

# Development Management Sub Committee

Wednesday 19 November 2014

**Application for Planning Permission 14/01964/FUL  
At Land 15 Metres East Of 27, Hill Street North Lane,  
Edinburgh  
Erection of 3 mews houses to the rear of 53 and 54 Queen  
Street to replace existing surface parking.**

<b>Item number</b>	4.7
<b>Report number</b>	
<b>Wards</b>	A11 - City Centre

## Summary

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The proposal is contrary to the development plan and non-statutory guidance. The proposal does not preserve or enhance the character and appearance of the conservation area and would be detrimental to the setting of the adjacent listed buildings. The height, scale and form of the proposal are inappropriate to the context and the design quality is considered to be poor.

## Links

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<a href="#">Policies and guidance for this application</a>	LPC, CITD1, CITD3, CITE3, CITE6, NSG, CRPNEW, NSGD02, NSLBCA,
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# Report

## **Application for Planning Permission 14/01964/FUL At Land 15 Metres East Of 27, Hill Street North Lane, Edinburgh Erection of 3 mews houses to the rear of 53 and 54 Queen Street to replace existing surface parking.**

### **Recommendations**

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1.1 It is recommended that this application be Refused for the reasons below.

### **Background**

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#### **2.1 Site description**

This application site is located to the north of Hill Street Lane North and directly to the rear of 53 and 54 Queen Street, both of which are category A listed buildings (listed on 3 March 1996 ref no. 29561). The application site and 53 and 54 Queen Street are in the same ownership.

There is a variety of building types along the lane, including 3 storey townhouses located to the south which are category A listed (listed on 3 March 1996, ref no. 29081), a late 18th century two storey coach-house to the east of the application site which is category B listed (listed on 28 March 1996, ref. no. 43306) and beyond which lies a single storey sub-station, an altered mews property and a large modern office building.

The area has a mixed use character including residential and office uses. The application site has been used for car parking.

The site is within the Edinburgh World Heritage Site.  
This application site is located within the New Town Conservation Area.

#### **2.2 Site History**

No relevant site history for the application site.

Other relevant history as follows:

##### 37 Hill Street Lane North

20 June 2014 - planning permission granted for the change of use from office to residential use with external alterations (application reference no.14/01918/FUL).  
20 June 2014 - listed building consent granted for internal and external alterations (application reference no.14/01919/LBC).

## 53-54 Queen Street

10 March 2014 - listed building consent granted for alterations and renovation of existing offices into 8 residential flats (application reference no. 13/04985/LBC).

20 March 2014 - planning permission granted for alterations and change of use of existing offices into 8 flats (application reference no. 13/04985/FUL).

## **Main report**

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### **3.1 Description Of The Proposal**

This amended application is for the erection of mews style building to the rear of 53-54 Queen Street containing three separate dwellings.

The proposed building has the appearance of two dwellings but incorporates three separate residential properties. Fronting onto Hill Street Lane North, the properties are two and half storeys in height, stepping down at the rear to form three and a half storeys.

The proposed building is approximately 10 metres in depth. To the front, the building is 4.75 metres in height to eaves level and 7.73 metres from the Hill Street Lane level to the flat roof. From the rear, the building is 7.51 metres from the rear garden to eaves level. The building is approximately 16 metres in width.

The proposed materials are: natural sandstone on the front and part-rear elevations with render on the gables and the rear elevation, powder coated aluminium windows with timber louvring and cladding detailing and hardwood doors and garage openings. The roof is slate and partly pitched with a flat roof section in the middle.

The design is generally modern in appearance. The front elevation is designed as a mirrored pair with large modern windows, some of which breaking the eaves line.

There is a 2 metres strip of open space to the rear of the building.

Three car parking spaces are contained within the building.

### Scheme 1

The roof was previously fully pitched with zinc coated aluminium cladding and skylights along the ridge.

### **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 residential development is acceptable in this location;
- b) the proposals preserve or enhance the character and appearance of the conservation area;
- c) the proposals impact on the setting of the surrounding listed buildings;
- d) the proposed scale, design and materials are acceptable;
- e) the proposals are detrimental to amenity of neighbours;
- f) the proposals affect road safety;
- g) the proposals have any equalities or human rights impacts; and
- h) the representations raise issues to be addressed.

#### a) Principle of residential development

Residential development is supported in principle within this location provided the proposals are compatible with other policies.

#### b) Conservation area

The New Town Conservation Area Character Appraisal states that the importance of the area lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves.

Historic plans show that there were previously buildings on the application site and typically, these would have been stables/coach houses associated with the town houses on Queen Street. Given that mews development previously existed on the site, the principle of residential development on the site is acceptable. However, the proposed scale and design of the mews building would not preserve or enhance the character and appearance of the conservation area.

Proposals must be considered within the context of the application site. Hill Street Lane North is of particular importance as it forms part of the First New Town plan and it represents one of a limited number of mews lanes. Other mews lanes, particularly to the south, have been substantially redeveloped and have therefore lost their original built character. Whilst there has been later development towards the eastern end of the Hill Street Lane North, the original character and appearance of the lane is still evident.

No 37 Hill Street Lane North clearly demonstrates the hierarchical relationship between Queen Street, Hill Street Lane North and Hill Street where mews properties were deliberately small-scale buildings compared to the classical grandeur of the townhouses.

It is important that the scale of the development is appropriate to protect and reinforce the building hierarchy that is a key characteristic of the New Town Conservation Area.

Whilst there has been an attempt to reduce the height of the building by reconfiguring the roof to include a flat roof section, the proposed building is higher than the original mews property within the lane. From map evidence, it is clear that the depth of the buildings along the lane was not uniform. However, a rear building line was evident at the eastern end which was up to approximately 7.5m in depth. The proposed building has a depth of 10 metres. This increased depth combined with the height results in a building envelope which is over-scaled compared to a traditional mews property and does not respect the historic building pattern and hierarchy.

The height and depth of the proposed building is predicated on the applicant's aspiration to achieve three 3 bedroom residential properties on a site where traditionally, there would be two modest scaled properties. It is considered that the proposals would constitute over-development of the site.

It is considered that the proposals would not preserve or enhance the conservation area.

#### c) Setting of listed buildings

There are a number of listed buildings adjacent to the site and there is a duty to consider their setting.

The formal planned hierarchy of streets and buildings in the New Town is an essential characteristic of the conservation area and it is considered important to maintain this relationship when assessing the suitability of new development. It is considered that the proposed development would undermine this relationship due to its scale. It impacts on the townscape setting of the listed buildings on Queen Street and Hill Street.

In terms of No 37 Hill Street Lane North, this is a modest one and half storey building. Whilst the application site is not immediately adjacent to this listed building, the proposed scale begins to undermine the character and nature of this original mews building.

The proposed development would be detrimental to the setting of the adjacent listed buildings.

#### d) Design

The proposed development is modern in its design and while this is a valid approach, the objective to achieve three relatively large properties with the appearance of two properties has resulted in elevations that have a larger void to solid ratio and a larger number of window openings particularly to the rear. The contrived nature of the proposals has led to an unsatisfactory elevational treatment. Traditionally, a mews property had a more formal detailed elevation facing the main house. Given the change in context, this would not be an expectation. However, the rear elevation, primarily in render, is not of a high design quality.

The historic plans show two separate mews properties along the feu line of the main properties on Queen Street. The proposed development does attempt to articulate two properties with the mirrored design approach but the uniformity of design and the lack of defined articulation between the two feus results in a proposal that has the appearance of a single building rather than two separate properties.

The original scheme proposed a traditional envelope with a pitched roof. However, this was amended to a partly pitched roof with a flat roof section as a device to reduce the scale and height of the development. This amendment has removed the traditional pitched roof feature which is typical to both traditional and many new mews properties within the New Town to the detriment of the design. However, the depth and height of the property remains over-scaled regardless of the altered roof design.

The ground floor accommodates three garage openings and also three entrance doors. To give the illusion of two properties, these garage entrances are overly long and dominate the ground floor, reducing the scope for a more active ground floor with windows and reducing the solidity at the ground floor level

The materials are a mix of traditional and modern which is acceptable given the modern design approach. However, the use of render on the gables and the majority of the rear elevation is inappropriate in this context.

Overall, the ambition of the scheme in terms of scale and number of properties has resulted in a design solution that is not of an appropriate quality for its context and constitutes over-development of the site. There is an opportunity for a more appropriate form of development.

#### e) Amenity

The topography and townscape of the New Town in the immediate environs of the application site, and the relationship of existing buildings on Queen Street and Hill Street, is such that new development on Hill Street North Lane would not worsen the level of daylight presently enjoyed by those occupying rear ground floor rooms of property on Queen Street. Indeed, it is not possible at present to view the sky from these rooms. With regard to sunlight the proposed development would overshadow approximately 70 square metres of garden ground enjoyed by residents of these properties. The distance between the rear elevation of the proposed development and the rear of properties on Queen Street would be approximately 17 metres. The proposed development fails to satisfy the Council's minimum requirements in respect of daylighting, sunlight and privacy. The relationship of the proposed development to existing properties on Hill Street is such that occupants of the proposed development would also not be able to view the sky.

While these matters may not be determining considerations in the assessment of the application proposals they do demonstrate the difficulties of developing residential accommodation within a historic environment that satisfies both the Council's requirement and protects existing residential amenity while creating a level of amenity that occupants of new development might reasonably expect to enjoy.

#### f) Road safety

Transport raises no objections to the development and therefore there are no road safety concerns.

#### g) Equalities and human rights

The proposals have been assessed in terms of equalities and human rights. No impact has been identified.

#### h) Representations

The representations received are addressed as follows:

- Principle of development acceptable - addressed in section a)
- Excessive height; inclusion of too many floors - addressed in section b)
- Too deep - addressed in section b)
- Footprint too big - addressed in section b)
- Out of proportion - addressed in section b)
- Should conform with existing mews property - addressed in section b)
- Damaging precedent - addressed in section b)
- Impact on original hierarchy - addressed in section c)
- Poor quality design; mediocre modern design, traditional would be more appropriate - addressed in section c)
- Setting of 37 Hill Street Lane North at risk - addressed in section c)
- Inappropriate and unsympathetic building materials including too little stone - addressed in section d)
- Over-development - addressed in section d)
- No cognisance of importance of façade onto Queen Street - addressed in section d)

#### Conclusions

Clear advice was given at the pre-application stage and the applicant was given an opportunity to further amend the scheme which has not been taken forward.

The proposal is contrary to the development plan and non-statutory guidance. The proposal does not preserve or enhance the character and appearance of the conservation area and would be detrimental to the setting of the adjacent listed buildings. The height, scale and form of the proposal are inappropriate to the context and the design quality is considered to be poor.

It is recommended that this application be Refused for the reasons below.

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

#### **Reasons:-**

1. The proposal is contrary to Edinburgh City Local Plan Policy Des 1 in respect of Design Quality and Context, as the proposals are not based on the positive characteristics of the surrounding area to reinforce the sense of place.

2. The proposal is contrary to Edinburgh City Local Plan Policy Des 3 in respect of Development Design, as as the proposals do not have a positive impact on itssetting with regards to height, scale, form and materials.
3. The proposal is contrary to Edinburgh City Local Plan Policy Env 3 in respect of Listed Buildings - Setting, as fails to respect the setting of the adjacent listedbuildings.
4. The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, as as the proposals do not preserve or enhance the special character and appearance of the conservation area and fail to demonstrate a high standard of design.
5. The proposal is contrary to the Edinburgh Standards for Urban Design as the proposals do not have a positive impact on its setting with regards to height, scale, form, materials and wider townscape impacts.
6. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the proposals fail to preserve or enhance the character and and appearance of the conservation area.

## **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.

## **Equalities impact**

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

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

## **Sustainability impact**

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

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

## **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 on 30 May 2014. A total of 11 objections were received. The letter of representations raised the following material issues:

- Excessive height; inclusion of too many floors
- Too deep
- Footprint too big
- Out of proportion
- Should conform with existing mews property
- Damaging precedent
- Impact on original hierarchy
- Poor quality design; mediocre modern design, traditional would be more appropriate
- Inappropriate and unsympathetic building materials including too little stone
- Over-development
- No cognisance of importance of façade onto Queen Street
- Setting of 37 Hill Street Lane North at risk

A full assessment of the 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**

The site is within the Central Area of the Edinburgh City Local Plan.

**Date registered**

19 May 2014

**Drawing numbers/Scheme**

01, 02, 03, 04, 05A, 06A, 07A, 08A, 09A, 10A, 11,

Scheme 2

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**Links - Policies**

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**Relevant Policies:**

**Relevant policies of the Edinburgh City Local Plan.**

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 Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Policy Env 6 (Conservation Areas Development ) sets out criteria for assessing development in conservation areas.

## **Relevant Non-Statutory Guidelines**

**The New Town Conservation Area Character Appraisal** states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

**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** 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

# Appendix 1

## **Application for Planning Permission 14/01964/FUL At Land 15 Metres East Of 27, Hill Street North Lane, Edinburgh Erection of 3 mews houses to the rear of 53 and 54 Queen Street to replace existing surface parking.**

### **Consultations**

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#### **Historic Scotland**

*We have considered your consultation and have no comments to make on the proposals. We confirm that your Council should proceed to determine the application without further reference to us.*

#### **Transport**

*No objections to the application.*

#### **Informative**

*The applicant should be informed that the prospective buyer of this property will not be eligible for a residents parking permit as detailed in the report approved by the Transport and Environment Committee in June 2013 ([http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_77\\_-\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility)).*

#### **Environmental Assessment**

*The applicant proposes to erect 3 mews houses on land to the rear of 53 and 54 Queen Street. The site is currently operating as a car parking facility.*

*Due to the historical land use of the site Environmental Assessment would recommend that the following conditions are attached to ensure that any potential contaminated land issues are addressed:*

*Prior to the commencement of construction works on site:*

*(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, 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 remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning*

*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.*

## **Archaeology**

*The site lies within the UNESCO World Heritage Site in particular at the core of the Georgian New Town designed by James Craig in 1766/7. Hill Street was named after James Hill who developed the area in the mid-1790's. Ainslie's 1804 Plan of Edinburgh and Leith identifies this site as being occupied a three, now demolished, mews buildings presumably designed and built by James Hill in the previous decade, with a fourth added to the west side of the site between 1876 & 1893.*

*Accordingly this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan (2010) policy ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*

*It is considered that on current information this proposal scheme is regarded as having a low-moderate archaeological impact. However construction works may disturb the remains of the former Georgian Mews buildings which occupied the site and therefore provide information regarding their use and also the development of this section of the Georgian New Town. It is therefore considered essential that an appropriate programme of archaeological works is undertaken prior to/during development in order to fully excavate, record and analysis any significant buried remains affected by ground breaking works.*

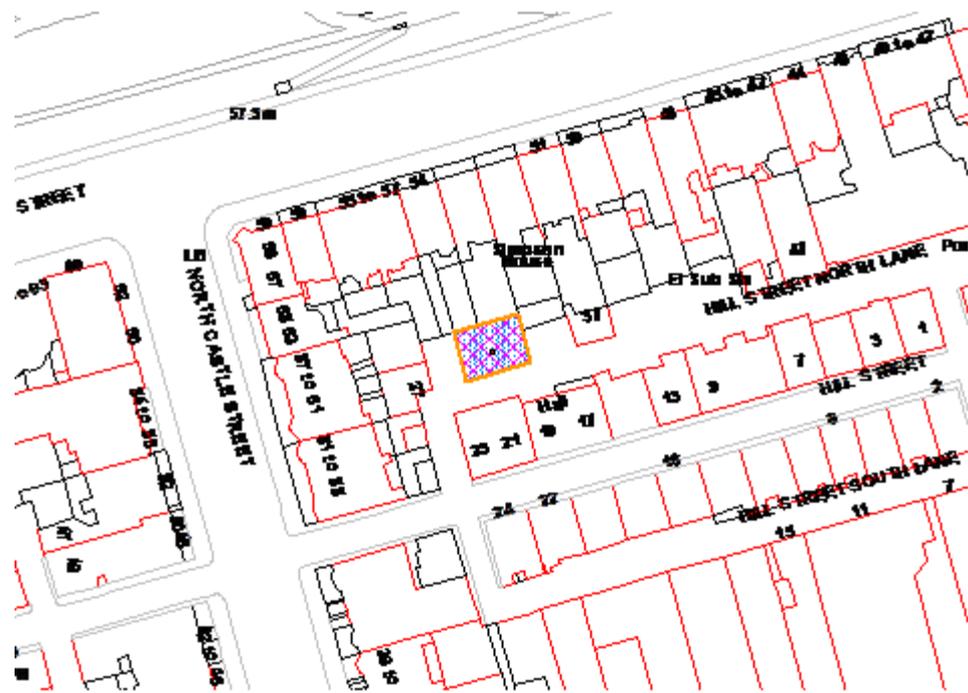
*Accordingly it is recommended that that the following condition is attached to this consent to ensure that this programme of archaeological works is undertaken prior to construction.*

*'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, reporting and analysis & publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'*

*The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.*

## Location Plan

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