

Full Planning Application
at
8A Ellersly Road
Edinburgh
EH12 6JA

Development Quality Sub-Committee
of the Planning Committee

Proposal: Conversion of Belmont House to residential use - sub-divide to form 2 dwelling houses and 1 penthouse. Formation of garages with flats over (as amended).
Applicant: Period House Development Company Ltd.
Reference No: 03/01260/FUL

1 Purpose of report

To recommend that the application be **GRANTED** subject to;

Conditions

1. The applicants, or their successors in title, shall enter into a Section 75 legal agreement with the local planning authority to ensure that the living accommodation above the west garage block remains ancillary to the domestic use of the west wing flat, in perpetuity, and is not used at any time as a separate dwelling house. This agreement shall be signed prior to planning consent being issued.
2. The development hereby permitted shall be commenced no later than five years from the date of this consent.
3. Sample/s of the proposed facing, roofing and surfacing materials for the garages shall be submitted to and approved in writing by the Head of Planning & Strategy before work commences on site.

4. During construction, all Badger setts within 30m of any construction work, vehicle movements or storage sites, must be taped off and no burning or storage of materials should take place within these cordoned off areas. Any pipes, tunnels or pits greater than 50cm deep must be blocked over at night or provided with Badger ladders (rough plank) set at 45 degrees, from the base to the lip.
5. Details of the remedial tree/shrub planting or below-canopy infill planting required to hide the new garage/ coachhouse locations, shall be submitted to and approved in writing by the Head of Planning and Strategy, prior to construction
6. The surface treatment for the access drives to the garages/ coach house, is reserved. Details shall be agreed in writing by the Head of Planning and Strategy, prior to any works on these buildings being commenced.
7. A detailed landscape plan shall be submitted. With the exception of the pile foundations, all excavations for the garages/coach house, shall be carried out by hand and the specification of any tree works to be carried out (dead-wooding, thinning, pruning etc.) to allow construction, shall be submitted to and approved in writing by the Head of Planning and Strategy, prior to commencement.
8. The approved landscaping scheme shall be fully implemented within six months of the completion of the development, and thereafter shall be maintained by the applicants and/or their successors to the entire satisfaction of the planning authority; maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.
9. Details of the applicants' contribution toward tree husbandry as part of the previously agreed Woodland Management Plan for the Belmont policies, shall be submitted and approved in writing by the Head of Planning and Strategy, prior to the first occupation of the new dwellinghouses.
10. Details of any boundary treatments required to divide garden ownership's shall be submitted to and approved in writing by the Head of Planning and Strategy, prior to the first occupation of the flats
11. All new and/or replacement windows shall be single glazed, timber sash and case.

Reasons

1. To control occupancy of the flat and prevent a separate dwelling being created.
2. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

3. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
 4. In the interests of safeguarding the Badger population under the Protection of Badgers Act,1992
 5. To ensure the essential landscape setting of Belmont House is safeguarded
 6. To ensure the method of construction and finish is compatible with the landscape setting of Belmont House
 7. To ensure that the essential tree cover remains intact and the setting of Belmont house is safeguarded
 8. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
 9. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
 10. In order to safeguard the open parkland setting of Belmont House
 11. In order to safeguard the character of the conservation area.
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2 Main report

Site description

This application relates to Belmont House, a large, symmetrical mansion house surrounded by its residual parkland curtilage amounting to 1.2ha. It includes the original driveway and porte cochere, with parcels of garden ground immediately to the west, north and east of the house. It does not include the original coach house which is now in a separate feu.

The mansion house is by William H. Playfair, circa 1828. It is an Italianate style, category 'A' listed building (Ref: Item 319A).

The site is within the West Murrayfield Conservation Area.

Site history

November 1991 - Application withdrawn for 6 dwellings and change of use and extension of main house to form hotel in outline.

February 1992 - Planning permission granted to erect 6 dwelling houses in the grounds (as amended to 5) (2398/91).

April 1995 - Planning permission granted to erect 5 dwelling houses in outline (2838/94).

July 1998 - Planning permission granted (as a renewal) to erect five dwelling houses, subject to reserved matters:

Siting, levels, access roads, landscaping and external appearance. Additional conditions included tree protection; houses to be built in accordance with the Villa Policy; access road to be implemented before the houses are commenced; and the Belmont Road access being used for emergency purposes only (1008/98).

August 2001 - Planning application for 5 dwellings - reserved matters, withdrawn (01/192/FUL).

April 2002 - Planning permission granted for the erection of 5 houses (as amended) in outline. The initial submission was a detailed application but lacked any house types or details and was therefore granted as a further outline consent (02/263/OUT).

Other consents exist for individual houses, and are under implementation, for Plots 1-3 and 4/5 within the original policies of Belmont House: Plot 1 03/768/FUL; Plot 2 03/430/FUL; Plot 3 02/3901/FUL and Plots 4/5 (one dwelling) 02/4651/FUL.

Development

The application is for the conversion and alteration of the main villa to form three flats. This will be achieved by dividing the villa vertically in two and creating a new penthouse flat by converting and adapting the top floor and adding a roof terrace with tensioned wire balustrade.

A three-car garage block is proposed in the western corner of the site with residential/studio accommodation above. It has been indicated that the accommodation above would be for an au pair or family retainer. A double car garage is proposed within the wooded copse immediately to the east of the villa. The penthouse will be provided with a garage within the rear wing of the building via a new slapping and garage door in the external side wall.

The rear (north) elevation will be partially rebuilt to allow for a new access to the penthouse apartment. A new stone protico will be formed on the west elevation to produce a formal entrance for the west wing flat. New windows and French doors will be formed in the gable elevations.

Consultations

Environmental and Consumer Services

No objections

Historic Scotland

The HBI has concerns about three elements of the proposal: -

1. The proposed addition of a roof terrace on top of the new penthouse accommodation replacing the existing later roof extension.
2. The provision of very large garages with first floor accommodation above in the locations shown, and
3. The subdivision of the garden ground on the south elevation.

The HBI suggests the omission of the roof terrace, the provision of car storage on a modest scale away from the principal elevations of the listed building and their immediate foreground, and leaving of the garden ground to the south of the house as an unbroken sweep of lawn.

Diagonally boarded timber doors on the east elevation for the proposed penthouse are not appropriate for use on a building of this quality. The Inspectorate reminds the Council of the critical importance of ensuring that all new work is detailed and specified to respect the original built fabric. More information will be required on several items and tight conditioning of any consent is needed to safeguard the quality of the listed building.

Representations

The application was advertised on 23 May 2003. Two letters have been received, one from The Scottish Civic Trust and one from Miller Homes (Scotland East) Ltd.

The Scottish Civic Trust contend that the new penthouse structure should be moved back away from the eaves and the balustrade detail made as minimal as possible in order to improve the impact on the architecture of the house. It also seeks clarification as to whether the main balcony is to be physically subdivided. It questions how the garden ground is to be apportioned. Fencing would be aesthetically inappropriate. The use of 'stone to match' should be natural.

Miller Homes objects to both the new garages on the grounds that these will entail the loss of trees, and thereby a loss of amenity to the common owners of the Estate by the erosion of the quality of the landscaping and the setting of Belmont House.

Policy

The site is allocated as Housing and Compatible Uses in the Central Edinburgh Local Plan, where existing residential character and amenities are to be safeguarded.

Relevant Policies:

Policy CD2 (LISTED BUILDINGS) sets out criteria for assessing proposals affecting listed buildings and seeks to safeguard their character and setting.

Policy CD4 (CONSERVATION AREAS) requires that developments in a conservation area retain all features which contribute to the area's character and appearance.

Policy CD5 (CONSERVATION AREAS - REDEVELOPMENT) sets out the criteria against which new development in conservation areas will be assessed, and seeks to preserve or enhance their character and appearance.

Policy CD17 (MATERIALS) sets out requirements for materials in new developments and seeks a greater use of stone, roofing slate and other traditional materials in appropriate cases.

Policy CD19 (BUILDING ALTERATIONS) sets out requirements for the design, form, materials and positioning of alterations and extensions.

Non-statutory guidelines on the 'SETTING OF LISTED BUILDINGS' supplement local plan conservation and design policies, providing guidance for the protection and enhancement of the setting of listed buildings.

Non-statutory guidelines on 'DOOR ALTERATIONS IN LISTED BUILDINGS AND CONSERVATION AREAS' supplement local plan conservation and design policies, providing additional guidance on door alterations.

Policy GE11 (Tree Protection) sets out tree protection requirements for new development.

Policy GE8 (NATURE CONSERVATION - DEVELOPMENT IMPACT) requires that all development proposals be considered for their impact upon wildlife and its habitat and sets out criteria to mitigate the effects of acceptable developments.

3 Conclusions and Recommendations

DETERMINING ISSUES

The determining issues are:

- Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against the granting of permission;
- Do the proposals preserve the building or its setting or any features of special architectural or historic interest which it possesses? If they do not, there is a presumption against the granting of permission. For the purposes of this issue, "preserve", in relation to a 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?

ASSESSMENT

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

- a) Whether the proposals have an adverse impact on the character or appearance of the conservation area.
- b) Whether the proposals have an adverse impact on the building, or its setting.
- c) Whether the design and materials are satisfactory given the setting of the site.
- d) Whether the proposals are detrimental to residential amenity or road safety.
- e) Whether the proposals have an adverse impact on the Badger population.
- f) Whether the proposals have a deleterious impact on the landscape/trees on the site.

a) The character of the West Murrayfield Conservation Area is described in the Local Plan as follows: -

"An area of mostly detached Edwardian villas set in large walled gardens. The inter-war equivalent is found in Easter Belmont Road, a tree lined avenue where grass verges replace pavements."

The main consideration in respect of the development's effect on the conservation area is the positioning of the proposed garages for the two main dwellings in the villa. The revised positions have been discussed at length and a suitable position for the west wing garage has been found beyond a group of large Yew trees up into the bank to the west of the villa. Some trees will have to be removed to achieve this, but the light construction and driveway to it will otherwise have limited impact on the landscape. A condition is recommended to control the construction/type of driveway finish. The garage/studio will be screened by trees from the main villa and from wider views and therefore will not adversely impact on the character or appearance of the conservation area.

The accommodation above the west garages is intended to be incidental to the use of the west wing flat. In order to ensure that this is the case and that the building is not developed into a separate dwelling in the future, a condition requiring a Section 75 legal agreement to be signed between the developer and the Council is recommended.

The east wing garage has been placed in a clearing in the middle of the copse of trees immediately to the east of the villa where it can be hidden from view. Its light construction and the mode of construction of the access road will be such that the tree roots will not be affected. The important tree cover will therefore remain and so the effect on the conservation area will be minimal.

The conversion of the villa is limited to the existing structure, apart from the new penthouse which will create a new rooftop profile, but one which is no higher than that removed. The deck above this penthouse has been cut back and light tensioned wire cable balustrade employed, so that the overall impact on distant views will be minimal. The new stone portico and rear extension have been designed to complement the building and will have no adverse impact.

Subdivision of the grounds is such that no major physical barriers will be employed to divide the private garden areas and so the open nature of the grounds of the villa will remain to the benefit of the conservation area.

b) The only major external alterations to the villa are the construction of a portico for the west wing at ground level, the re-building of the north east wing to allow a new stair access for the penthouse, the new glass fronted penthouse floor arrangement, and new sash and case windows and French doors in the gables to give access onto the porch roofs. These proposals are in keeping with the house - the penthouse being an improvement of that existing. These alterations will not significantly affect the building, or it's setting. Subject to the correct construction, and the structures being hidden by existing and/or proposed trees, the proposed garages should not affect the setting of the main villa.

c) The garage blocks have been designed to reflect the existing and original coach house within the grounds of Belmont House. Slated, low-pitch roofs, walls and dormers in stone to match the rear of the main villa and timber doors and windows, are proposed.

The new west wing portico is designed with columns, in stone and a balustrade on top to echo the design which runs around the building and which exists on the original porte-cochere on the east wing. The new rear stair tower will be in matching stone and fenestration design.

The design and materials are satisfactory given the setting of the site.

d) The proposals are set within a large area of parkland/ woodland and adequate semi-private road access is already in place. Consequently, the proposal will have no adverse impact on residential amenity or road safety.

e) The preferred location for garaging for the three flats would have been to the rear of Belmont House. However, this would have entailed blasting out the rock face in this location. This factor together with the proximity of the location to the nearest badger sett would have caused a disturbance or danger to badgers. In the interests of preserving the life of and foraging areas of the badgers, the current garage locations have been agreed.

The proposals will have no direct adverse impact on the badger population.

f) The construction of the west garage/studio will require the removal of five mature trees - two Lawson Cyprus and three Yews ranging between 4m and 14m in height - which are not essential to maintain the high tree canopy in this part of the Belmont policies. One minor tree/bush will need to be removed to allow the access to the east garage. The loss of this is not significant to the group of trees in this copse, and the overall screening effect of the trees will remain. Any visual gaps in the undergrowth through which views could be made of the garages will be planted up with suitable species. A condition is recommended to require and control this planting.

The proposals comply with the development plan, and comply with non-statutory policies; have no adverse impact on the character or appearance of the conservation area or the building and its setting, have no detrimental impact on residential amenity or road safety, do not affect the badger population and maintain the landscaped character of the site.

There are no other material planning considerations which outweigh this conclusion.

It is recommended that the Committee approves this application, subject to the conditions stated.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/Tel Duncan Robertson on 0131 529 3560 (FAX 529 3717)

Ward affected 15 -Murrayfield

Local Plan Central Edinburgh

**Statutory Development
Plan Provision** Housing and Compatible Uses

File A/F

Date registered 29 April 2003

**Drawing numbers/
Scheme** 24 - 49
Scheme 3

