

# Development Management Sub Committee

Tuesday 25 April 2017

**Application for Planning Permission 17/00253/FUL  
At 6 Bruntsfield Terrace, Edinburgh, EH10 4EX  
Three new Townhouse units to the rear of the site  
maintaining existing large Lime tree as per previously  
consented planning permission.**

<b>Item number</b>	5.1
<b>Report number</b>	
<b>Wards</b>	A10 - Meadows/Morningside

## Summary

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The principle of housing on the site is acceptable and the scale, form and design have no adverse impact upon the character or appearance of the conservation area. Impact upon neighbouring amenity is acceptable. Car parking provision and access is acceptable. The proposals comply with development plan policies and non-statutory guidelines. No other considerations outweigh this conclusion.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	OTH, CRPMER, LDPP, LHOU01, LHOU03, LHOU04, LDES01, LTRA02, LEN06, NSG, NSLBCA, NSGD02,
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# Report

## **Application for Planning Permission 17/00253/FUL At 6 Bruntsfield Terrace, Edinburgh, EH10 4EX Three new Townhouse units to the rear of the site maintaining existing large Lime tree as per previously consented planning permission.**

### **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 is the rear portion of a large site (fronted by a 19th century villa) extending to around 900 square metres. The site is currently occupied by a modern two storey office in its northern section and a large car park to the south (capable of holding at least ten vehicles). It is bounded by trees, with those on the eastern boundary including one significant mature tree.

The villa fronting the site onto Bruntsfield Links was listed category C on 12 December 1974 (reference number: 26873).

The site is accessed by an existing private driveway running along the western edge of the villa.

This application site is located within the Merchiston and Greenhill Conservation Area.

#### **2.2 Site History**

18 March 2015 - planning permission granted for change of use of main villa to three residential units plus two mews houses to rear (application number: 14/04949/FUL).

27 March 2015 - listed building consent granted for alterations to villa relating to creation of three units internally (application number: 14/04950/LBC).

11 August 2016 - listed building consent granted for the works relating to the villa, including total demolition of existing offices within the rear garden (application number: 16/03026/LBC).

11 November 2016 - planning permission granted for subdivision of villa and creation of two mews houses to its rear (application number: 16/04483/FUL).

28 November 2016 - application for three townhouses within southern section of garden withdrawn (application number: 16/04485/FUL).

## **Main report**

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

The application proposes three linked townhouses: one of two storeys to the west, and a pair of three storey units to the centre and east. Each has its own private garden to the rear and two car-parking spaces to the front. Two visitor parking spaces are also provided, creating a total of eight parking spaces within the site boundary. Walling is in cedar boarding with details in white render, all over a beige brick base. The roof is in standing seam zinc.

The two storey unit contains a three bedroom house of 183 square metres and the two larger units are each four bedroom, totalling 234 square metres.

Access is via the existing private lane running along the west side of the main villa fronting the site.

Two semi-mature trees close to the eastern boundary are to be removed.

#### Supporting Statement

A Design Statement was submitted with the application. This is available to view on the Planning and Building Standards Online Services.

### **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 principle of development is acceptable;
- b) the scale, form and design impact on the character or appearance of the conservation area;

- c) the proposal impacts on the setting of the listed building;
- d) impact upon neighbouring amenity is acceptable;
- e) the amenity of the proposed units will be acceptable;
- f) parking and access are acceptable;
- g) impact upon trees is acceptable;
- h) comments are addressed; and
- i) impact on equalities and human rights is considered.

a) Residential Use

The Edinburgh Local Development Plan (LDP) policy Hou1 Housing Development considers suitability of sites for housing use.

The site lies in a residential area and housing is acceptable in principle subject to other policy requirements being met.

Whilst in other circumstances the proposal may have been resisted on grounds of "backland development", in this instance the principle of development in this location is established both by the existing rear office and by the extant permission for a pair of semi-detached houses.

The density of the proposal would equate to 33 units per hectare, which is appropriate to the location, which forms a transition between the villas to the east and the tenements to the west.

As the units are family houses a payment of £27,450 is payable towards education infrastructure.

b) Impact of the Scale, Form and Design on the Conservation Area

*The Merchiston and Greenhill Conservation Area Character Appraisal*

*"The character of the area is dominated by Victorian villas....The villas incorporate a considerable variety and blend of architectural styles, unified by the use of local building materials...There has also been a limited amount of demolition, infill and backland development in garden grounds".*

Policies Des1 and Env6 of the LDP consider the appropriateness of a proposal to its surroundings.

The application adopts a modern form with monopitch metal roofs. The westmost unit drops to two storey and has a much flatter roof to address overshadowing issues (see below). The positioning of the block is such that it is almost totally screened from public view by the existing villa, in a location very similar to that already agreed within the extant consent. Whilst the existing consent has a hipped slate roof, there is no specific requirement for a traditional solution on this site. Other modern buildings exist within the conservation area and there is no objection in principle to a modern design.

Whilst the predominant character of the conservation area remains stone-built villas with slate roofs, modern infills do now form part of the overall character. In this instance, the location of the proposal is such that there is minimal impact upon the character and appearance of the conservation area, with only glimpse views available between the villas to the north.

The impact upon the conservation area is considered acceptable.

#### c) Setting of the Listed Building

Policy Env 3 of the LDP considers setting of the listed building.

The proposal stands wholly to the rear of the listed building. There is no impact on the setting of the listed building in relation to public views.

In relation to views from the garden, and in relation to the existing rear office extension, the proposal is now physically detached and set further way from the listed villa. The setting of the rear of the listed building will be improved.

#### d) Impact Upon Neighbouring Amenity

Policy Des5 Development Design Amenity, read in conjunction with Edinburgh Design Guidance consider impact upon neighbouring amenity.

North-facing windows within the proposal lie around 24 metres from the rear of the existing villa (already consented for residential conversion). South-facing windows and terraces lie around 25 metres from the southern boundary. Diagonal views from the proposed development are not considered a breach of privacy guidelines. Whilst there is an east-facing window on the east elevation at first floor level, this serves a stair landing, rather than an apartment, and does not constitute a breach of guidelines.

The form of the balconies is such that these do not project beyond the side screen walls. All privacy standards are met.

In relation to previous schemes the location of the proposal has been negotiated such as to be as close as possible to the existing consent in its footprint.

On the west side, the two storey form and distance from the boundary ensure that there is no overshadowing on this side. It is noted that this is a slight improvement in relation to the existing permitted scheme.

On the east side there is an impact on around 20 square metres of garden ground to 7 Bruntsfield Terrace. However, this represents only around 2% of the total site area of the neighbouring house, in a remote corner of the garden. This impact is also identical to the agreed impact within the existing planning permission (for two units in this area). The effect is therefore acceptable.

#### e) Amenity of the Proposed Units

Policy Des5 Development Design Amenity, read in conjunction with Edinburgh Design Guidance also consider amenity of the proposed units.

All units will be dual aspect and each has a private and secluded rear garden, accessed only from their own house. The units also have immediate access onto parkland at Bruntsfield Links.

Space standards within each unit are exceeded.

Amenity levels within the units will be high.

#### f) Parking and Access

Policy Tra2 of the LDP considers appropriate parking provision.

The existing access is used to enter the site and this is unaltered. This leads to eight parking spaces serving the three houses. This fully meets parking standards.

Overall parking levels are much reduced in relation to the existing car park on site. Net traffic generation will reduce in relation to the existing office use.

The existing access road will remain private. Comments from the Roads Authority relating to the pavement and outer access are not relevant and this area lies beyond the site boundary.

#### g) Impact Upon Trees

Policy Env12 of the LDP considers Trees.

The layout has specifically strived to retain a large tree in the rear section of the site, close to the eastern boundary. This tree can be seen rising above the villa in views from Bruntsfield Links.

Impact on trees is largely as already agreed in the previous permission and remains acceptable.

The central courtyard between the development and the existing villa will be landscaped in an appropriate manner.

#### h) Public Comments

##### **Material comments**

- Scale of the proposal is too large - considered in section 3.3 b).

- Impact on neighbouring amenity - considered in section 3.3 d).
- Tree loss undesirable/unclear- considered in section 3.3 g).
- Impact on the listed building - considered in section 3.3 c).
- Traffic will increase - considered in section 3.3 f)
- Windows on east gable are not acceptable - considered in section 3.3 d).
- Proposal does not benefit the conservation area/ is inappropriate - considered in section 3.3 b).

### **Non-material considerations**

- Loss of view - private views are not protected by planning policies
- Drawings are inadequate - Drawings are to scale and may be dimensioned using the online measuring tool. Additional dimensions are not considered critical to the understanding of the drawings.
- Neighbour notification issues - Neighbour notification was undertaken correctly.

### **i) Equalities and Human Rights**

The proposals do not give rise to any equalities or human rights concerns.

### **Conclusion**

The principle of housing on the site is acceptable and the scale, form and design have no adverse impact upon the character or appearance of the conservation area. Impact upon neighbouring amenity is acceptable. Car parking provision and access is acceptable. The proposals comply with development plan policies and non-statutory guidelines. No other considerations outweigh this conclusion.

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

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

#### **Conditions:-**

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

#### **Reasons:-**

1. In order to enable the Head of Planning to consider this/these matter/s in detail.

#### **Informatives**

It should be noted that:

1. Prior to the issue of consent the applicant shall enter into a suitably worded legal agreement with the Council to ensure a contribution of £27,450 towards educational infrastructure (index-linked).

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
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. 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.

## **Financial impact**

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

There are no financial implications to the Council.

## **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 meets 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 3 February 2017.

Fifteen representations were received. A summary of representations may be found in section 3.3 h) of the Assessment.



## Background reading/external references

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

**Statutory Development  
Plan Provision**

The property lies within the Merchiston and Greenhill Conservation Area as shown in the Edinburgh Local Development Plan.

**Date registered**

24 January 2017

**Drawing numbers/Scheme**

1,2a,3-18,

Scheme 1

**David R. Leslie**

Chief Planning Officer  
PLACE  
The City of Edinburgh Council

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**Links - Policies**

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**Relevant Policies:**

**Other Relevant policy guidance**

**The Merchiston & Greenhill Conservation Area Character Appraisal** emphasises the consistent domestic grain, scale and building mass; the high quality stone built architecture of restricted height, generous scale and fine proportions enclosed by stone boundary walls and hedges which define the visual and physical seclusion of the villas; the uniformity resulting from the predominant use of traditional building materials; and the predominance of residential uses within the area

**Relevant policies of the Local Development Plan.**

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

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

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

### **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.

# Appendix 1

## **Application for Planning Permission 17/00253/FUL At 6 Bruntsfield Terrace, Edinburgh, EH10 4EX Three new Townhouse units to the rear of the site maintaining existing large Lime tree as per previously consented planning permission.**

### **Consultations**

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#### **Children and Families**

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (Updated December 2016), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

The Council's assessment has identified where additional infrastructure will be required to accommodate the cumulative number of additional pupils from development. Education infrastructure 'actions' are set out in the Action Programme and current Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery'.

Residential development is required to contribute towards the cost of the required education infrastructure to ensure that the cumulative impact of development can be mitigated. To ensure that the total cost of delivering the new education infrastructure is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established.

#### Assessment and Contribution Requirements

Assessment based on: 3 Houses

This site falls within Sub-Area BJ-2 of the 'Boroughmuir James Gillespie's Education Contribution Zone'.

This assessment has been based on the cumulative impact of the three houses proposed by this application, along with the three houses and two flats proposed on a different part of the same site by application 16/04483/FUL. The development as a whole is expected to generate additional primary and secondary school pupils.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme, as set out in the Action Programme and Supplementary Guidance.

Appropriate education infrastructure actions to mitigate the cumulative impact of development now anticipated are identified. The required contribution will therefore be based on the established 'per house' and 'per flat' rate for the appropriate part of the Zone.

If the appropriate contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required: £27,450

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q1 2015 to the date of payment.

### **Roads Authority**

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

1. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category D - New Build);

2. Any off-street parking space should comply with the Council's Guidance for Householders (see [http://www.edinburgh.gov.uk/download/downloads/id/704/guidance\\_for\\_householders](http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders)) including:

- a. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
- b. 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;
- c. Any gate or doors must open inwards onto the property;
- d. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;
- e. The works to form any 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](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point)

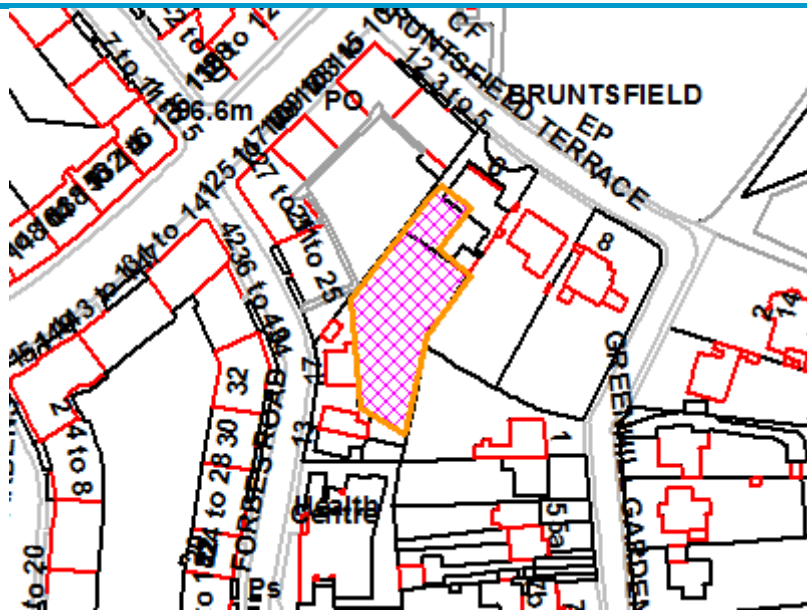
3. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Planning and Transport 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 2016 regulations or British Standard 8300:2009 as approved by the Head of Planning and Transport;

#### **Note:**

Current Council parking standards allow up to 2 spaces per unit for this area. The proposed 6 spaces for the 3 proposed units is considered acceptable.

## Location Plan

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