conservation value of the site. The amenity of neighbouring properties would be protected with adequate levels of amenity being achieved for occupiers of the development. The proposal would not raise transport impacts.

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

### **3.4 Conditions/reasons/informatives**

1. A detailed specification and samples panel, including trade names where appropriate of all proposed external material shall be submitted to and approved in writing by the Head of Planning before work is commenced on site.
2. A fully detailed landscape plan, including details of all hard and soft surface, boundary treatments and all planting, shall be submitted to and approved in writing by the Head of Planning before work is commenced on site.
3. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
4. Only trees identified for removal (No 139 on the Tree Survey) shall be removed and no work shall be carried out on the remaining trees at any time without the approval of the Planning Authority.

5. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with clause 2 of BS5837: 2005 " Trees in relation to construction".

**Reasons:-**

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site
3. In order to ensure that the approved landscaping works are properly established on site.
4. In order to protect trees which form part of the landscape character of the site.
5. In order to protect trees which form part of the landscape character of the site.

**Informatives**

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. 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.
3. 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.

**Financial impact**

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**4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

**Risk, Policy, compliance and governance impact**

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**5.1** Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

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## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

The application has been assessed and has no impact in terms of equalities or human rights.

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised as a departure from the development plan on 10 December 2013 and letters of objections were received from 2 individuals.

The letters of representation raised the following material issues;-

- Plot is adjacent to Corstorphine Hill Nature Reserve, in the green belt, environmentally sensitive and should be incorporated into the nature reserve,
- Planning applications for the site have been previously rejected,
- Proposal out of character, land unsuitable for development with no residential development evident on the east side of Clermiston Road North,
- Proposal will create traffic congestion and additional traffic controls may be required.

No comments were received from the Community Council.

A full assessment of representations can be found in the main report in the Assessment section.

## **Background reading / external references**

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- To view details of the application go to
- [Planning and Building Standards online services](#).

## Statutory Development

### Plan Provision

Edinburgh City Local Plan - Edinburgh Green Belt, Open Space, and Area of Great Landscape Value. A Local Nature Conservation Site lies adjacent to site boundaries.

### Date registered

4 December 2013

### Drawing numbers/Scheme

01-04, 05A-06A,

Scheme 2

## David R. Leslie

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## Links - Policies

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### Relevant Policies:

Policy Hou 1 (Housing Development) supports housing on appropriate sites in the urban area, and on specific sites identified in the Plan.

Policy Hou 3 (Private Open Space) sets out the requirements for the provision of private open space in housing development.

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

Policy Des 8 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

Policy Os 1 (Open Space Protection) sets criteria for assessing the loss of open space.

Policy Env 10 (Green Belt) identifies the types of development that will be permitted in the Green Belt.

Policy Env 11 (Landscape Quality) establishes a presumption against development which would adversely affect important landscapes and landscape features.

Policy Env 12 (Trees) sets out tree protection requirements for new development.

Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

Policy Env 16 (Species) sets out species protection requirements for new development.

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

**Non-statutory guidelines** DEVELOPMENT IN THE COUNTRYSIDE AND GREEN BELT, provide guidance on development in the Green Belt and Countryside in support of relevant local plan policies.

# Appendix 1

## **Application for Planning Permission 13/04788/FUL At Land 58 Metres Northeast Of 13, Clermiston Road North, Edinburgh Erection of new detached dwelling house.**

### **Consultations**

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#### **Transport Planning - Development Control**

Amended response - 09 April 2014

*No objections to the application. The applicant's consultant has provided the requested information regarding the sightlines to the above property. The sightline requirement is satisfactory.*

#### **Environmental Assessment**

*The applicant proposes a dwelling at a plot occupied by a disused water tank. The site is located to the north east of Clermiston Road with woodland to the south east. To the north east is a CEC roads depot with an electrical substation adjacent to the north east.*

*Environmental Assessment raised concerns over the potential impact on amenity of the roads depot to the north east and the substation to the north west. The agent for this proposal has submitted a noise impact assessment which looks at these potential noise sources and concludes that the noise levels they emit will not have an adverse effect on amenity.*

*Contaminated land issues have been considered and found to be of no concern, therefore, Environmental Assessment has no objections to this proposed development*

#### **Natural Heritage**

*The Bat Survey report concludes that no evidence of bats has been found and the building has low potential to support them. Therefore, there is no reason in relation to ECLP Policy Env 16 - Species Protection, that this application should not be given consent.*

