

Development Management Sub Committee

Wednesday 25 April 2018

**Application for Planning Permission 17/04898/FUL
At Land 8 Metres West Of 14, Cumberland Street South East
Lane, Edinburgh
Construction of mews property for use of Theosophical
Society in Scotland Charity SCIO - Class 10 non-residential
institution.**

Item number	4.5
Report number	
Wards	B11 - City Centre

Summary

The proposed building complies with the Edinburgh Local Development Plan and the non-statutory guidance stated. It will have a moderate impact on the setting of the listed building because of its modern design, but will not adversely impact on the character of the conservation area due to its conforming massing and pitched roof design, and will have little impact on its appearance despite its contemporary elevational treatment. It will have little impact on the amenity of the neighbouring properties and there are no highway issues. There are no other material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LHOU07, LDES01, LDES04, LDES05, LEN01, LEN03, LEN06, LTRA02, NSG, NSGD02, NSLBCA, CRPNEW,

Report

Application for Planning Permission 17/04898/FUL At Land 8 Metres West Of 14, Cumberland Street South East Lane, Edinburgh Construction of mews property for use of Theosophical Society in Scotland Charity SCIO - Class 10 non-residential institution.

Recommendations

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

Background

2.1 Site description

The site is the rear garden ground of 28 Great King Street, which is currently used as a car park for the owners, the Theosophical Society of Scotland, 28 Great King Street, and others. The terrace and its walled garden is category A listed and was designed by Robert Reid and William Sibbald, 1814-23, as a 3 storey and basement, 59 bay, classical palace block terrace. It was listed on 15 July 1965 ref: LB28964.

To the west is a traditional mews house and to the east, a modern mews house built 10 years ago. The surrounding lane premises are mainly residential with some commercial use present.

The site is within the Edinburgh World Heritage Site - Northern New Town.

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

2.2 Site History

No recent history for this site.

Main report

3.1 Description Of The Proposal

The proposal is to erect a modern, two storey mews type building as a repository/library/meeting room to house the Theosophical Society's extensive collection of historical books. The new mews would sit between a modern mews house to the east at no.14, constructed approximately 10 years ago and an existing mews house at no.16. The main footprint would be 8 metres in depth with a single storey lean-to extending a further 2.5m into the garden. The height and roof profile would match that of no.14, but would be larger and 2m higher to the ridge than no.16.

Materials would be natural slate roof, natural sandstone rubble walling with ashlar details, timber louvre cladding over timber framed windows behind, and glass block walling.

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 consent.

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 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 proposed library/meeting room building is acceptable in principle in this lane;
- b) the design and materials are compatible with the character and appearance of this conservation area, world heritage site and the setting of the listed building;
- c) there are any amenity issues;
- d) there are any transport or archaeology issues;
- e) public comments have been addressed; and
- f) there are any equality or human rights issues.

a) Principle

The library/meeting room/office use would be for a charity as replacement for the use in the main building and is acceptable in principle in the urban area under Policy Hou7 of the Edinburgh Local Development Plan (LDP) - Inappropriate Uses in the Residential Areas, as the use would not deteriorate the living conditions of the mainly residential lane.

b) Design and Materials

The New Town Conservation Area Character Appraisal states that..... *as the expansion of the New Town took place, the original purpose of the lanes composed of artisans' dwellings, transferred to the provision of mews. These provided accommodation for stabling and coaches usually associated with the town house on the streets that they lay behind. They are usually one and a half storeys high, with a carriage entrance and sometimes a hayloft, both on the lane side. They were usually built with a formal high quality design facing the house and an informal rubble elevation facing the lane of the mews.*

The essential architectural character can be summed up thus: *The retention of mews and lanes, largely in their original design form contributes to the character of the area as does. The standard palette of materials including blonde sandstone, timber windows and pitched slated roofs.*

The World Heritage Site Management Plan has an overarching objective in relation to the contribution of New Development which states: " *To ensure that development embraces the context of the WHS and is of the highest quality in terms of architecture, design and materials*".

The design is contemporary but utilises a traditional shell with pitched roof which replicates the modern mews building to the east at no.14. The only difference is that a lean-to extension is proposed at ground floor to the rear to maximise the meeting room space and provide an adequate kitchen. The materials represent the core materials required in the conservation area of stone and slate but with modern detailing incorporating glass blocks and timber louvres which have been successfully used by the architect in other new build projects throughout the second new town e.g. Circus Lane.

The design and materials are acceptable to the setting of the listed building and are compatible with the character and appearance of the conservation area and the world heritage site. They comply with Policies Des 5, Env 1, Env 3 and Env 6 of the Edinburgh Local Development Plan (LDP) and the New Town Conservation Area Character Appraisal.

A materials condition is recommended.

c) Amenity

The new building will have little impact on the flats across the lane to the north. A small amount of shadow will fall into the gardens of these properties, during winter and spring months when the sun is low anyway, but technically the proposal complies with the 45 degree overshadowing constraint as set out in the Edinburgh Design Guidance.

The lean-to at the back will rise 400-600mm to the west (the walls slope) and 100-300 above the east boundary wall to no.14, but this will be only over a horizontal distance of 2.5 metres and with the eave tapering to below the height of the boundary wall, will lessen the impact. It is not considered that this will cause any significant loss of amenity to the neighbouring property.

The proposals comply with Policy Des 5 of the LDP and the Edinburgh Design Guidance.

d) Transport/Archaeology

No tram contribution is required but three cycle spaces and three motorcycle spaces should be provided to meet standards. It is impossible to provide motorcycle spaces as there is vehicular provision to the property or its garden. However, bicycles can be carried through the building to the rear and therefore the provision of three bicycle spaces is recommended as a condition.

There are no archaeological requirements as it is unlikely that any significant buried remains survive in this area.

There are no transport or archaeology issues.

e) Public Comments

Material objections:

- Removal of an original A listed wall on the lane boundary. - The wall is listed but its removal is acceptable given that it will be replaced by the enclosure given by the front elevation of the new building on the same building line. The side boundary walls will also remain.
- Negative impact on daylight to neighbouring property. This is addressed 3.3c) above.
- Setting of A listed building. This is addressed at paragraph 3.3b) above.
- Impact on residential/garden character of the lane. The site is currently a hard surfaced car park. This will be replaced by a new building and garden which is a conservation gain for the area.
- Materials - Exterior modernist design/Glass bricks/louvred window on first floor not in keeping/not high quality. This is addressed at 3.3b) above.

- Narrow gap to gable will cause maintenance problems and will be unsightly. This is a legal issue and not a planning matter for the relevant parties to address. The gap will not be so big as to disrupt the visual continuity of the mews terrace in the lane once the building is constructed.
- Use commercial not residential. This is an institutional use to replace the use of the main building as the Society HQ and is not commercial.
- Extension at back beyond building line/sets precedent. The ground floor extension is only 2.5m deep and single storey. It is an acceptable design response in this case and is set between the feu walls. It will not set a precedent for the rear building line to be broken in future.

Non-material objections:

- Access restrictions in lane during construction - Not controllable by planning condition.
- Into which Council tax bracket would it fall? - This is not a planning matter.

f) Equalities

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

Conclusion

The proposed building will have a modest impact on the setting of the listed building because of its modern design, but will not adversely impact on the character of the conservation area due to its conforming massing and pitched roof design. It will have little impact on its appearance despite its contemporary elevational treatment. It will have little impact on the amenity of the neighbouring properties and there are no roads issues. There are no other 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. Three cycle parking racks shall be provided at the property in order to meet current parking standards.
2. Sample/s of the proposed external cladding materials including roof slates shall be submitted to and approved in writing by the Planning Authority before work commences on site.

Reasons:-

1. In order to comply with current Council parking standards.
2. In order for the Chief Planning Officer to consider these in detail.

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. 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. 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

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 meets 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

Advertised on 17 November 2017. Eight letters of objection have been received, including one from the Architectural Heritage Society of Scotland.

The objections are addressed in the Assessment in this report.

Background reading/external references

- 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**

Allocated as Urban Area in the Edinburgh City Local Development Plan.

Date registered

6 November 2017

Drawing numbers/Scheme

01 - 13,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Duncan Robertson, Senior Planning Officer

E-mail:d.n.robertson@edinburgh.gov.uk Tel:0131 529 3560

Links - Policies

Relevant Policies:

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

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 Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

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

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.

Relevant Non-Statutory Guidelines

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, parking, streets and landscape, in Edinburgh.

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

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

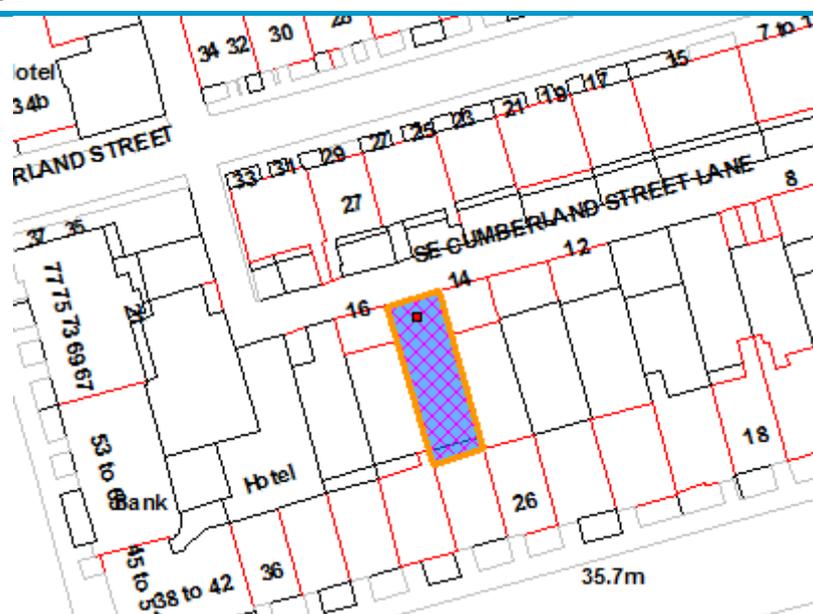
Archaeology:

It is considered unlikely that significant buried remains will have survived in this area. It is therefore concluded that there are no known archaeological implications regarding this application.

Roads Authority

No objections subject to 3 cycle parking spaces, 3 motorcycle spaces being provided. A Tram contribution will not be required.

Location Plan



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