

Development Management Sub Committee

Wednesday 22 June 2016

**Application for Planning Permission 15/02897/FUL
At Land 10 Metres West Of 13, Broughton Place Lane,
Edinburgh
Change of use from lock-up garage to 2 storey mews studio
residential unit (as amended).**

Item number	4.2
Report number	
Wards	A11 - City Centre

Summary

The proposal complies with the development plan. The proposal is acceptable in this location and will not detract from the character and appearance of the conservation area and will have no detrimental impact on residential amenity, trees or traffic. The infringement relating to the size of the unit is justified in this instance given the limited scope for reutilising the existing building.

Links

Policies and guidance for this application	LPC, CITD1, CITD5, CITE6, CITH3, CITH5, CITT4, NSG, NSLBCA, OTH, CRPNEW,
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Report

Application for Planning Permission 15/02897/FUL At Land 10 Metres West Of 13, Broughton Place Lane, Edinburgh Change of use from lock-up garage to 2 storey mews studio residential unit (as amended).

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 located on the north side of Broughton Place Lane and is currently occupied by a row of single storey lock up garages. To the rear of the site lies a five storey tenement. There is a height difference of approximately 2.6 metres between the mews lane and the gardens of these tenements which is separated by a stone boundary wall. To the west of the site is undeveloped land. This is subject to a separate planning application, which is currently informally used for car parking. Directly opposite the site are mews buildings in both commercial and residential use.

The application site is approximately 27.6 square metres.

This application site is located within the New Town Conservation Area.

2.2 Site History

June 2015 - A planning application is currently pending consideration for the neighbouring site for the erection of 3 mews houses (application: 15/02909/FUL).

Main report

3.1 Description of the Proposal

The application is for a change of use from lock-up garage to a two storey residential unit. The alterations to the lock-up will include adding a first floor increasing the height of the building by 3.9 metres to 6.5 metres. The materials proposed on the east and west elevation will be render with natural stone and Scottish larch weatherboarding to the front and rear elevation.

The accommodation will comprise a lounge/kitchen/dining area, shower room, and bedroom. No parking is to be provided within the unit.

3.2 Determining Issues

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

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposed use is acceptable;
- b) the impact on the character and appearance of the conservation area and the World Heritage Site;
- c) the proposals are of an appropriate scale, form, and design;
- d) the proposals will result in an unreasonable level of neighbouring residential amenity;
- e) the proposals will result in an adequate level of amenity for the future occupiers of the development;
- f) the proposals will have any traffic or road safety issues;
- g) the proposals will have detrimental impact on trees;
- h) any impacts of equalities and human rights have been addressed; and
- i) any comments raised have been addressed.

a) Proposed Use

The application site is located in the urban area where housing is supported provided it accord with other local plan policies. The proposed use is acceptable in principle.

b) Impact on the Character and Appearance of the Conservation Area and the World Heritage Site

The New Town Conservation Area Character Appraisal lists the essential characteristics as:

- *The retention of mews and lanes, largely in their original form contributes to the character of the area.*
- *The standard palette of materials including blond sandstone, timber windows and pitched slate roofs.*

The lane has been developed extensively to the south with residential, lock ups and a commercial garage all operating within the lane. The proposal will not be readily viewed from any streets, although it will be able to be viewed from rear of the tenements on East London Street and those properties already on the lane.

The development of the lock-up into a mews development fits in with the urban grain of this part of the conservation area and the design, form and materials will not detrimentally impact on the character and appearance of the conservation area.

c) Scale, Form and Design

In terms of height, the building will sit 0.4 metres higher than the neighbouring mews house. However this height difference, when viewed within the wider context of the lane, will not look out of character. The design of the mews takes a traditional form with contemporary detailing which is appropriate in this location not readily seen from the street. The materials are a mixture of traditional and modern and are appropriate within the context of the lane.

The scale, form and design of the proposals are acceptable.

d) Neighbouring Amenity

A detailed daylight, sunlight and privacy statement has been prepared by the applicant and includes the proposal in application 15/02909/FUL. This can be viewed on the online services.

Daylighting: The detailed study tests the lower ground floor windows in the windows of 29, 35 and 41 East London Street tenements and the mews buildings at 6, 7, 8 and 9 Broughton Place Lane. The study shows the proposed development will result in a marginal reduction in daylighting to these properties; these reductions meet the requirements of The Edinburgh Design Guidance.

Sunlight: The hour by hour sun path diagrams at the spring equinox demonstrate that a shadow is already cast to the rear gardens of the tenements. The new development will increase the overshadowing to these gardens although they will still receive sunlight to 50% of their area for more than 3 hours during the spring equinox and therefore the change is within the acceptable limits.

Privacy: No windows are proposed on the rear elevation of the building. Due to the restricted nature of the mews lane, window to window privacy distances to the front cannot be met, and no existing mews property on this lane complies. This is an essential character of mews properties and is therefore acceptable in this context.

The proposal will not have a detrimental impact on residential amenity.

e) Amenity of Future Occupiers

Size

The Non-Statutory Edinburgh Design Guidance requires a minimum of 52 square metres of floor space should be provided for a one bedroom dwelling. The proposal will provide approximately 39 square metres of floor space. Whilst this falls short of the minimum requirement there is limited scope for the existing building to be reutilised and in this location is considered acceptable, an infringement is justified in this instance.

f) Traffic, Parking and Road Safety

The proposal will not provide any off street parking and no objections have been raised. The resident would not be eligible for a residential parking permit.

The lane itself already used to access residential and commercial properties and this development will not result in an unacceptable increase in traffic to the lane.

There will be no adverse impact on traffic or road safety.

g) Impact on Trees

The proposal is for alterations to the existing building and will not have any impact on trees.

h) Equalities and Human Rights

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

l) Public Comments

Material Objections

- Inappropriate materials - this has been addressed in section 3.3(b);
- Proposal does not respect the character and appearance of the conservation area - this has been addressed in section 3.3(b);
- Impact on World Heritage Site - this has been addressed in section 3.3(b);
- Overdevelopment of the site - this has been addressed in section 3.3(b);
- Scale of the development - this has been addressed in section 3.3(c);
- Loss of Privacy - this has been addressed in section 3.3(d);
- Loss of Daylight and Sunlight - this has been addressed in section 3.3(d);
- Parking problems in the lane - this has been addressed in section 3.3(f); and
- Loss of trees - this has been addressed in section 3.3(g).

Non Material Objections

- Damage to the stone wall - this is a legal issue between the two relevant parties and is not subject to any planning control; and
- Land ownership is incorrect - the agent has confirmed that the applicants own the land to which the application relates.

Conclusion

In conclusion, the proposal complies with the development plan. The scale and design of the proposal will not detract from the character and appearance of the conservation area and will have no impact on residential amenity or traffic.

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 within 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.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.

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.

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

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on the 3 July 2015. A total of 21 letters of representation were received from the neighbouring residents. These are broken down as follows:

Scheme 2

Neighbours were renotified on 21 May 2016. This attracted five letters of objection and one neutral comment. The letters of objection raised the same material issues as in Scheme 1. The comment states that the conversion is appropriate for the site.

Scheme 1

Fifteen letters of objection were received. The main grounds of objection are as follows:

- Inappropriate materials;
- Proposal does not respect the character and appearance of the conservation area;
- Impact on World Heritage Site;
- Overdevelopment of the site;
- Scale of the development;
- Loss of Privacy;
- Loss of Daylight and Sunlight;
- Parking problems in the lane; and
- Loss of trees.

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.

Date registered

19 June 2015

Drawing numbers/Scheme

03-11,

Scheme 2

John Bury

Head of Planning & Transport
PLACE
City of Edinburgh Council

Contact: Lynsey Townsend, Senior Planning Officer
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Links-Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

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

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

Policy Hou 5 (Conversion to Housing) sets criteria for assessing the change of use to residential.

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

Other Relevant policy guidance

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Appendix 1

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Consultations

Transport

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

- 1. The applicant should be advised that they will not be eligible for residential parking permits for the development in accordance with Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category C - Newly sub-divided or converted).*

Note:

Current Council car parking standards for residential dwellings within this area (Zone 2 of development management parking standards) requires between of 0 and 1 space per dwelling. The applicant proposes zero parking which is acceptable.

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for 3 three storey new build mews buildings on existing vacant land.

The site lies within the UNESCO World Heritage Site in particular within northern limits of the medieval burgh and settlement of Broughton. The settlement of Broughton predates the formal foundation of the Edinburgh's old Town being listed among lands given to Holyrood Abbey by David I in its foundation charter of 1128 which established the two main burghs that formed Edinburgh's urban Old Town. The settlement in the late medieval period was its own barony of regality, with its own Tolbooth and prison built in 1582. The separate regality survived until 1746 when such regalities were abolished and the settlement was gradually subsumed by the Georgian and Victorian expansion of Edinburgh's New Town.

Maps of the late 18th century and early 19th show the site as open ground with Broughton Place Lane forming an access road to the mid 18th century Gayfield House. The 1849 1st Edition OS map shows the site as forming part of the area of Low Broughton with what appears to be a timber merchants/ workshops occupying the site, which remain until the 20th century.

Accordingly this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan (2010) policy 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.

It is considered that on current information this proposal scheme is regarded as having a low-moderate archaeological impact upon any potential surviving buried remains associated with the medieval and later settlement of Broughton. It is therefore considered essential that an appropriate programme of archaeological works is undertaken prior to development in order to fully excavate, record and analysis any significant buried remains affected by ground breaking works.

Accordingly it is recommended that that the following condition is attached to this consent to ensure that this programme of archaeological works is undertaken prior to construction.

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, reporting and analysis & 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.

Location Plan



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