

# Development Management Sub Committee

Wednesday 13 January 2016

**Application for Planning Permission 15/03149/FUL  
At 5 - 11 Ellersly Road, Edinburgh, EH12 6HY  
Conversion of listed building and associated outbuildings  
into 42 residential units, with three new apartment buildings  
and mews.**

|                      |                                |
|----------------------|--------------------------------|
| <b>Item number</b>   | 4.2(a)                         |
| <b>Report number</b> |                                |
| <b>Wards</b>         | A06 - Corstorphine/Murrayfield |

## Summary

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The proposals comply with the development plan and the non-statutory guidance stated and will not adversely impact on the character and appearance of the conservation area. They will have a satisfactory impact on the listed buildings on the site, and will not materially affect residential amenity or highway safety. There are no other material considerations which outweigh this conclusion.

## Links

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|---|---|
| <a href="#"><u>Policies and guidance for this application</u></a> | LPC, CITD1, CITD3, CITD4, CITD10, CITE2, CITE3, CITE4, CITE5, CITE6, CITE12, CITH2, CITH3, CITT6, NSG, NSLBCA, NSGD02, NSP, CRPWMU, |
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# Report

## **Application for Planning Permission 15/03149/FUL At 5 - 11 Ellersly Road, Edinburgh, EH12 6HY Conversion of listed building and associated outbuildings into 42 residential units, with three new apartment buildings and mews.**

### **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 lies just west of Murrayfield Road, north of the Murrayfield Stadium, in a predominantly residential area north of Corstorphine Road. Shops exist at Western corner on Corstorphine Road to the south west of the site.

The site is on the south side of Ellersly Road, opposite the former Ellersly House Hotel. The site, which is almost rectangular in plan and 1.46 ha in area, is currently occupied as HQ offices and care facilities. The site contains the category B listed two storey manor Westerlea House (no.11 Ellersley Road) which was built between 1860 and 1869 in the Jacobean style. It ranges along the frontage of the site together with a later 1950's two storey addition to the west and a conservatory added to the south west corner by Lorimer in 1913. It was listed on 27 January 1992 (LB ref: 30275).

In addition, there are other C listed outbuildings on the site dated 1860-69 including the Chalet building and the Stable Block courtyard to the east frontage. Behind this is the C listed Garden Building; a low single storey monopitch block. These buildings numbered 5, 7 and 9 Ellersly Road were listed on 27 January 1992 (LB ref: 30276).

The south west quadrant of the site towards Corstorphine Road contains an original Lorimer designed garden circa 1913 with large lawn and accompanying fountain, statue and obelisk. The east part of the site contains modern outbuildings including a hydrotherapy pool, prefabricated classrooms and a garage block. The site is well landscaped and, for the most part, is surrounded by a high stone wall.

This application site is located within the West Murrayfield Conservation Area.

#### **2.2 Site History**

The original house is dated 1860-69 and was remodelled by Lorimer in 1913. It was occupied by the British Red Cross in 1947 as a school facility for children with disabilities. A two storey extension was built to the west side of the house in the 1950s.

March 2009 - consent was granted for alterations to stable block to form extension to early learning centre (application numbers 09/00172/FUL and 09/00172/LBC).

July 2015- listed building application submitted for internal and external alterations to facilitate use as residential (listed building application 15/03170/LBC).

July 2015 - application for conservation area consent submitted for the removal of a series of modern buildings across the site (application number (15/03171/CON).

## **Main report**

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

The proposal is to demolish the 1950's accommodation block to the west side of the main house, the modern hydrotherapy pool, the pre-fabricated classrooms and the garages. The Garden Building will be demolished to allow a new vehicular access to serve the site.

#### Conversions

The main listed building will be converted to six residential units in the following combination:

1 x one bed apartment; 2 x two bed apartment (including attic study); 1x three bed apartment and 2 x three bed duplex.

The Chalet building will be converted to 1 x two bed unit.

The Stable Block will be converted to 1 x two bed apartment and 1 x two bed mews house.

#### New Construction

It is proposed to build a new three storey residential block (A) to the west of the main house, containing seven units: 1 x one bed; 3 x two bed; 1 x three bed; 2 x one bed and study penthouses.

Two new residential blocks consisting 11 no. units (Block B) and 12 units (Block C) at five storeys are to be built in the east part of the site and a new Mews Block to the rear of the Stable Block is to be built containing three units ( 3 x three bed units). Materials will be predominantly blond facing brick on these three blocks; the latter with a pitched slated roof with wall head dormers.

The total number of new residential units will be 42.

#### Car parking

Fifty-two car parking spaces are provided, including one per flat plus visitor provision and wheelchair accessible spaces. Seventy-six cycle spaces in enclosed shelters are provided. One electric vehicle hook up space is to be provided.

## Landscaping

The Lorimer Garden will be preserved, including the majority of the trees along its southern and western boundaries, subject to future management and with the exception of one large mature tree (T10) which has a fungal infection and needs to be removed. The trees running down the east side of the formal garden will need to be removed to allow construction of the two large flatted blocks B and C. These trees are overgrown and of poor stock. The trees along the garden terraces will be renewed with a new aesthetic including low walls. Block A will have small private gardens to the rear on the top terrace; likewise Westerlea House flats. The tall blocks B and C will have small private gardens to the west overlooking the communal Lorimer Garden and between the blocks and the south boundary.

## Applicant's Supporting Statement

The following documents are available on the Council's On-Line Services:

- Design Statement (CDA);
- Drainage Report (Harley Haddow);and
- Bat Assessment (July 2015).

### **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 harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development 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 in this location;

- b) the development will impact on the character and appearance of the conservation area;
- c) the setting of the listed buildings is safeguarded;
- d) the design, materials and open space are acceptable;
- e) the development will impact on residential amenity in terms of privacy, overshadowing, noise and pollution;
- f) transport, parking and access are satisfactory;
- g) there will be any significant loss of tree cover;
- h) there is an Affordable Housing contribution required;
- i) drainage is satisfactory;
- j) there are any archaeological implications;
- k) there is a requirement for an education contribution;
- l) the development will have an adverse impact on biodiversity;
- m) there are any equality or human rights issues to consider; and
- n) the representations have been addressed.

(a) Principle

The site is allocated as Urban Area in the Edinburgh City Local Plan (ECLP) where housing development in principle is acceptable. Housing is supported within the urban area by Policy H1 where it is compatible with other policies in the local plan. The development conforms with the Policy H2 - Housing Mix and Policy H4 - Density as affordable housing has been addressed and the density is appropriate to the area.

The development is acceptable in principle in this location subject to the consideration of other matters below.

(b) Conservation Area

The site sits within the Country House Sub Area of the main West Murrayfield Conservation Area as identified in the Conservation Area Character Appraisal. The essential characteristics are:

*- The underlying spatial structure of the area is one of large 'country houses' in generous grounds close to main city access routes.*

*- The area is bound together by high stone boundary walls with houses less concerned with their relationship to each other, but more with their own design and layout within their grounds.*

*- Despite a gradual process of subdivision of the grounds, houses remain either free standing in generous plots or more uniformly laid out in smaller plots.*

*- Imposing gates set into boundary walls mark a transition from public to private, and retain an effect of privacy.*

*- A continuing interest and concern for landscaped gardens and woodland trees is clearly indicated by a high degree of maintenance.*

These characteristics place emphasis on the retention of high boundary walls, creating a sense of privacy between private and public spaces, and concern for areas of landscaping.

The West Murrayfield Conservation Area Character Appraisal refers to the ECLP for policy relating to new development. There is particular focus on retaining and enhancing all features that contribute to the special character of the area. With listed buildings, any alterations, additions and changes of use should not diminish the architectural integrity of the building.

The conservation area has seen some significant changes in recent years with new developments particularly in Ellersly Road and Kinellan Road bringing contemporary styled buildings closer to street boundaries. Such developments include flats at 33 Ellersly Road (Wallace Gardens), townhouses at 4 Ellersly Road (former Ellersly Hotel opposite the site) and earlier flatted blocks at Kinellan House. These are similar in style and massing to that proposed on the current application site at Westerlea House.

Whilst the "continuous stone boundary walls at the heel of the pavement" pattern of the area is maintained together with the luxurious tree growth, contemporary development in this street is much more evident and modifies the appearance without detracting from its character. The character appraisal says that "there are examples of sympathetic reuse and restoration and new build demonstrating respect for the topography and the listed buildings." This proposal will have similar positive effects.

The proposals represent an acceptable balance between new building, which utilises the less architecturally important eastern part of the site and adapts listed buildings. Cumulatively, their design, disposition and materials will not detrimentally impact on the character and appearance of the conservation area.

### (c) Setting of Listed Buildings

Policy ENV4 of the Edinburgh City Local Plan states that alteration or extension of a listed building is permitted where they will not cause any unnecessary damage to historic structures or diminish its interest. In this case, the building is a wing of a larger group of buildings with the same category of listing C and its scale and importance is minimal.

The demolitions on site will allow the main listed building to once again sit in its own space which will vastly improve its setting. The new block A is set away to the west so that there will be a visual gap between old and new. The two new tall blocks B (71.650m AOD) and C (69.900m AOD) are set down the slope and their height will exceed the ridge height of Westerlea House (68.455m AOD), by 3.2 metres but with the off set to the south within the site this will ensure that despite their massing they will not dominate the listed building as seen from the street.

The demolitions are justified in the context of local plan policy ENV2 as there are benefits resulting to the setting of the remaining listed buildings on the site (Policy ENV3).

#### (d) New build

The new build parts of the development adopt a contemporary feel to their design, given the context of surrounding new developments in Ellersly Road with a combination of light buff sandstone, light coloured buff brick, bronze coloured cladding around windows and balconies and glass balustrades.

Block A is a three storey building with recessed top floor set on the same building line as the main house and which replaces the 1950s west wing of the building which is to be demolished. The formal front facade will be ashlar stone. The rear elevation facing the garden will be mainly glass and brick. The stone is appropriate to the context of the street and the main listed building. A lighter treatment to the garden facade is repeated in the other new buildings in glass and brick, all of which will face onto the retained garden. The new block A will improve the setting of the listed building.

Blocks B and C are five storeys with a long, twin sheared footprint which breaks up the massing. The blocks are ranged down the east side of the site on sloping ground, overlooking the east end of the Lorimer Garden and replace single storey modern buildings, car parking and garages on the site. The tall, simple and elegant blocks maximise natural light and sunlight to apartments and form a strong visual edge to the retained garden. The height of the two blocks is similar to the flatted block to the east of the site in Murrayfield Road and to the flats immediately to the west of the site and at the end of Ellersly Road (Wallace Gardens) on the former United Distilleries Site.

Chalet block - This building is to be divided into one, two bedroom unit. This can be achieved through reworking the interior and creating a small, single storey glazed and zinc box extension in the middle, in contemporary style, projecting from the building line to the south. The design and materials are acceptable.

Mews block - It is proposed to form a single storey, 3 apartment block enclosing the south side of the former stables yard. This will be faced in natural stone. This completes the footprint of the earlier stables and is acceptable.

Access - Two new vehicular access points will be made off Ellersly Road, one to serve Block A at the west end of the site and the other to serve all the other new buildings. The benefit of the main entrance is that it will limit the amount of boundary wall demolition and ancillary listed building demolition required and takes advantage of the modern building demolitions.

Open space - the development is arranged around the former Lorimer terraced garden and lawn so that as many apartments as possible have an aspect looking onto it and can benefit from its amenity. The proposals comply with Policy OS1 of the local plan and are acceptable.

The size of all of the proposed residential units comply with the Edinburgh Design Guidance and will create an appropriate residential environment for the residents.

The design, materials and open space are acceptable.

(e) Residential amenity

The tall Blocks B and C are orientated so that their main windows face east west, taking advantage of the open aspect of the Lorimer Garden to the west and the largely garaging area over the boundary between a villa to the north east and a block of flats to the east. The gables will be mainly blank apart from small bedroom windows facing south over the boundary, approximately 4.5 metres away. There will be no material overlooking of the south boundary towards the nursing home, which only presents a blank roofscape towards the site so that privacy should not be an issue.

In respect of overshadowing, the tall blocks which are 18m and 12m high respectively, will be set between 18 and 20 metres off the east boundary. Any shadow created by the blocks falling east will comply with the 45 degree/2metre height on the boundary guidance. In terms of noise, the only issue would be vehicles within the site. However, the majority of the west side of the site has been parking and garaging in the past where vehicles have circulated. The majority of vehicle movement will continue to be on this side of the site, so there should not be any perceived change in noise levels experienced by the neighbours. One electric car charging point will be provided next to the cycle store near the east entrance. This is proposed due to the high level of air pollution caused by traffic on Corstorphine Road. A facility for electric car use is promoted on this site, albeit in a modest way.

The development will not impact on amenity.

(f) Transport

The development is provided with 52 car parking spaces for the 42 residential units including wheelchair accessible and visitor provision. The distribution about the site, access routes to them and the provision meets levels required in the Council's guidance and is satisfactory. Parking spaces will be two tone paviers. One electric car charging point will be provided next to the cycle store near the east entrance. Three brick cycle stores will be provided: one adjacent to Block A, one to the east of the main house close to the eastern entrance off Ellersly Road and one within Block B. A total of 76 cycle spaces are provided and this is satisfactory.

There is a requirement for a contribution in the sum of £2000 to progress a suitable order to introduce waiting and loading restrictions in the street as required. Secondly, it is required that the developer contribute a sum of £2000 to progress a suitable order to designate disabled parking spaces. This is required in order to ensure the street is workable, gives close access to the site for disabled persons and is safe and unobstructed in operation. A legal agreement is recommended as an informative.

Transport, parking and access are satisfactory.

(g) Trees and landscape

Apart from the removal of the one mature tree, there will not be any strategic loss of tree cover. The trees that will be lost are smaller poor quality trees and their loss is considered acceptable in terms of good tree management. The peripheral tree belts will remain and conditions covering the retention and protection of trees, and a management plan, are recommended. This includes the new terrace planting.

The retention of the original garden is a positive impact for the site and will create a strong landscape feature within this development.

(h) Affordable Housing

Policy Hou7 Affordable Housing of the local plan states that sites consisting 12 or more units should include a provision for affordable housing amounting to 25% of the total number of units. For proposals of 20 or more units, the provision should be on site. Whenever practical, the affordable housing should be integrated with market housing.

The policy does recognise that some projects will be expensive to deliver if the affordable housing is to be delivered in a way that blends in with the rest of the development. It states that where a development is in a conservation area or involves the conversion of a listed building, the Council may consider receiving off-site land or a commuted sum payment in lieu of on-site affordable housing where there are exceptional reasons to avoid on-site provision, such as the site being poorly located for affordable provision, where conversions do not lend themselves to affordable provision, or there are other advantages to the Council in accepting a commuted sum such as achieving more, higher quality or better-located affordable units elsewhere.

The applicants have explored all on-site options. The average cost of building an affordable home in Edinburgh is near £110,000. The costs of constructing the average sized affordable home on this site (even assuming a nil land value) would be in excess of £190,000 per unit. This is due to the nature of the conversion, the high open space content, its listed building status and the conservation area location. It would not be possible for the Council or registered social landlord (RSL) to construct these homes and to then offer them at current affordable rent levels. There would be a shortfall in the region of £83,000 per home. If the rents were increased to help reduce the shortfall, then the homes would not be offered at affordable levels.

Consequently, the service is satisfied that the applicants provide a commuted sum. Based on the standard calculation, the sum required would be £262,500, at £25,000 per unit. It is therefore recommended that a legal agreement be entered in to. An informative to this effect will be attached to the consent.

(i) Drainage

In terms of SUDS, it is proposed that the roads and parking areas will be constructed in porous paving at appropriate locations and individual plot curtilage filter trenches for treating the run-off from the roofs of the new flats will be provided. The main surface water infrastructure will be adopted by Scottish Water. The porous paving in adopted public roads will be maintained by the Council. The porous paving in private courtyards, filter trenches and attenuation units will be maintained by the site factor.

The proposed foul and surface water drainage system will ensure the layout complies with all Scottish Water and Council design requirements. However, a condition is recommended to ensure that Area 2 of the site achieves a 3 litre/sec., rather than 4 litre/sec flow restriction as indicated in the applicant's Drainage Report.

(j) Archaeology

No significant archaeological remains are expected on this site. However, it is recommended that a condition be appended to the consent requiring a standard programme of archaeological work to be undertaken and that the Lorimer Garden is suitably protected from damage during the construction period.

(k) Education

A reassessment of the contribution zones within the city is currently being undertaken and the figures for the Roseburn and Blackhall contribution element of the West Contribution Zone have been released.

There is no contribution for non-denominational primary schools in this sub-area. A contribution is required to cover the cost of a two class extension at the local Roman Catholic primary school and an extension for 446 pupils at the non-denominational High School and one at the Roman Catholic school for 77 pupils. The total contribution required is £76,363.34 for this sites education provision. A legal agreement will be required to secure a contribution. An informative is recommended to ensure a contribution is received prior to the development being completed.

(l) Biodiversity

A bat survey has been carried out and no evidence of the presence of bats has been found in buildings and no bats were observed leaving or entering buildings. An informative is recommended to ensure roof materials are removed by hand and that consideration should be given to providing bat boxes on site. Otherwise there are no further matters concerning European protected species which need to be taken into account as part of this application.

(m) Equalities and Human Rights

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

## (n) Representations

The following material representations have been made:

- Height and materials of new blocks are addressed in paragraph 3.3b) in the assessment above.
- Concerns relating to transport issues and provision of parking are addressed in paragraph 3.3f above.
- Impact on residential amenity and in particular privacy are addressed in paragraph 3.3e above.
- Loss of trees and impact on landscaping are addressed in paragraph 3.3g above.

## **Murrayfield Community Council**

The Community Council has objected to the proposal for the following reasons:

- Conservation Area - protects in one part and totally damages in another - addressed in paragraph 3.3b above.
- Design is inappropriate and scale of new blocks excessive - addressed in paragraph 3.3d above.

## Conclusion

The proposal will not adversely impact on the character and appearance of the listed buildings and the conservation area; upon residential amenity, or transport and highway safety, landscaping, drainage, archaeology, biodiversity and refuse.

Contributions for education provision and affordable housing are sought by legal agreement.

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

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

### **Conditions:-**

1. Details of all cladding, surfacing and roofing materials to be used in construction and repairs shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
2. No development shall take place within the site 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.
3. Area 2 of the drainage layout shall be attenuated to 3 litres/sec rather than 4 litres/sec. and a Drainage Technical Approval Application sought from Scottish Water for the site prior to the drainage layout being implemented.

4. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
5. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with clause 2 of BS 5837:2012 " Trees in relation to design, demolition and construction".
6. A landscape management plan, including tree replanting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; the approved plan shall be implemented within 6 months of the completion of the development.
7. Only the tree/s shown for removal on the approved drawing/s shall be removed, and no work shall be carried out on the remaining trees at any time without the approval of the Planning Authority.

#### **Reasons:-**

1. In order to enable the Head of Planning and Transport to consider this/these matter/s in detail.
2. In order to safeguard the interests of archaeological heritage.
3. In order to comply with the Council's Flood Prevention guidelines.
4. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
5. In order to safeguard protected trees.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
7. 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 developer will be required to enter a section 75 legal agreement to secure
  - a commuted sum of £262,500 in respect of affordable housing for 10.5 units;
  - a sum of £76,363.34 in respect of an educational developer contribution for the Roseburn and Blackhall area.
  - £2000 to progress a suitable order to introduce waiting and loading restrictions in the street as required.
  - £2000 to progress a suitable order to designate disabled parking spaces.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

3. 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.
4. 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.
5. All roof materials in any demolition of buildings on the site shall be carried out by hand in order not to disturb any bats. Consideration should be given to the provision of bat boxes on the site, probably best located on existing mature trees.

## **Financial impact**

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

The application is subject to a legal agreement for developer contributions.

## **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 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 17 July 2015. Twelve letters of objection have been received, including those from and Murrayfield Community Council, Cockburn Association and Councillor Edie as follows:

## Murrayfield Community Council

- Conservation Area - protects in one part and totally damages in another.
- East part of development displays every sort of planning disaster; at least a dozen flats too many and should be replanned.
- 5 storey blocks damage amenity and dominate the whole area.

### Material Comments

- New blocks to east too tall. A storey lower would sit more comfortably in existing skyline.
- Primary material should be stone not brick.
- Number of flats in S.E. part of site seems excessive.
- Higher than neighbouring properties.
- Concern about the style of some of the dwellings.
- Conflict with conservation concept.
- Traffic implications on local area.
- Immediate surroundings are losing their identity and character due to infill building of blocks of flats.
- Conflicts with conservation area status.
- Traffic - rat runs and scarcity of on-road parking in the area. Access to/from the site will be difficult.
- Service vehicles will add to congestion.
- Density.
- Privacy - loss to properties to the east by overlooking from 5 storey B+C blocks.
- Loss of trees.

### Non-material comments

Noise and dust during construction.

### **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**

The site is allocated as Urban Area in the Edinburgh City Local Plan.

**Date registered**

2 July 2015

**Drawing numbers/Scheme**

01 - 48,

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 Des 4 (Layout Design) sets criteria for assessing layout design.

Policy Des 10 (Tall Buildings) sets out criteria for assessing proposals for tall buildings.

Policy Env 2 (Listed Buildings - Demolition) identifies the circumstances in which the demolition of listed buildings will be permitted.

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 4 (Listed Buildings – Alterations & Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

Policy Env 5 (Conservation Areas – Demolition of Buildings) sets out criteria for assessing proposals involving demolition of buildings in conservation areas.

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 2 (Housing Mix) requires the provision of a mix of house types and sizes in new housing developments.

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

Policy Tra 6 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

### **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.

**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** on 'PARKING STANDARDS' set the requirements for parking provision in developments.

The West Murrayfield Conservation Area Character Appraisal emphasises the range of high quality villas of restricted height enclosed by stone boundary walls, and the predominance of residential uses within the area.

# Appendix 1

## **Application for Planning Permission 15/03149/FUL At 5 - 11 Ellersly Road, Edinburgh, EH12 6HY Conversion of listed building and associated outbuildings into 42 residential units, with three new apartment buildings and mews.**

### **Consultations**

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#### **Murrayfield Community Council**

*Murrayfield Community Council (MCC) discussed this application at their last meeting and decided to object to the proposed development.*

*MCC does not object to the change of use from education to residential but is extremely concerned about the way it has been proposed.*

*The area around the proposed development is a Conservation Area which does not seem to be understood by the developers and perhaps somewhat within the Planning Department. The whole area is undergoing massive change, very little of which enhances the Conservation Area. The current proposal pays lip service to conservation in one part of the site, while totally damaging it in another.*

*The retention of the main building appears to work well and the removal of the 50's building, and its replacement with flats, provides a well-proportioned facade which enables the western end of the site to be acceptable. The eastern side of the site displays every sort of planning disaster. The attempt to build a series of yuppie style dwellings, while saving the frontage, fails. It has no relationship with the rest of the scheme. The south-east part of the site has a least a dozen flats too many and seriously damages the amenity of the whole area, with 5 storey blocks peering over a six foot high boundary wall to completely dominate the three adjacent sites. This is absolutely unacceptable.*

*From the site plans one can read the battle between the conservationists and the exploitive developer. In trying to save the rather charming frontage to the east they gave up the battle for a reasonable development in the south-east part of the site. The whole eastern area should be re-planned with the long term quality of the payout having primacy. Removing a dozen flats from the mix would be a good start.*

*MCC are of the opinion that the eastern part of the site should be improved and planning permission delayed until this is satisfactorily achieved.*

#### **Affordable housing**

*Services for Communities have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.*

*The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.*

*This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.*

## *2. Affordable Housing Requirement*

*This application is for a development comprising a mix of conversion and new build residential, totalling 42 units and as such the AHP will apply.*

*The Council seeks to achieve delivery of affordable housing onsite in every case, to achieve the delivery of mixed, sustainable communities across the city. There is an established convention in Edinburgh that AHP provides land, at nil value, for the construction of 25% of the homes. The Council then has a reasonable period of 5 years in which to use the land for the delivery of affordable homes, or the land would need to be handed back to the developer for nil value.*

*The policy and the convention of providing; and at nil value for affordable housing, has successfully delivered thousands of affordable homes for rent and low cost home ownership across the city in the past 10 years. It has been instrumental in achieving the first new affordable housing for 50 years or more in some neighbourhoods of the city. However, one of the important practical requirements of the affordable homes is that, once the land is gifted by the developer, the Council or an RSL must then build affordable homes that blend into the rest of the development. That involves using the same materials and construction techniques as the market homes, and is important in ensuring that the affordable homes are well-integrated, as this promotes the development of successful mixed, sustainable communities in the long term.*

*As Edinburgh is a city with a World Heritage Site and more than 40 Conservation Areas, the policy has recognised from its inception that some projects will be expensive to deliver if the affordable housing is to be delivered in a way that blends in with the rest of the development. Where a development is located in a Conservation Area, and particularly where it involves the conversion of a listed building the policy states that the Council may consider receiving offsite land or a commuted sum payment in lieu of onsite affordable housing where:*

*"There are exceptional reasons to avoid on-site provision, such the site being poorly located for affordable provision, where conversions do not lend themselves to affordable provision, or there are other advantages to the Council in accepting a commuted sum such as achieving more, higher quality or better-located affordable units elsewhere".*

*In this case the applicant mentioned, at an early point in discussions, that there are exceptional construction costs involved, because the property is a conversion project.*

*The applications provided costing of building the homes, on an Open Book basis. These costs were verified by colleagues in the Council's Estates Department and found to be accurate.*

*The Council then took those costs, assumed that the developer had gifted the land at nil value for the affordable homes, then tested out the viability of each of the approved affordable housing tenures, taking account of current levels of subsidy, current rent and low cost home ownership values, and taking account of any commuted sums that could cross-subsidised the development.*

*While the average cost of building an affordable home in Edinburgh is near £110,000, the costs of constructing the average-sized affordable home on this site (even assuming a nil land value) would be in excess of £190,000 per unit due to the nature of the conversion, its listed building status, and Conservation Area location. It would not be possible for the Council or an RSL to construct these homes and to then offer them at current affordable rent levels. There would be a funding shortfall in the region of £83,000 per home. If rents were increased to help reduce the shortfall then the homes would not be offered at affordable levels.*

*The Council then similarly tested the impact of the verified construction costs on the low cost home ownership models shared equity and golden share. These tenures have been successful in meeting affordable housing need across the city, but the figures for this development would mean that they would not be meeting an identified affordable housing need, meaning any purchaser buying these homes could reasonably have afforded to buy a different home in a different part of the city on the open market, and is not in affordable housing need.*

*As the department is satisfied that the applicants have explored all onsite options it was agreed that commuted sum would be the appropriate method of providing the AHP.*

### **3. Summary**

*The AHP states that where a commuted sum is to be employed, a direct percentage of 25% should be applied. Therefore, in this instance there will be a requirement of a payment for 10.5 units. The current commuted sum payable will be £25,000 per unit.*

*On applying the above formula and in the terms of the AHP procedure on calculating commuted sums, this department confirms that the commuted sum payable to the Council will be £262,500.*

*The developer will be required to enter into a Section 75 legal agreement to secure the commuted sum and this should be included in the Informatives section of the report to Committee.*

### **Historic Scotland**

*It is clear that the focus of the C-listed Stable complex is the articulated street elevation with returning wings. We therefore welcome that the proposed residential conversion scheme sees the retention and conversion of these elements. The applicant however proposes to demolish the truncated and altered rear wing of the court (now known as the Garden Building) to enable the site to be opened up for a new wing and reconfigured access arrangements. We note that the rear wing is subsidiary in terms of its scale, detailing, materials and layout to the main U-shaped wing. Your council therefore should consider whether its demolition can be viewed as part demolition*

*(alteration) of a less significant component of the overall complex listed at Category C, therefore not requiring a full SHEP Demolition Test.*

*In the instance that your council determine that the proposal to demolish the rear wing does fulfil the SHEP Test in its own right, we can confirm that the applicant has not fully met the Test. Currently the applicant seeks to justify the demolition of the building by addressing both Test A and C, only one test needs to be met, we would therefore recommend, should your council deem it appropriate, that one test if focused on and fully addressed.*

## **Transport**

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

*1. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The applicant should note that the road layout is not approved at this stage. There are a number of detailed design elements which will require to be addressed including:*

- a. Extent of adoptable areas, including parking spaces;*
- b. Use of gates within the development. Gates are not permitted on adoptable roads, whether or not the road is actually adopted;*
- c. Lighting;*
- d. Drainage;*
- e. Sightlines on Ellersly Road;*
- f. Swept paths for refuse vehicles;*
- g. Materials, including porous surfaces;*

*2. Consent should not be issued until the applicant has entered into a suitable legal agreement to:*

- a. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as required;*
- b. Contribute the sum of £2,000 to progress a suitable order to designate disabled parking spaces;*

*3. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);*

*4. 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;*

*5. Any gate or gates must open inwards onto the property;*

*6. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;*

*7. The applicant should be informed that prior to carrying out any works to form the access points on Ellersly Road, a Minor Roadworks consent must be applied for and secured and 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)*

*8. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic*

*Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.*

*Note:*

*Current Council parking standards require a minimum of 1 space per unit for development in this area. There are 52 spaces proposed for the 42 units which meets the current standards.*

## **Environmental Assessment**

*The application proposes the conversion of existing outbuildings into residential properties and the addition of three new residential properties. The site is surrounded by residential properties to the west, east and south. Residential properties are situated across Ellersley Road to the north.*

*Information has been provided in relation to the car parking provision which includes a net gain of three parking spaces in comparison to those associated with the existing office premises. The site is situated adjacent to Corstorphine Road which feeds vehicles into two air quality management areas; St John's Road AQMA and city centre AQMA. Therefore any vehicle trips to and from the application site is likely to have an impact upon both of these air quality management areas.*

*Therefore, although Environmental Assessment would offer no objections to this application. In an attempt to mitigate against air quality impacts, Environmental assessment would recommend that electric vehicle (EV) infrastructure be included within the development. The site is ideally placed to include electric vehicle charging points for future residents of the site. Further details of infrastructure installation can be found at Transport Scotland's "Switched on Scotland: A Roadmap to Widespread adoption of Plug-in Vehicles (2013)".*

*It is highlighted in Edinburgh's Local Transport Strategy 2014-2019 that the Council seeks to support increased use of low emission vehicles and support the extension of the network of EV charging points.*

*The City of Edinburgh Council Parking Standards for Development Management also now encourages the use of EVs. It states that the Council is likely to introduce a requirement for EV charging infrastructure which, depending upon how charging technology evolves, is likely to include:*

- o Dedicated parking spaces with charging facilities.*
- o Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

*Developers should now consider the potential for EV charging as they develop their proposals. Based on currently available technology Environmental Assessment recommends that vehicle charging outlets should be of the following standard:*

*70 or 50kW (32 Amp) DC with 43kW (32 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.*

*It should be noted that support is available to developers to adopt EV's through the Energy Saving Trust's Sustainable Transport Advice Service and interest free Low Carbon Loans.*

*Grants are also available for the installation of EV charge points for workplaces, with 100% funding currently available for installations up to £10,000. More information can be found at <http://www.energysavingtrust.org.uk/scotland/Organisations/Transport/Electric-vehicles/Electric-Vehicle-Charge-Point-Funding>*

*Environmental Assessment has no objections to this proposed development subject to the following informative:*

#### *Informative*

*The electric vehicle charge points required should be installed in accordance with Transport Scotland's 'Switched on Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles' (2013). In particular the charge points should include a 70 or 50kW (32 Amp) DC with 43kW (32 Amp) AC unit. The DC charge should be delivered via both JEVS G105 and 62196-3 sockets and the AC supply by a 62196-2 socket. The outlet must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.*

#### **Archaeology**

*The site is occupied by the B-listed Victorian Villa of Westerlea House constructed and designed by Campbell Douglas and JJ Stevenson between 1860 & 1869. The house was remodelled by Sir Robert Lorimar in 1913 with the whole site being converted into a school for disabled children by the Red Cross in 1947. Along with the B-listed house the site still retains importantly a group of C-listed ancillary buildings (Chalet & Stables) and designed gardens which include several important sculptures including a statue of a Girl by Pilkington Jackson.*

*This application has therefore been identified as affecting buildings of archaeological/historic significance and therefore 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) policies ENV2, ENV4 & 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.*

#### *Historic Buildings*

*The works will require both internal alterations to the surviving listed buildings and the demolition of 20th century school buildings and the C-listed southern stables block. Although the loss of the two listed buildings is regrettable it is considered that there loss in this instance has low archaeological significance. It is recommended however that a programme archaeological historic building survey (level 2 annotated plans/elevations, photographic and written survey) of all the existing buildings on the site is undertaken prior to any alterations / demolition in order to provide a permanent record of this important historic structure. The work will build upon the archive work undertaken already by the applicants.*

### *Historic Garden*

*Although not directly affected by demolition/construction the walled garden and its associated statues could be susceptible to accidental damage during these works. Accordingly it is recommended that the applicants submit for approval, prior to development, a mitigation strategy that will seek to ensure this historic element of the site is protected from accident damage during the course of this project.*

*It is recommended that these programme of works be secured using a condition based upon the model condition stated in PAN 42 Planning and Archaeology (para 34), as follows;*

*'No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, conservation, 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.*

### **Drainage**

*Request Area 2 is attenuated to 3 litres per second to be more inline with CEC Flood Prevention guidelines of achieving 4.5 l/s/ha.*

*Microdrainage outputs are required for all underground pipework including rainfall data, manhole and pipe schedules (to mAOD), pipe surcharge report for all underground pipe connections. The manholes in the calculation should be cross-referenced to the drainage drawing to enable interpretation. The results should include the 30yr, 200yr and 200 yr plus climate change results. Should the model identify flood or flood risk in the system, then drawings will be required to indicate where exceedence flow will be directed, how it will be contained within the site and lastly how it will be drained once the event has subsided.*

## Location Plan

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