

# Development Management Sub Committee

Wednesday 13 January 2016

**Application for Planning Permission 15/04991/FUL  
At Land 46 Metres South Of 48, Craiglockhart Loan,  
Edinburgh  
Erection of single storey house.**

<b>Item number</b>	4.1
<b>Report number</b>	
<b>Wards</b>	A09 - Fountainbridge/Craiglockhart

## Summary

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There are compelling reasons which justify a departure from the Edinburgh City Local Plan with respect to policy OS 1; it will not have a detrimental impact on the character and appearance of the listed building, neighbouring amenity, or the Local Nature Conservation site. The loss of open space is acceptable in this instance. There are no material considerations that outweigh this conclusion.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LPC, CITD1, CITD3, CITE3, CITE9, CITE12, CITE15, CITOS1, CITH1, CITH3, CITT4, NSG, NSGD02, NSLBCA, NSP,
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# Report

## **Application for Planning Permission 15/04991/FUL At Land 46 Metres South Of 48, Craiglockhart Loan, Edinburgh Erection of single storey 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 application site sits to the south of Craiglockhart House which is a Category B listed building (listed 12.12.1974, reference LB30055) and to the north of Craiglockhart Loan. Craiglockhart House is an early 19th century Tudor- classical style building. It originally occupied grounds of approximately one hectare; this has been scaled back by small housing developments to the north and west of the house.

The site comprises grassland and has mature hedging between approximately 5 and 6 metres high on the southern and eastern boundaries. It is designated as 'Open Space' and 'Local Nature Conservation Site'. The surrounding use is residential.

#### **2.2 Site History**

November 1996 - Development Brief approved for this site and surrounding area.

30 July 2003 - Planning permission refused for erection of a single dwelling house and garage (application number 03/01465/FUL and 03/01465/LBC). Reasons for refusal were:

- The proposal is contrary to South West Edinburgh Local Plan Policy E4 in respect of listed buildings, as the proposed house would severely affect the setting of the listed building by its position and massing.
- The proposal is contrary to previous decisions the Council has taken regarding this site, and is contrary to the Development Brief approved in November 1996 for this site.
- The proposal is contrary to Non-Statutory Guidelines in respect of the Setting of Listed Buildings, as the proposals would intervene in the vista of the front of the villa, to the detriment of its character and setting.

- The proposal is contrary to South West Edinburgh Local Plan Policy E5 in respect of new building quality, as the design and materials of the house are insufficient to protect or enhance the setting of the listed building.

03 December 2012 - Planning permission refused for the erection of single dwelling house on two storeys (application number 12/02841/FUL). Reasons for refusal were:

- The proposed house would affect the setting of the listed building by its position and massing which intervene in the setting and views of the listed building, contrary to Policy ENV 3 of the Edinburgh City Local Plan and the Council's Non-Statutory Guideline on development affecting the setting of listed buildings.
- The scale, design and location of the proposal would have an adverse effect upon the character and appearance of the area and visual amenity, contrary to policy Des 3 of the Edinburgh City Local Plan.
- The proposal is contrary to the Development Brief approved in November 1996 for this site.

13 October 2015 - Application withdrawn for the erection of two single storey houses in 1930s style (15/03971/FUL).

29 October 2015 - Application withdrawn for the erection of a single storey house in 1930s style (15/03857/FUL).

### Surrounding Sites of Relevance

April 1999 - erection of one lodge house, five town houses and 12 flats (amended to 11) Refused as over-development. Appeal sustained. The Reporter agreed that the new access position off Craiglockhart Dell Road would cause the least disturbance to the listed frontage (application number 98/3302).

September 2001 - Planning permission granted for the erection of lodge house, 12 flats and 5 townhouses (application number 00/03348/FUL).

June 2002 - Planning permission and listed building consent granted for the rationalisation of the presently subdivided villa into five flats with garages and bin stores (application number 01/00125/FUL and LBC).

March 2003 - planning permission granted for the erection of porte-cochere, hard and soft landscaping layout and boundary treatment, (new external stair and entrance to flats 4 + 5) (application number 02/04370/FUL and LBC).

## **Main report**

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

The application is for the erection of one and a half storey, four bedroom detached house in a 1930's design with a ridge height of 7.09 metres.

The house would have a concrete pantile pitched roof, white timber windows and white based dry dash render on external walls to reinforce the 1930's style.

The site would be accessed by a footpath and a driveway from Craiglockhart Loan. The driveway will provide two parking spaces.

The development would require the removal of six young cherry trees which are not protected by a TPO.

There are no proposed replacement trees.

### Supporting Information

The applicant has submitted a Planning Statement to support the application.

This document is available to view on the Planning and Building Standards Online Services.

### **3.2 Determining Issues**

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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 development is acceptable in principle;
- b) the loss of open space and development on a Local Nature Conservation Site is acceptable;
- c) the development respects the character of the street and surrounding area in terms of scale, form and design;
- d) the proposals will adversely affect the setting of the listed building;
- e) the development results in any amenity issues;
- f) the development has a detrimental impact on trees worthy of retention;

- g) the development has any road safety impacts;
- h) the site is of archaeological significance; and
- i) public comments raised have been addressed.

(a) Principle

Policy Hou 1 (d) within the Edinburgh City Local Plan states *"Housing development will be permitted on other suitable sites within the 'Urban Area', provided proposals are compatible with other policies in the Plan."*

This site is designated as urban area within the Edinburgh Local Plan therefore the principle of housing development on this site is acceptable subject to compliance with other relevant policies.

(b) Loss of Open Space and development on a Local Nature Conservation Site

This site is also designated as 'Open Space' and is part of a 'Local Nature Conservation Site'. Policies OS 1 and Env 15 of ECLP are applicable to this proposal.

**Loss of Open Space**

This proposal does not fully comply with the criteria set in policy OS 1. There will be no local benefit in allowing this development or any alternative equivalent provision made elsewhere and the development is not for community purpose.

However, OS 1 states *"Amenity areas in housing which have been provided with no clear purpose or sense of ownership might be considered for development..."*.

This is a privately owned piece of land which approximately 620 square metres and this application site would occupy approximately 370 square metres, it has minimal landscaping in the form of cherry trees. It has no particular function other than visual amenity and it is in close proximity to a larger open space area. The 'Open Space Strategy 2' quality survey has rated this open space at 51%, giving it a low score for its management regime.

It is recognised that this proposal does not comply with criteria set out in policy OS 1, however this is a small piece of 'open space' which has no community function or management at present therefore its loss will not have a significant impact on the local environment. The departure from policy is acceptable in this instance.

**Local Nature Conservation Site**

Policy Env 15 will not permit development on a Local Nature Conservation Site if it is likely to have an adverse impact on the flora, fauna, landscape and geological features.

This site is a small part of a much larger Local Nature Conservation Site - Water of Leith - and sits on the eastern boundary. There are no protected sites or protected species which have to be considered and there is no significant landscape value of the site. The proposal will not have an impact on the flora, fauna or landscape features; therefore it complies with policy Env 15.

(c) Scale, Form and Design

Craiglockhart Loan has a settled townscape character in the form of detached bungalows/ one and a half storey residential properties. Policy Des 3 seeks to ensure that where the built environment is of high quality and has a settled townscape, any new development respects this and has similar characteristics.

The proposal is for a detached one and a half storey house with dormers. The form and design of this proposal is in keeping with surrounding properties. The windows will be timber and painted white, the external walls will be dry dash render and the cills and features details will be reconstituted stone.

The scale in terms of height of this proposal is 7.09 metres, approximately one metre taller than the majority of surrounding heights which have an average of six metres. The proposed development is sandwiched between a high hedge to the northeast and a lodge development to the southwest - which currently on that section of the street has the highest ridge height at approximately 6.5 metres. The height of this development will not be visually intrusive.

The application site occupies a similar plot size to properties neighbouring it and thus acts as a continuation of the overall street pattern. The scale, form and design of this proposal are in keeping with characteristics displayed in the area, it complies with policy Des 3 and non-statutory Edinburgh Design Guidance.

(d) Impact on the setting of the listed building

This proposal sits to the south of a Category B listed building - Craiglockhart House. An approved Development Brief for this area dated 1996 states in paragraph 6.5, *"The land in front of the listed building should be kept clear of new development apart from the lodge."*

With regards to the brief, this proposal sits on a section of land in front of the house which is completely separated by a large hedge and does not show any clear relation to the listed building. This separation will allow the development to act as a continuation of Craiglockhart Loan's streetscape. As the site does not exhibit any relation to the house, the development will not have any impact on the sense of space surrounding the house.

Minimal weighting should be placed on this brief as a material consideration due to its age and change in circumstances surrounding the site.

The proposed access will require a breach in the wall. This wall is not specifically mentioned within the listing description and has had alterations. This breach is considered acceptable in this instance.

The proposed development is subservient and will not impact on the listed buildings silhouette. The proposal will not have a significant impact on the character or appearance of the listed building or its setting; it therefore complies with Local Plan policy Env 3 and non-statutory guidance for Listed Building and Conservation Areas.

(e) Neighbouring Amenity

There will be no impact on neighbouring amenity in terms of daylight/sunlight, privacy or immediate outlook.

(f) Impact on trees worthy of retention

The trees outlined for removal are six young Cherry trees; which are not covered by a TPO. They have a limited value in the landscape context therefore the trees are not worthy of retention.

(g) Impact on Road Safety

Transport Planning was consulted and raised no objections to this proposal.

The applicant has shown that sightlines comply with Transport requirements and the proposed turning head within the driveway will mitigate the need to reverse onto Craiglockhart Loan. The erection of a single dwelling will not have an impact on traffic.

The proposal complies with Local Plan policy Tra 4 and non-statutory guidance for Parking Standards.

(h) Archaeology

This site has been identified as part of an area of archaeology significance. If permission is granted, a condition which will require a programme of work for an excavation, analysis and report to be submitted and to be approved by the Planning Authority will be attached.

This complies with Local Plan policy Env 9.

(i) Public Comments

This application received a total of 33 letters of representation. Twenty five were objections and eight were in support of the proposal.

**Material Representations - Objection**

- Detrimental to the setting of the listed building - addressed in section 3.3(d) of the assessment.
- Unacceptable breach in listed wall - addressed in section 3.3(d) of the assessment.
- Traffic and road safety concerns - addressed in 3.3(g) of the assessment.
- Loss of Open Space - addressed in section 3.3(b) of the assessment.
- Loss of TPO trees - addressed in section 3.3(f) of the assessment.

- Scale of development is inappropriate - addressed in section 3.3(c) of the assessment.
- Contrary to 1996 Development Brief - addressed in section 3.3(d) of the assessment.
- Archaeological remains will be affected - addressed in section 3.3(h) of the assessment.

### Conclusion

In conclusion, there are compelling reasons which justify a departure from the Edinburgh City Local Plan with respect to policy OS 1; it will not have a detrimental impact on the character and appearance of the listed building, neighbouring amenity, or the Local Nature Conservation site. The loss of open space is acceptable in this instance.

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

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

#### **Conditions:-**

1. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. 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.

#### **Reasons:-**

1. In order to safeguard the interests of archaeological heritage.
2. 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 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.
4. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
5. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
6. Any gate or doors must open inwards onto the property;
7. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;
8. The applicant should be informed that prior to carrying out any works to form a footway crossing a Minor Roadwork's consent must be applied for and secured;
9. The works to form a footway crossing must be carried out in accordance with "Development Roads - Guidelines and Specification". See pages 5, 15 & 16 of [http://www.edinburgh.gov.uk/download/downloads/id/704/guidance\\_for\\_householders](http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders).

## **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:**

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:**

This application meets 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

This application received a total of 33 letters of representation. Twenty five were objections and eight were in support of the proposal.

### Material Representations - Objection

- Detrimental to the setting of the listed building;
- Unacceptable breach in listed wall;
- Traffic and road safety concerns;
- Loss of Open Space;
- Loss of TPO trees;
- Scale of development is inappropriate;
- Contrary to 1996 Development Brief; and
- Archaeological remains will be affected.

### Material Representations - Support

- Design is appropriate;
- Need for houses; and
- Does not compromise the listed building.

### Non-Material Representations

- Concerns over use of space beside the proposed development;
- Construction times; and
- Possibility of this development reducing the value of neighbouring properties.

### Community Council

No comments received.

### Background reading/external references

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- 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**

Edinburgh City Local Plan - Urban Area  
This site is designated Nature Conservation Area and Open Space.

### **Date registered**

29 October 2015

### **Drawing numbers/Scheme**

01-06,

Scheme 1

## **John Bury**

Head of Planning & Transport  
PLACE  
City of Edinburgh Council

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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 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

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

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 Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

### **Relevant Non-Statutory Guidelines**

**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.

**Non-statutory guidelines** on 'PARKING STANDARDS' set the requirements for parking provision in developments.

# Appendix 1

## **Application for Planning Permission 15/04991/FUL At Land 46 Metres South Of 48, Craiglockhart Loan, Edinburgh Erection of single storey house.**

### **Consultations**

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#### **Environmental Services**

The applicant proposes the erection of a dwelling house on land south of 48 Craiglockhart Loan. The area is residential with only existing dwellings nearby in all directions.

Contaminated land issues have been considered and found to be of no concern. Amenity is unlikely to be adversely affected by this proposal; Environmental Assessment has no objections to this proposed development.

#### **Archaeology**

*The site within the grounds of the late Georgian Craiglockhart House built in 1823, though the house forms part of a larger medieval estate first mentioned in the early 14th century. Significantly in 1934 the remains of a Bronze Age short cist containing a crouched inhumation were discovered immediately to the SW of the application site adjacent to the boundary wall from number 58 Craiglockhart Loan. Excavations carried out in 2000 by AOC in advance of new development revealed what is thought to be the stone kerb/reveting for the burial mound associated with this Bronze Age cist.*

*Based on the historical and archaeological evidence the site has been identified as occurring within an area of archaeological significance. Accordingly this application must be considered under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan (2010) policy 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.*

*The site appears not to have been investigated in 2000 as part of the adjacent development. Accordingly given the discovery of a prehistoric burial and probably large cairn to the immediate west of the site, it is considered that the construction of this new house may have a high potential for disturbing significant prehistoric remains including possible further human burials. It is recommended therefore that a programme of archaeological work (excavation) is undertaken during prior to development in order to fully record and excavate any significant archaeological deposits that may have survived.*

*It is recommended that the following condition is attached if consent is granted to ensure that this programme of archaeological works is undertaken.*

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

*The work would 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.*

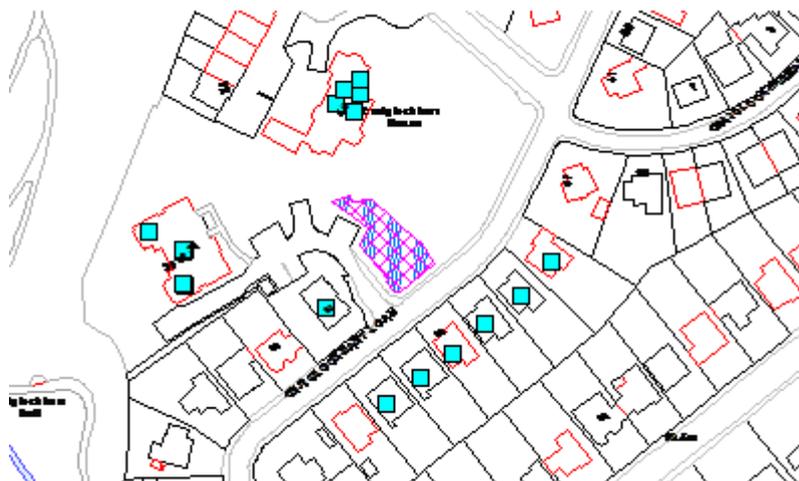
## **Transport**

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

- 1. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);*
- 2. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;*
- 3. Any gate or doors must open inwards onto the property;*
- 4. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;*
- 5. The applicant should be informed that prior to carrying out any works to form a footway crossing a Minor Roadwork's consent must be applied for and secured;*
- 6. The works to form a footway crossing must be carried out in accordance with "Development Roads - Guidelines and Specification". See pages 5, 15 & 16 of [http://www.edinburgh.gov.uk/download/downloads/id/704/guidance\\_for\\_householders](http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders).*

## **Location Plan**

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