

Development Management Sub Committee

Wednesday 25 March 2015

**Application for Planning Permission 14/02924/FUL
At Land Adjacent To, Belford Mews, Edinburgh
Erect dwelling house on three levels which includes the
removal of a tree and mature planting.**

Item number	8.1
Report number	
Wards	A05 - Inverleith

Summary

The proposal complies with the development plan and the Council's non-statutory guidance in terms of scale, form and design. There is no loss to residential amenity and the proposal protects the character and appearance of Dean Conservation Area and this part of the Edinburgh World Heritage Site. There are no other material considerations which would justify refusal of planning permission.

Outcome of previous Committee

This application was previously considered by Committee on 28.01.2015.

Site visit - This application was continued by the Committee for a site visit. The application is returning to Committee for a decision.

Links

[Policies and guidance for this application](#)

LPC, CITD1, CITD3, CITD9, CITE6, CITE12, CITH1, CITH3, CITE15, NSG, NSLBCA, OTH, CRPDEA,

Report

Application for Planning Permission 14/02924/FUL At Land Adjacent To, Belford Mews, Edinburgh Erect dwelling house on three levels which includes the removal of a tree and mature planting.

Recommendations

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

Background

2.1 Site description

The site lies on the north side of Belford Mews and relates to a segment of the south embankment to the Water of Leith lying to the east of No. 12 Belford Mews and adjacent to No.11a and No.11b Belford Mews.

The embankment is steeply sloped and accommodates several trees and expansive shrubbery and undergrowth. There is a small area of the embankment where Belford Mews terminates that is utilised for informal off-street parking.

The site is located within Dean Conservation Area and World Heritage Site.

2.2 Site History

07.11.2007 - An application for planning permission for the erection of a new dwellinghouse was withdrawn (planning application number 07/01835/FUL).

18.12.2008 - Planning permission was granted for the proposed combination of numbers 11A and 11B Belford Mews and construction of a garage/workshop/studio (as amended) (planning application number 08/02592/FUL).

26.11.2013 - Planning permission was granted to renew the consent for 08/02592/FUL - for the proposed combination of numbers 11A and 11B Belford Mews and construction of a garage/workshop/studio (as amended) (planning application number 13/04061/FUL).

Main report

3.1 Description Of The Proposal

The application proposes the erection of a four bedroomed dwelling house on three levels. At street level the house appears single storey with the entry door, kitchen and living room at street level but has been designed to use the topography of the site to provide a further two levels with bedrooms and bathrooms within the embankment.

The windows and a balcony at ground floor level face north onto the Water of Leith with windows from non-habitable rooms facing east.

Solar panels are included in the design of the building to provide renewable energy; 6 are located on the flat roof.

No car parking spaces are provided within the site.

A cherry tree and mature planting are to be removed for the building but the remaining trees and mature planting to the north of the site and boundary treatment are to remain.

The proposed materials are sandstone cladding facing Belford Mews with timber cladding proposed on the other elevations, sedum roofing, glass balustrade, timber painted windows and doors.

3.2 Determining Issues

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

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 in this location;
- (b) the proposal is of an acceptable scale, form and design and protects the character and appearance of the conservation area;
- (c) the proposal will result in an unreasonable loss of neighbouring amenity;
- (d) the proposal is acceptable in terms of traffic and car parking;
- (e) the flooding implications and archaeological issues can be addressed satisfactorily;
- (f) any impacts on equalities or human rights are acceptable; and
- (g) comments raised have been addressed.

(a) Principle of Development

The site lies within the urban area of Edinburgh City Local Plan where the principle of residential development is acceptable subject to compliance with other policies of the development plan.

The immediate surrounding area is predominantly residential so a proposal of this nature would be in keeping with the surrounding area. Planning permission was previously granted for a garage/studio on the site in November 2013. This proposal has the same foot print and is of a similar scale and form to the previous permission. Whilst every planning application is to be assessed on its own merits, the previous consent is still extant and is a material consideration in the assessment of this proposal.

The principle of development is acceptable in this location.

(b) Scale, Form, Design and Impact on the Conservation Area

The Dean Conservation Area is characterised by interspersed development both in the valley of the Water of Leith and on the surrounding high ground. Mews and mill buildings give a distinctive character to the area and the limited range of building materials produce a conformity which is an important factor in the visual unity of the area.

The Water of Leith valley has a picturesque, tranquil and rural atmosphere that is emphasised by the heavily wooded slopes that give seclusion. There is a sense of enclosure and isolation, which contrasts with the more open and larger scale development on the surrounding higher ground. The character of the area is less dependent on architectural consistency than on its quiet secluded site within the Water of Leith valley.

The proposal will occupy no more than 1/3 of the depth of the site and it will not dominate the scale of the existing buildings. Its overall curtilage is satisfactorily proportioned. The loss of part of this ground to form a new house and its garden gives an appropriate density of development characteristic of the surrounding area. The proposal complies with Policy Hou 3 Private Open Space.

In terms of Policy Env 6 Conservation - Development the proposal will be situated perpendicular to existing buildings and will form a natural conclusion to the street. It is of modern appearance and fits into and complements the massing characteristics of the modern surrounding buildings. The new roof of the building is of a different form than the existing roofs in the street but is lower and will be visually subservient to the existing buildings. The use of high quality materials (timber and natural stone) will ensure the development will not look out of place in the streetscene. It is accepted that timber cladding is not a common finish within the Dean Conservation Area but it is a high quality finish and will be used on elevations that are heavily screened.

While there is a general presumption against development within the Water of Leith valley, the proposal relates to a secluded section that is not readily visible from the public walkway on the other side of the river. The proposal is relatively small in scale and there is existing development to its south, east and west.

The development will result in the loss of one tree and mature planting from the embankment and replacement planting of appropriate species and numbers will be required to compensate the loss. This will be achieved by an appropriate condition.

The relationship of the building with Belford Mews enhances the streetscene to the betterment of the conservation area. The proposal will not impinge upon the public views of the river valley and although there will be trees lost overall the landscape impact will be mitigated ensuring the character and appearance of the Water of Leith valley and the wider conservation area will be preserved.

The proposal is of an acceptable scale, form and design and protects the character and appearance of the conservation area.

(c) Residential Amenity

The proposed building has been designed, in terms of window orientation, so as not to impinge upon existing privacy. Any area of overshadowing will be on the Water of Leith valley and will not adversely affect any neighbouring properties. Furthermore, there will be no loss of daylight to neighbouring windows. The proposal will not give rise to any detrimental impacts on neighbouring residential amenity and complies with the requirements within Edinburgh Design Guidance.

The proposal is satisfactory in terms of residential amenity.

(d) Traffic and Parking

The proposal does not include any parking spaces but the Head of Transport confirms that this is acceptable under the current Council parking standards for this area (Zone 2).

The proposal is satisfactory in terms of traffic and car parking.

(e) Archaeology and Flooding

The Archaeologist has confirmed that there is a potential that there may be some remains of archaeological interest on the site. It is therefore recommended that a condition be attached relating to a programme of archaeological works for the site.

Flood Prevention confirms that as the proposal is a single dwelling discharging to the sewer system, there are no objections to the development.

There are no flooding or archaeology issues.

(f) Equalities and Human Rights Impacts.

This application has been assessed in terms of equalities and human rights. No impact has been identified. An Equality and Rights Impact Assessment Summary is available to view on Planning and Building Standards online services.

(g) Public Comments

Material considerations

- scale, form and design of proposal addressed in section 3.3(b);
- affect on the Dean Conservation Area and Edinburgh World Heritage Site addressed in section 3.3(b);
- loss of trees and affect on the planted banking addressed in section 3.3(b);
- traffic and parking problems addressed in section 3.3 (d); and
- loss of privacy addressed in section 3.3 (c).

Non-material considerations

- neighbour notification - The comments regarding neighbour notification on the previous applications are noted however the procedure for this application has been carried out in accordance with the appropriate legal requirements;
- land slippage - The impact of the proposal on the embankment in terms of potential erosion or subsidence is a serious issue but one that cannot be controlled via planning legislation - it is within the remit of the Building Standards (Scotland) Act 2013; and
- noise and disturbance during construction. - subject to separate statutory controls controlled through Environmental Assessment.

Community Council

No comments were received.

Conclusion

In conclusion, the proposal is of an appropriate scale and design which complies with the development plan and relevant non-statutory guidelines. The proposal preserves the character and appearance of this part of Dean Conservation Area. The proposal will not result in an unreasonable loss of residential amenity. There are no material considerations which justify refusal of planning permission.

Addendum to Assessment

The application was considered at the Development Management Sub-Committee on 28 January 2015.

Committee was concerned that the scale and form of the proposal did not respect the character and appearance of the conservation area. Committee continued the application for a site visit. The site visit has now taken place. Further details were also requested by Committee Members:

These details were:

1. Information on the impact of the development from the other side of the Water of Leith. Details of distances are requested;
2. Information about digging into the bank - who takes responsibility for this? (Building Standards or Planning?) Has an engineering report been submitted?

3. Clear plans showing what has already been approved;
 4. The landslip further along the Water of Leith;
 5. Information about how the design 'fits in' with other buildings in the area.
1. On the north side of the Water of Leith there are residential properties. There is a window to window distance of 40 metres between the existing windows and the proposal. This distance ensures there is adequate privacy between dwellings and is in accordance with the Edinburgh Design Guidance which states the pattern of development in the area will help define appropriate privacy distances.
 2. Digging into the embankment is within the remit of Building Standards (Scotland) Act 2003. The proposal does not include digging into the bank directly adjacent to the Water of Leith or involve alterations to any flood defences which being an engineering operation would require planning permission and a report would then be needed. In addition, such works may also require a CAR license under the Water Environment (Controlled Activities) (Scotland) Regulations 2011. An informative is recommended which highlights this.
 3. Clear plans showing the previous application were provided at the site visit and will be included when this item is presented.
 4. A landslip occurred further along the Water of Leith below 61 Dean Path. There are a number of factors which may have caused this slip:
 - The slope is very steep and shows signs of past movement;
 - Excess soil from Dean Cemetery;
 - Heavy machinery being used to construct the house and driveway;
 - Failure of the surface water drainage system; and
 - A period of extremely wet weather.
 5. The development is a contemporary building but given, its size and form, it will fit into and complement the massing characteristics of the surrounding buildings and the variety of architectural style at this part of the Water of Leith embankment. Overall the development will not detract from the character and appearance of the Dean Conservation Area.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Sample/s of the proposed external finishes shall be submitted to and approved in writing by the Planning Authority before work commences on site.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.

3. 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 Planning Authority before work is commenced on site.
4. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. In order to safeguard the character of the conservation area.
2. In order to safeguard the interests of archaeological heritage.
3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
4. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

Informatives

It should be noted that:

1. The development 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.
4. The applicant should be advised that they will be eligible for one residential parking permit for each property in accordance with Transport and Environment Committee decision of 4 June 2013.
5. Works to the embankment of the river may require a CAR license under the Water Environment (Controlled Activities) (Scotland) Regulations 2011. SEPA administer this process and will be able to advise whether such a license is required.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

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

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

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 22 August 2014 and attracted 11 letters of objection from surrounding residents.

Material considerations

- scale, form and design of proposal;
- affect on the Dean Conservation Area and Edinburgh World Heritage Site;
- loss of trees and affect on the planted banking;
- traffic and parking problems; and
- loss of privacy.

Non-material considerations

- neighbour notification;
- land slippage; and
- noise and disturbance during construction.

Community Council

No comments were received.

Background reading/external references

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

- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The site lies within the urban area of Edinburgh City Local Plan and is designated as within Dean Conservation Area.

Date registered

1 August 2014

Drawing numbers/Scheme

1-10,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Jennifer Zochowska, Senior Planning Officer

E-mail:jennifer.zochowska@edinburgh.gov.uk Tel:0131 529 3793

Links - Policies

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 Des 9 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse.

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

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

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

Relevant Non-Statutory Guidelines

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

Other Relevant policy guidance

The Dean Conservation Area Character Appraisal emphasises the distinctive village character of the streetscape within Dean Village, the heritage of high quality buildings, the limited range of building materials, the predominance of residential uses, and the importance of the Water of Leith and its corridor.

Appendix 1

Application for Planning Permission 14/02924/FUL At Land Adjacent To, Belford Mews, Edinburgh Erect dwelling house on three levels which includes the removal of a tree and mature planting.

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the erection of a dwelling house on three levels.

The site is situated on the southern bank of The Water of Leith lying opposite the historic Dean Village, which has been occupied since probably before the 12th century as a centre for Edinburgh's milling. Historic maps from the first half of the 19th century suggest that the application site formed part of the gardens/ grounds associated with the pre-1761 Sunbury House. The 1st edition OS map shows a series of walls occurring across the site with a building shown on the 1872 OS map, it is uncertain if this structure occurs on the 1st Edition.

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.

Ground breaking works associated with the construction of the house may disturb archaeological remains associated with Georgian Estate of Sunbury House and the later Victorian building Shown on the 2nd OS map. Given its location close to the historic Dean village the possibility of earlier medieval remains cannot be discounted. Accordingly it is considered that, on current information, this proposal scheme is regarded as having a potential archaeological impact upon locally significant remains.

It is recommended therefore that the following condition is attached to this consent to ensure that a programme of archaeological works is undertaken to excavate, record and analysis any significant buried remains that may be affected during 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) 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.

Please contact me if you require any further information.

Transport Planning

I have no objections to the application subject to the following being included as conditions or informatives as appropriate:

The applicant should be advised that they will be eligible for one residential parking permit for each new property in accordance with Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7

Note:

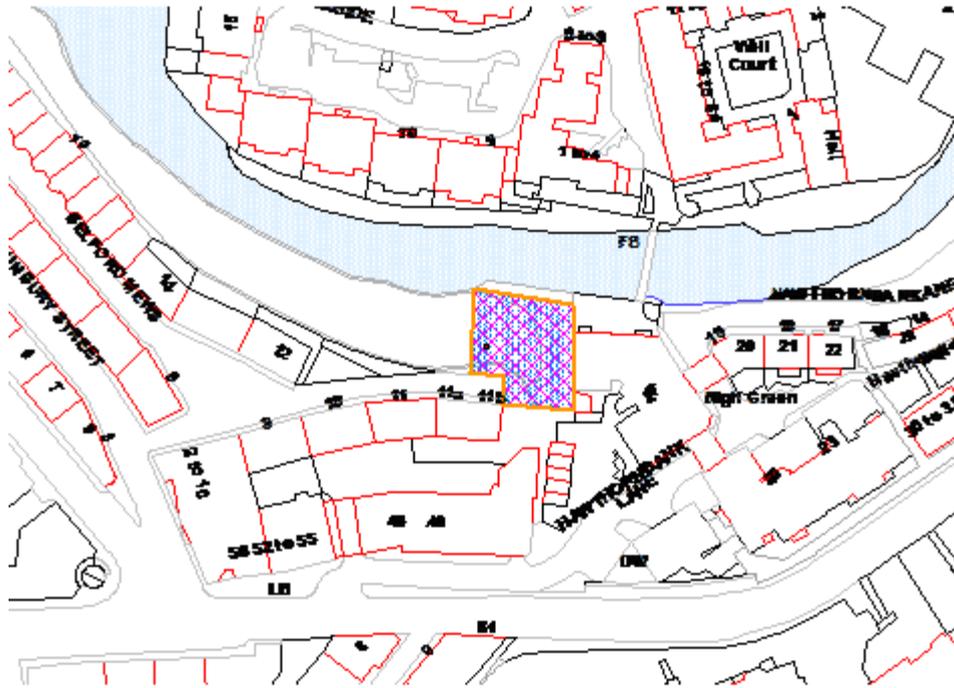
The development proposes zero parking which is acceptable under the current Council parking standards for this area (Zone 2).

If you have any queries, please call Matthew Simpson on 0131 529 3426 (Direct Dial).

Flood Prevention

This is a single dwelling discharging to the sewer system the proposals presented are satisfactory and therefore CEC Flood Prevention have no objection to the application.

Location Plan



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