

Development Management Sub Committee

Wednesday 23 November 2016

**Application for Planning Permission 16/03784/FUL
At 28 Wellflats Road, Kirkliston, EH29 9AZ
Part demolish existing house and alter and extend.**

Item number	4.7
Report number	
Wards	A01 - Almond

Summary

The proposal complies with the Development Plan and broadly accords with the Council's non-statutory guidelines. The proposal preserves the character and appearance of the house and surrounding area and would not prejudice residential amenity.

Links

[Policies and guidance for this application](#) LPRW, RWE43, NSG, NSHOU,

Report

Application for Planning Permission 16/03784/FUL At 28 Wellflats Road, Kirkliston, EH29 9AZ Part demolish existing house and alter and extend.

Recommendations

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

Background

2.1 Site description

The property is a house on the south side of Wellflats Road, within the settlement boundary of Kirkliston as shown in the Rural West Edinburgh Local Plan.

2.2 Site History

21 July 2016 - Planning application withdrawn to Demolish existing house and erect 2x 7 bed care units (resubmission of previously withdrawn 14/05338/FUL)." (application number 15/05513/FUL).

25 March 2015 - Planning application withdrawn for "Change of use of the existing house with part demolition and extension to form a 6 bed care unit. Part demolition required to locate a new 6 bed care unit on the existing site" (application number 14/05338/FUL).

19 August 2013 - Planning permission granted for "Application to remove condition 1 of planning permission (88/1468)" (application number 13/02757/FUL).

Main report

3.1 Description Of The Proposal

The application proposes the partial demolition of the property, and the erection of a single storey side extension and a single storey rear extension. In addition, the roof of the house will also be altered with the pitch raised to 40 degrees.

The proposed side extension extends toward the east boundary of the site. Its length matches the depth of the house. The extension continues the eaves line of the house with the ridge of the extension matching that of the main house, which will be raised by approximately 800mm. The extension will be finished in roughcast and concrete tiles to match the existing house.

The rear extension has a pitched roof. Its eaves height is the same as the existing house with its roof 1.6 metres lower. It will be finished in materials to match the existing house.

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 an acceptable scale, form and design and will not be detrimental to neighbourhood character;
- b) the proposal will result in an unreasonable loss of neighbouring amenity;
- c) the proposal would provide adequate road safety, access and parking arrangements;
- d) the proposal would be at risk of or cause flooding;
- e) the proposal will result in an unacceptable impact on the natural environment;
- f) there will be any impact on archaeology associated with the site;
- g) impacts on equalities or human rights are acceptable; and
- h) public comments raised have been addressed.

a) Scale, form, design and neighbourhood character

Policy Des 11 of the Edinburgh City Local Plan and non-statutory 'Guidance for Householders' set out the relevant design criteria for alterations and extensions. In essence, these seek to ensure that alterations and extensions are compatible with the character of the existing building and not detrimental to neighbouring character.

In terms of neighbourhood character, whilst it is acknowledged that the proposal is seeking planning permission for a large single storey side extension, it is in keeping with the design and appearance of the house and will not have an overbearing impact on the Wellflats Road by virtue of its position on the side of the building and the screening provided along the north boundary of the site.

The single storey element at the rear of the house is also a compatible addition to the house which will be finished in materials to match. It does not take up more than one third of the rear garden area and therefore does not amount to overdevelopment of the site.

The proposed increase in the height of the roof is marginal and will be screened from the street by the boundary vegetation in situ around the rear garden. Overall, the alteration to the roof will have a negligible visual impact on the character or appearance of the streetscene and the existing dwellinghouse.

The proposal accords with the Local Plan and broadly accords with the Non-Statutory Guidance for Householders with regard to scale, form, design and neighbourhood character.

b) Neighbouring amenity

In terms of privacy, the Non-Statutory Guidance for Householders requires that all new windows are located at least 9m from a common boundary or 18m from an existing window. The windows and doors on the rear elevations of the extensions would overlook the extensive rear garden of the property and would not raise any privacy concerns. The openings proposed on the front and side elevations of the side extension would overlook agricultural land and as such would also not raise any privacy concerns.

Due to the scale and positioning of the proposal, it satisfies both the sunlight and daylighting criterion in the non-statutory Guidance for Householders.

Based on the above, the proposal accords with policy Des 11 and the amenity criteria in the non-statutory Guidance for Householders.

c) Road Safety

The proposal has been assessed and is acceptable in terms of traffic generation and road safety. While the standard of the private road is poor with potholes, broken surfacing and other problems, the Fire Service is understood to be content with the access to the proposed development but has recommended that the applicant investigates the potential for improving the quality of the current access. An informative to this effect has been attached.

Considering the above, the proposal will not have a detrimental impact on road safety.

d) Flooding

SEPA has been consulted and raised no objection stating that it is satisfied that the proposals will not lead to an increase in persons at flood risk or an increase in flood risk elsewhere.

e) Natural Environment

A bat survey was presented by the applicant in July 2015 as part of planning application 15/05513/FUL. This concluded that the existing house had no structures which could be used by roosting bats. Given the survey was carried out in summer 2015 and given the nature of the proposal, a further bat survey is not required for the proposed development. There would not be a significant impact on European Protected Species. The proposal complies with ECLP Policy Env 16.

f) Archaeology

The site lies within an area of archaeological potential and the proposed alterations and partial demolition and construction could disturb archaeological remains around the building. Accordingly, a condition has been applied to ensure that an archaeological investigation is undertaken prior to works commencing.

The proposals will therefore have no adverse impact on significant archaeological remains.

g) Impact on Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

h) Public comments

Material Considerations

- the extension would considerably extend the footprint of the building - addressed in section 3.3 b) of the assessment.
- road safety concerns - addressed in section 3.3 d) of the assessment.
- the site is prone to flooding - this has been addressed in section 3.3 d) of the assessment.
- emergency services would not be able to reach the property - addressed in section 3.3 d) of the assessment.
- the use of the building as a "care home", and the implications of the use on the amenity of residents, with regards to matters including traffic generation, need to be considered - The established use of the building is Class 9 (Houses) which allows "not more than 5 residents living together including a household where care is provided for residents". The applicant has confirmed that only five people with special needs will be resident at the property and that they will be supported by carers in their day to day activities.
- a change of use planning application has not been submitted for the care facility - as the use of the building falls within Class 9, no change of use planning application is required.
- 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.
- bats are present within the building - addressed in section 3.3 f) of the assessment.

Non-material Considerations

- Access to the site to deliver and remove materials, including waste building materials and household waste, would be difficult by virtue of the condition of the road.
- Increased traffic on the road would also lead to further maintenance issues and could lead to damage of properties.

Community Council

Kirkliston Community Council did not request to be a statutory consultee, but have objected to the application on the following grounds:

Material Considerations

- road safety concerns - addressed in section 3.3 d) of the assessment.

Non-material Considerations

- Access to the site to deliver and remove materials would be difficult by virtue of the condition of the road.

Conclusion

The proposal is acceptable in terms of design and form, choice of materials and positioning. The proposal will not result in any unreasonable loss of amenity to neighbouring properties, and will not have any detrimental impact on road safety. No impact on equalities and human rights was identified.

The proposal complies with the Development Plan and the Council's non-statutory guidelines. There are no material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

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

Reasons:-

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

Informatives

It should be noted that:

1. 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.
2. 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.
3. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
4. Transport Planning Informatives
 1. Wellflats Road is an unadopted road, i.e. it is a 'private road', and is not maintained by the Council as roads authority. The standard of the road is poor with potholes, broken surfacing and other problems which are likely to be exacerbated by both the construction and the operation of the development. The fire service is content with the access to the proposed development but it is recommended that the applicant investigates the potential for improving the quality of the current access;
 2. Public utilities are likely to be located under the existing road. Any excavation for maintenance or repair may obstruct emergency vehicles as well as proving inconvenient for residents. Whilst it is appreciated that this is an existing situation, the applicant should investigate this matter;
 3. Wellflats Road is maintained by parties other than the Council. The applicant should ensure that they have suitable permissions and rights to use this road and to carry out any necessary work;
 4. It should be noted that if it is intended to put Wellflats Road forward for adoption, then it will require to be brought up to an adoptable standard with suitable lighting, drainage, materials etc.
5. Archaeology Informative:

Archaeological work should 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.

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

The application was advertised on 16 August 2016 and 16 letters of representation were received, all objecting to the planning application. 15 of letters were received from local residents and one was submitted by Kirkliston Community Council. A full assessment of the representations can be found in the main report in the Assessment section.

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 identified as being within the Kirkliston Settlement Boundary in the Rural West Edinburgh Local Plan (RWELP).

Date registered

9 August 2016

Drawing numbers/Scheme

01-05,

John Bury

Head of Planning & Transport
PLACE
City of Edinburgh Council

Contact: Craig Meikle, Planning Officer
E-mail: craig.meikle@edinburgh.gov.uk Tel: 0131 529 3512

Links - Policies

Relevant Policies:**Relevant policies of the Rural West Edinburgh Local Plan.**

Policy E43 says that alterations and extensions to existing buildings, where acceptable in principle, should be subservient and relate carefully to the original building.

Relevant Non-Statutory Guidelines

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

Appendix 1

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Consultations

Transport

ROADS AUTHORITY ISSUES

No objections to the application.

Note:

- 1. Wellflats Road is an unadopted road, i.e. it is a 'private road', and is not maintained by the Council as roads authority. The standard of the road is poor with potholes, broken surfacing and other problems which are likely to be exacerbated by both the construction and the operation of the development. I understand that the fire service is content with the access to the proposed development but it is recommended that the applicant investigates the potential for improving the quality of the current access;*
- 2. Public utilities are likely to be located under the existing road. Any excavation for maintenance or repair may obstruct emergency vehicles as well as proving inconvenient for residents. Whilst it is appreciated that this is an existing situation, I would ask that the applicant investigates this matter;*
- 3. Wellflats Road is maintained by parties other than the Council. The applicant should ensure that they have suitable permissions and rights to use this road and to carry out any necessary work;*
- 4. It should be noted that if it is intended to put Wellflats Road forward for adoption, then it will require to be brought up to an adoptable standard with suitable lighting, drainage, materials etc.*

SEPA

We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority. Please note the advice provided below.

- 1. Flood Risk*
 - 1.1 Review of the SEPA Flood Map indicates that this site lies within the 0.5% annual probability (1 in 200-year) flood extent and may therefore be at medium to high risk of flooding from the River Almond.*

1.2 The current proposal is for part-demolish, alter and extend the existing residential property. The floor plans indicate that there is no significant, if any, increase in building footprint associated with the proposals and that the number of bedrooms will remain as for the existing property. We are therefore satisfied that these proposals will not lead to an increase in persons at flood risk or an increase in flood risk elsewhere and as such we have no objection to the application.

Detailed advice for the applicant

2. Flood Risk

2.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>.

2.2 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

2.3 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

Regulatory advice for the applicant

3. Regulatory requirements

3.1 Our preference would be that all the technical information required for all permissions and licensing is submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising.

3.2 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

SEPA Edinburgh, Clearwater House, Avenue North, Heriot Watt Research Park, Edinburgh, EH14 4AP, Tel - 0131 449 7296

Archaeology

I would like to make the following comments and recommendations concerning the above planning application to part-demolish existing house and alter and extend.

The site is located on the eastern historic limits of the medieval and post-medieval town of Kirkliston. The earliest mention of Kirkliston occurs in the 12th century with the granting of the lands associated with the Kirk of Liston to the Bishops of St Andrews. The morphology of the medieval and post-medieval settlement is reflected in the layout of the 19th century town as depicted on the 1st Edition (1853) OS map. The 1st Edition OS map shows that this site was largely open ground lying adjacent to a small Gas Works, probably to supply the town, comprising two buildings and a gasometer to the rear.

Excavations between 2005 & 2007 undertaken by Headland Archaeology & Abercorn Archaeology respectively on two nearby sites, situated to the rear of Well Flats Road and Station Road, uncovered the remains of medieval structures and boundary ditches of 12-14th century date.

Based on the historical and archaeological evidence the site has been identified as occurring within an area of archaeological potential. Accordingly this application must be considered under terms Historic Environment Scotland Policy Statement 2016 (HESPS), Scottish Planning Policy (SPP), PAN 02/2011 and also CEC Rural West Edinburgh Local Plan Policy E30.

An assessment of the results of previous archaeological work in the area and the location of the site has led to the conclusion that the construction of new foundations may disturb significant remains principally relating to the 19th century gas works. However given the scale of the development it is considered that although potentially significant its overall impact is seen as low in terms of disturbing insitu remains and artifacts. Nevertheless, it is recommended that a suitable programme of archaeological work is undertaken prior to / during demolition and construction. This in order to record and excavate any significant archaeological deposits uncovered which may survive below modern deposits.

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

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

The work would be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

