

Development Management Sub Committee

Wednesday 13 January 2016

**Application for Planning Permission 15/05032/FUL
At 159A Mayfield Road, Edinburgh, EH9 3AY
Form new vehicle access.**

Item number	4.5
Report number	
Wards	A15 - Southside/Newington

Summary

The proposed formation of an additional vehicle access is not acceptable and is contrary to the Development Plan and the Council's non-statutory guidelines. The proposals would detrimentally impact on road safety and the character and appearance of the conservation area. Therefore, the proposals are contrary to policy Env 6 in the Edinburgh City Local Plan and the non-statutory Guidance for Householders. Transport Planning also object to the application and refusal is therefore recommended. There are no material considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LPC, CITD11, CITE6, NSG, NSHOU, NSLBCA, CRPCMP,
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Report

Application for Planning Permission 15/05032/FUL At 159A Mayfield Road, Edinburgh, EH9 3AY Form new vehicle access.

Recommendations

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

Background

2.1 Site description

The application site is a part of a large Victorian villa, which has been sub-divided to form two separate dwellings. The property is on a corner plot where the main road, Mayfield Road, meets Lygon Road, and is enclosed by a stone wall and hedge. It has very large front and rear gardens with a series of outbuildings and car parking at the rear, all of these are accessed from Lygon Road. There are two existing access points to the villa, one for 159A and one for 159. The property is close to a signalised junction and immediately to the front is a bus stop and cycle lane. The surrounding area is predominantly residential, with similar style villa dwellings. The building is not listed or within the curtilage of any listed buildings.

This application site is located within the Craigmillar Park Conservation Area.

2.2 Site History

3 November 2014 - Application refused for: Form new vehicle run-in with parking and turning area to side of house (application number: 14/02194/FUL). This application was refused as it was contrary to non-statutory guidance and detrimentally impacted on road safety.

Main report

3.1 Description Of The Proposal

The proposal is for the formation of a vehicle access with two metre wide paved surface and gravel driveway. It includes a new dropped kerb and the removal of a section of wall and hedge in order to form a 3.15 metre opening. New stone pillars and gate proposed to be installed in the opening.

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 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 proposals will detrimentally impact on the character and appearance of the conservation area;
- b) the proposals will adversely affect road safety;
- c) the proposals will result in an unreasonable loss of neighbouring amenity;
- d) any impacts on equalities or human rights are acceptable; and
- e) any public comments raised have been addressed.

a) Conservation Area

The Craigmillar Park Conservation Area Character Appraisal states:

"A variety of architectural styles contributes to the overall character. High quality stone-built architecture of restricted height that is enclosed by stone boundary walls which define the visual and physical seclusion of the villas. A significant degree of uniformity is resultant from the predominant use of traditional building materials such as local sandstone for buildings and boundary walls."

The street is characterised by the uniformity of housing types with low stone walls and front gardens. Boundary walls and areas of soft landscape contribute significantly to the character of the street and the surrounding conservation area. Policy Env 6 in the ECLP states that development will be permitted which: *"preserves trees, hedges, boundary walls, railings, paving and other features which contribute to the character of the area."*

The removal of a section of wall and hedge and the formation of driveway and parking area is contrary to this policy and the Character Appraisal and would have a detrimental impact on the character and appearance of the conservation area.

b) Road Safety

Access to parking is already provided to the property via Lygon Road. The proposed additional access is contrary to the Council's non-statutory Guidance for Householders which states that only one access will be permitted per property. If granted, this would be the third access point to the original property, as two existing access points serve 159 and 159A. The proposed new opening is close to a junction on the main road and its location will involve access and egress through a bus box. An additional vehicular access at this location will have an adverse impact on road safety. This is due to its vicinity to the signalised junction, access through a bus box and cycle lane, and impeded visibility.

The non-statutory Guidance for Householders states that access must not be formed where it would interfere with pedestrian crossings, bus stops, street lighting or existing street furniture or where visibility would be obstructed. The proposals are contrary to these criteria. Transport Planning was consulted and objected to the proposals, recommending the application be refused.

c) Neighbouring Amenity

The removal of hedge and wall section will not significantly impact on privacy or noise levels from traffic. Therefore, the proposals will not result in an unreasonable loss of neighbouring amenity

d) Human Rights and Equalities

It is understood that proposals are at least partly required in order to accommodate the mobility needs of the applicant's father. However, there is also a statutory duty to protect the character of the historic environment and road and public safety. The applicant's personal circumstances should not outweigh the wider public interest. Approving the application would not be proportionate to this and the recommendation is justified in its refusal. Another option may be considered more appropriate in this instance, such as modifying the existing access and rear parking area.

The potential impacts on equalities or human rights associated with this application do not outweigh this conclusion.

e) Public Comments

Material Representations - Objections

- Contrary to non-statutory guidance. Addressed in section 3.3b) and found to be contrary to the guidelines.
- Road safety. Addressed in section 3.3b) and found to adversely impact on road safety.
- Noise. Addressed in section 3.3c) and found to have no significant impact.
- Amenity. Addressed in section 3.3c) and found to have no significant impact.
- Privacy. Addressed in section 3.3c) and found to have no significant impact.

Non-Material Representations

- Resubmission of identical application. Proposals deemed necessary to assess.

Conclusion

The proposals would detrimentally impact on road safety and do not preserve the character and appearance of the conservation area. Impacts on human rights and equalities resulting from the refusal of permission do not outweigh this conclusion. There are no other material considerations which outweigh this recommendation. It is recommended that the Committee refuses this application.

A Committee decision is required as the application has been requested for referral to the Committee by an elected member.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. In order to safeguard the interests of road safety.
2. The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, as it does not preserve the hedges or boundary walls that form an essential characteristic of the streetscape and detrimentally impacts on the character and appearance of the conservation area.
3. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as only one access is permitted per property, the proposed access would interfere with a bus stop and visibility is obstructed.

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:

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

Sustainability impact

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 20 November 2015. A total of three letters of representation were received, all of which objections from neighbouring residents. The following considerations were raised:

Material Considerations

- Contrary to non-statutory guidance;
- Road safety;
- Noise;
- Amenity; and
- Privacy.

Non-Material Considerations

- Resubmission of identical application.

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

Edinburgh City Local Plan - Urban Area.
The site is also within the Craigmillar Park Conservation Area.

Date registered

3 November 2015

Drawing numbers/Scheme

01, Scheme 1,

John Bury

Head of Planning & Transport
PLACE
City of Edinburgh Council

Contact: James Gellini, Trainee Planner
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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Des 11 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

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

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

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

The Craigmillar Park Conservation Area Character Appraisal emphasises the predominance of high quality stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing and the use of traditional materials, and the predominant residential use.

Appendix 1

Application for Planning Permission 15/05032/FUL At 159A Mayfield Road, Edinburgh, EH9 3AY Form new vehicle access.

Consultations

TRANSPORT

I would ask that the application be refused.

Reasons:

The current submission is the same as the previous submission 14/02194/FUL. Therefore Transport's response of 2 July 2014 still stands.

Whilst I have no objections to the application, in principle, I understand that access to parking is already provided to the property via Lygon Road. This is contrary to the Council's Policy "Guidance for Householders" which states that only one access will be permitted per property (page 15).

Note:

The proposed driveway is close to a junction on a main road and normally such an application would be recommended for refusal in accordance with 7.2.6 of the Council's approved Movement and Development Guidelines. However, it is noted that there are many other driveways closer to the main junction. There are no recorded road collisions associated with these existing driveway or network management issues. Therefore this driveway is considered to be acceptable;

Vehicles exiting this driveway will require to do so through the bus box. This is not an offence but obviously means that access/egress will be restricted when buses are at the stop. The applicant will be aware of this issue but should be advised that this is an established bus box and that there are no plans for its relocation;

The bus pole at this stop may cause visibility problems for exiting the proposed driveway. If the bus stop pole requires to be relocated this must be done at no cost to the Council and to the satisfaction of the Head of Planning (est. cost £500).

If permission is granted, I would ask that the following are 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 works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits: http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point

6. Any off-street parking space should comply with the Council's Guidance for Householders and be at least 6 metres deep and should not be wider than 3 metres. See:

http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders.

Location Plan



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