

Development Management Sub Committee

Wednesday 9 March 2016

**Application for Planning Permission 16/00103/FUL
At 13 Howden Hall Loan, Edinburgh, EH16 6UY
Formation of hard surface to facilitate car parking space.**

Item number	4.4
Report number	
Wards	A16 - Liberton/Gilmerton

Summary

The principle of the proposal is acceptable in this location, and it will not detract from the character and appearance of the neighbourhood. The proposal will not impact on road safety, or on neighbouring amenity. The infringement of non-statutory 'Guidance for Householders' in connection to the proposed non-porous, driveway material is marginal. It would not be justified to refuse planning permission for this reason. The proposal accords with the Council's policies contained in the Edinburgh City Local Plan (ECLP) and it is recommended that the Committee approves this application.

Links

Policies and guidance for this application	LPC, CITD3, NSG, NSHOU,
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Report

Application for Planning Permission 16/00103/FUL At 13 Howden Hall Loan, Edinburgh, EH16 6UY Formation of hard surface to facilitate car parking space.

Recommendations

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

Background

2.1 Site description

The application site is the ground floor flat within a two storey, residential building. It is located on the west side of Howden Hall Loan. The applicant's private garden space is located to the north and south of the site.

The surrounding area is predominately residential, with a mix of semi-detached and flatted properties of similar styles.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

Proposal

The application seeks to form a parking space within the south facing garden of the property. Access is to be taken from the east side of the garden and it would comprise two strips of concrete slabs, with porous artificial grass in between.

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 proposal is of appropriate development design and whether it would detract from the character and appearance of the neighbourhood;
- b) the proposal would result in adverse loss of parking space;
- c) the proposal is appropriate in terms of public safety;
- d) the proposal would result in an unreasonable loss of neighbouring amenity;
- e) any impacts on equalities or human rights are acceptable; and
- f) any public comments raised have been addressed.

a) Development Design

The proposed parking space will occupy approximately 20% of the applicant's south facing garden. Whilst the garden is integral to the layout of buildings at No. 10-13 Howden Hall Loan, the proposal is to lay down two strips of concrete slabs which will have a minimal and acceptable impact on the visual character and appearance of the neighbourhood.

The use of concrete slabs, being a non-porous surface material, does not comply with non-statutory 'Guidance for Householders'. However, given the very limited area to be covered in slabbing, it constitutes a minor breach and is acceptable.

The proposal accords with ECLP Policy Des 3 - Development Design in relation to layout.

b) Parking

The proposal would result in a loss of on-street parking within a parking bay that forms part of the road, but is set in from the main carriageway. However, the impact on parking availability would be minimal within the area and would not justify refusal. The right to or otherwise to park a vehicle on a public road is not a planning matter.

The proposal accords with ECLP Policy Des 3 - Development Design in relation to parking.

c) Road safety

Transport Planning has been consulted and raised no objection to the proposal. The proposal will not adversely impact on pedestrian and road safety.

The proposal accords with ECLP Policy Des 3 - Development Design in relation to safe and convenient access.

d) Neighbouring amenity

The proposal would not block any windows of a habitable room owned by a different occupier and it will not restrict access into any residential properties. The site is located within a residential area and the proposed parking space will not materially increase levels of noise and exhaust fumes within the area.

The proposal would not result in the loss of neighbouring privacy, daylighting or overshadowing.

The proposal accords with ECLP Policy Des 3 - Development Design and it would have no adverse effect on neighbouring residential amenity and non-statutory guidelines.

e) Equalities and human rights

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

f) Public comments

Material issues

- Loss of dedicated parking bay by 2-3 spaces - addressed in Section 3.3 (b).
- Impact on the limited parking spaces available - addressed in Section 3.3 (b).
- Potential to restrict access to a neighbouring property and to diminish enjoyment of property - addressed in Section 3.3 (c) and (d).
- Proposal would increase noise/motor fumes and general disruption - addressed in Section 3.3 (d).
- Vehicle manoeuvring will increase obstruction - addressed in Section 3.3 (c).
- Health and safety issue crossing the pavement - addressed in Section 3.3 (c).
- Will encroach onto the green space in the square - addressed in Section 3.3 (a).

Non-material

- Property already has a garage to park car - this does not preclude assessment of the proposal.
- The applicant will only benefit from the proposal at a considerable loss to all residents and other users of the street - issue of land ownership is a civil matter. Planning does not control on-street parking.
- Impact on property value - planning has no control over the value of property.

- A number of residents were not included in the mail circulation for neighbour notification- this was investigated and it was found that neighbour notifications were sent to buildings residing within 20 metres of the application site. The site to the east faces onto neighbouring garages/lock ups which do not have post codes and are not included in the mail circulation for neighbour notification. The proposal was advertised in the Edinburgh Evening News and this issue does not preclude assessment of the proposal.

Conclusion

The principle of the proposal is acceptable in this location, and it will not detract from the character and appearance of the neighbourhood. The proposal will not impact on road safety, or on neighbouring amenity. The infringement of non-statutory 'Guidance for Householders' in connection to the proposed non-porous, driveway material is marginal. It would not be justified to refuse planning permission for this reason. The proposal accords with the Council's policies contained in the Edinburgh City Local Plan (ECLP) and it is recommended that the Committee approves this application.

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

3.4 Conditions/reasons/informatives

Conditions:-

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth).
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.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Representation

The proposal was advertised on 19 January 2016 and neighbours were also notified of this application on 13 January 2016 and the proposal attracted seven letters of objections.

Material issues

- Loss of dedicated parking bay by 2-3 spaces.
- Impact on the limited parking spaces available.
- Potential to restrict access to neighbouring property and to diminish enjoyment of property.
- Proposal would increase noise/motor fumes and general disruption below living space.
- Vehicle manoeuvring will increase obstruction.
- Health and safety issue crossing the pavement.
- Will encroach onto the green space in the square.

Non-material

- Property already has a garage to park car - this does not preclude assessment of the proposal.
- The applicant will only benefit from the proposal at a considerable loss to all residents and other users of the street - issue of land ownership is a civil matter. Planning does not control on-street parking.
- Impact on property value - planning has no control over the value of property.
- A number of residents were not included in the mail circulation for neighbour notification- this was investigated and it was found that neighbour notification was sent to buildings residing within 20 metres of the application site. The site to the east faces onto neighbouring garages/lock ups which do not have post codes and are not included in the mail circulation for neighbour notification. The proposal was advertised in the Edinburgh Evening News, and this issue does not preclude assessment of the proposal.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The site is located in an urban area designated by the Edinburgh City Local Plan.

Date registered

11 January 2016

Drawing numbers/Scheme

01-02,

Scheme 1

John Bury

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PLACE
City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Relevant Non-Statutory Guidelines

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

Appendix 1

Application for Planning Permission 16/00103/FUL At 13 Howden Hall Loan, Edinburgh, EH16 6UY Formation of hard surface to facilitate car parking space.

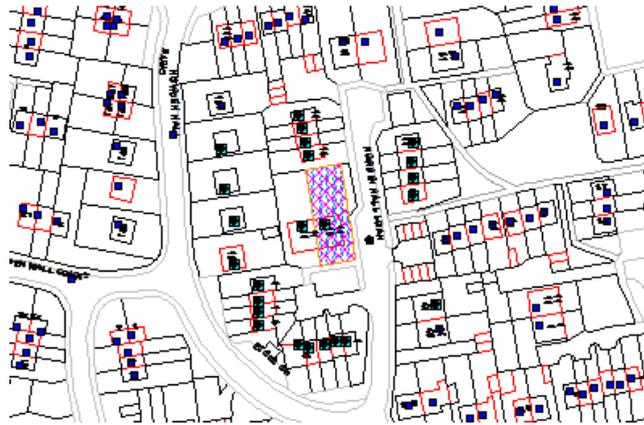
Consultations

Transport Planning

Transport Planning were consulted and raised no objection to the proposal, subject to the following being included as conditions or informatives as appropriate:

1. A parking space will normally be allowed if the front garden is at least 6 metres deep, the access should not be wider than 3 metres;
2. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
3. 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;
4. Any gate or doors must open inwards onto the property;
5. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;
6. 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
7. 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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