

**Application by City of Edinburgh Council
at
Pavement Near 12 Dean Bank Lane
Edinburgh
EH3 5BY**

**Development Quality Sub-Committee
of the Planning Committee**

Proposal: Place communal domestic refuse containers - Dean Bank Lane, Saxe Coburg Street, Saxe Coburg Place
Applicant: Mr Taylor
Reference No: 03/00472/CEC

1 Purpose of report

To recommend that the application be **APPROVED**

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. The containers located at Sites 3 and 6 shall be removed after a period of twelve months from their installation to the satisfaction of the Head of Planning and Strategy.
3. The application shall be referred to the Scottish Ministers prior to determination.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to give due recognition to the temporary nature of the proposed development.
3. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2 Main report

Site description

The application involves a total of eight separate sites with 10 containers. Site 1 is a section of carriageway on the west side of Dean Park Lane near to its junction with Saxe Coburg Place. Site 2 is a section of carriageway on the north side of Saxe Coburg Place outside the rear entrance to Glenogle Swim Centre. Site 4 is a section of carriageway outside 15 Saxe Coburg Street. Site 5 and 7 are sections of carriageway outside 10 Saxe Coburg Street and 7 Saxe Coburg Street respectively. Site 8 is a section of carriageway outside 1 Saxe Coburg Terrace. Sites 3 and 6 are temporary sites. Site 3 is a double site on the junction of Saxe Coburg Street and Saxe Coburg Place opposite 32 Saxe Coburg Street. Site 6 is a section of carriageway outside 7 Saxe Coburg Street.

The sites are within the New Town Conservation Area. All sites are adjacent to Category B listed buildings. Site 1 is opposite the Category C(s) listed building at 10 Dean Bank Lane. The Saxe Coburg Place gardens are a designated historic garden.

Site history

There is no history associated with this application.

Development

The application is for the permanent installation of seven 3200 litre non-wheeled refuse containers and the temporary installation of three 3200 litre non-wheeled containers.

Supporting Statement - Available for inspection in Party Group Rooms.

In March 1997 the Environmental Services Committee approved the "Containerisation of Refuse" report recommending that the City adopt a rigid bin refuse collection. In adopting this course, the Committee recognised the shortcomings of a sack-based refuse collection service. The indiscriminate presentation of adequately contained refuse on the streets up to seven days per week resulted in litter, spillage and staining on the streets, in addition to posing an obstruction to pedestrians.

Consequently, containers were introduced on a trial basis to the Newington area in April 1998 as part of the Council's containerisation initiative. On 16 February 2000, the Development Control Sub-Committee granted planning permission for the first application submitted by the Environmental and Consumer Services Department for the siting of permanently fixed communal refuse containers. This was subject to approval by the First Minister, which was duly granted on 27 March 2000. In the intervening period, experience of operating the system has resulted in various changes in locations, sizes, use of fixings and emptying frequencies of the containers. All changes have been made with a view to fine-tuning and delivering an efficient method of refuse collection.

Permission to locate the containers as identified in this application would allow the current collection arrangements in the named streets to change from a sack collection to a containerised service, in line with Council policy.

All containers included in this planning submission require planning permission since they lie within the New Town conservation area which has an Article 4 Direction and Class 30 exemption. All sites have passed a Road User Survey Audit and City Development (Transportation) has been made aware of the locations at an early stage in order to ensure that there is no conflict with Greenways, cycle routes etc.

In identifying these proposed locations great care has been taken to balance the often conflicting priorities of Transportation, Planning and Waste Management. Indeed, two highways technicians and two planning officers work full-time within the Containerisation Project Team to ensure the best possible sites are chosen and that all possible options are considered. In moving towards a final choice all potential sites are subject to Road Users Safety Audit. Given the exhaustive nature of these deliberations, I believe that the best possible sites have been identified representing the balance of interests.

The Environmental and Consumer Services Department appreciates that Section 61 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 defines conservation areas as "areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance". It is considered that the introduction of communal refuse containers to this conservation area will help to enhance the appearance of the area through the removal of black sacks and the litter associated with their use.

Consultations

Scottish Natural Heritage

As the development proposed is adjacent to a historic garden, Scottish Natural Heritage were consulted but did not want to comment on this application.

Representations

The application was advertised on 21.02.2003. Seventy letters of representation have been received from Historic Scotland, Edinburgh World Heritage Trust, The Architectural Heritage Society of Scotland, The Cockburn Association, Saxe Coburg Residents' Association, Drummond Civic Association, three commercial neighbours, and 61 neighbouring residents. 39 of the letters received from neighbouring occupiers are pro-forma. The issues raised are:

1. Adverse impact upon character and appearance of conservation area
2. Adverse impact upon setting of listed buildings
3. Premature given proximity to World Heritage Site
4. Impact upon road and pedestrian safety
5. Loss of parking
6. Noise/smell nuisance
7. Attract vermin
8. Too close to living apartments

Policy

The sites lie within an area identified as Housing and Compatible Uses in the Central Edinburgh Local Plan.

Relevant Policies:

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

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 CD22 (STREETSCENE) sets out design and quality objectives for street furniture and paving.

Policy H11 (HOUSING AMENITY) establishes a presumption against new development and changes of use likely to introduce increased levels of traffic or activity to the detriment of residential amenity or to the reasonable prospects of further residential development where this is an objective of the Local Plan.

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.

3 Conclusions and Recommendations

Determining Issues

The determining issues are:

- do the proposals preserve the buildings or their settings or any features of special architectural or historic interest? If they do not there is a presumption against the granting of planning permission. For the purposes of this issue, "preserve", in relation to a building, means preserve 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 preserve or enhance the character or appearance of the conservation area? there being a strong presumption against the granting of planning permission if this is not the case;
- 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 these determining issues, the Committee needs to consider whether a) the locations indicated for each container are appropriate and will not have an adverse effect upon the character and appearance of the conservation area or the setting of adjacent listed buildings, and b) there will be any adverse effect upon the amenity of neighbouring occupiers or road and pedestrian safety.

a) The character of the New Town Conservation Area is summarised in the local plan as follows:-

A planned urban concept of European significance, the New Town has an overriding character of Georgian formality. The First New Town, built to James Craig's 1767 plan, has experienced significant redevelopment, while the Second, Third and Fourth New Towns, which were laid out on estates to the north, east and west retain most of their original buildings. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area therefore lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves. Many of the New Town's buildings are listed category 'A' of national importance and the area contains some of the city's finest interiors.

This section of the conservation area is characterised by traditional three and four storey stone built tenements and townhouses. All the buildings within the area and the communal garden on Saxe Coburg Place contribute to the high quality built amenity and character of the area.

Whilst of functional design, the introduction of communal refuse containers has been accepted within certain conservation areas as, on balance, they enhance the appearance of these areas through the removal of black refuse sacks from pavement areas/carriageways.

All containers proposed will be located either on or adjacent to sections of carriageway that are currently in use as dedicated on-street parking in the form of resident's parking or pay and display. These parking bays are almost in constant use. As such the containers will be screened by parked cars. Views up and down Saxe Coburg Street and the setting of the adjacent Category B listed properties will be protected as a result. The setting of these buildings is already compromised by on-street parking.

The containers proposed at Site 3 will be more conspicuous due to their location at the junction of Saxe Coburg Street with Saxe Coburg Place. Whilst effectively screened when viewed from the west, it will be possible to see these containers quite clearly when looking east from half way up Saxe Coburg Street. However, these containers will be in this location for a temporary period only. On this basis, the location is considered to be acceptable.

The containers proposed will reduce the existing visual clutter created by black refuse bags and, as a result of their locations, will have no adverse effect upon the character and appearance of the conservation area. The proposed locations will ensure that the setting of any adjacent listed buildings is preserved.

b) The containers will not result in the loss of light to any neighbouring properties. In terms of road safety, the position of each container has been considered within the road users safety audit. Pedestrian safety will not be compromised. There will be no loss of resident's parking. It is proposed to extend the existing parking bays to accommodate the proposed containers. The temporary containers will only be in place until such time that a TRO can be promoted to enable these parking spaces to be re-provisioned.

Environmental and Consumer Services are the appropriate Authority to address the issues raised relating to the misuse and proper management of the containers.

In conclusion, residential amenity and pedestrian and road safety will not be affected by the proposal and the character and appearance of the conservation area and the setting of nearby listed buildings will be preserved. There are no material considerations to outweigh this conclusion.

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

As this is a Council application and there have been objections, it must be referred to the First Minister as a Notice of Intention to Develop.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel David Mudie on 0131 529 3442 (FAX 529 3717)

Ward affected 17 -Stockbridge

Local Plan Central Edinburgh

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

File AF

Date registered 13 February 2003

**Drawing numbers/
Scheme** S1: 1-4



Reproduction from the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence Number LA 09027L The City of Edinburgh Council 1998.

PLANNING APPLICATION

Address	Pavement Near 12 Dean Bank Lane		
Proposal	Place communal domestic refuse containers - Dean Bank Lane, Saxe Coburg Street, Saxe Coburg Place		
Application number:	03/00472/CEC	WARD	17- Stockbridge
THE CITY OF EDINBURGH COUNCIL			
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			

Domestic Waste Containers

KEY:

symbols are not to scale

-  3200 litre bin
-  2400 litre bin
-  1800 litre bin
-  1280 litre bin
-  660 litre bin

Listed buildings

-  A
-  B
-  C(s)
-  C
-  No Data

 Conservation Areas

 Ward borders

 World Heritage Site

 Temporary site

Donaldson's
School for the Deaf

Stockbridge
Parish Church
(St Bernard's Centre)

PLANNING & STRATEGY		
DRAWING No.	01/03/472/CEC	
DO REF.		
13 FEB 2003		
MEETING	AGENDA ITEM	DECISION

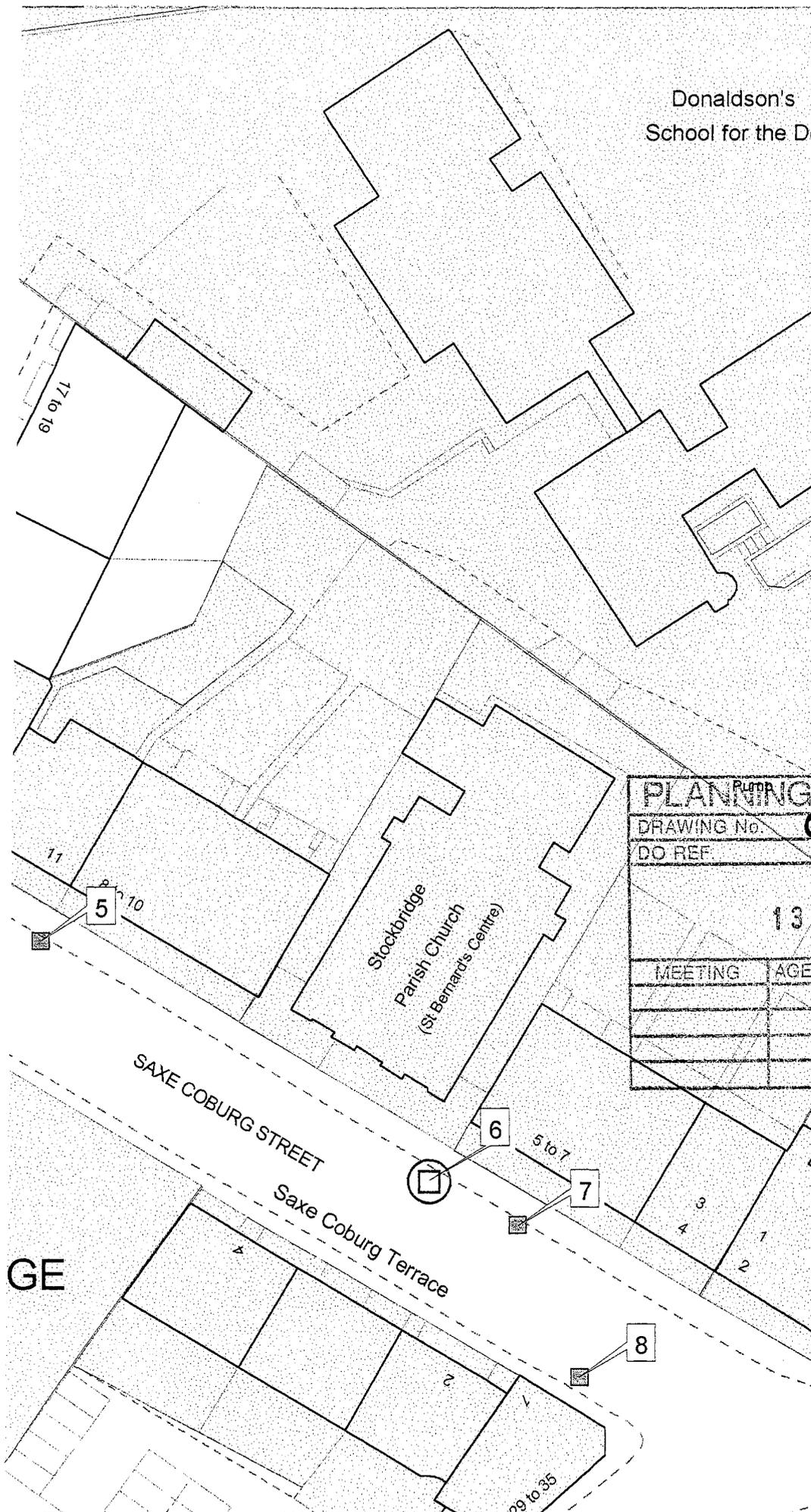
Sites 3 & 6 are temporary for approx. 12 months.

Sites 4, 5 & 7 require Traffic Regulation Orders.

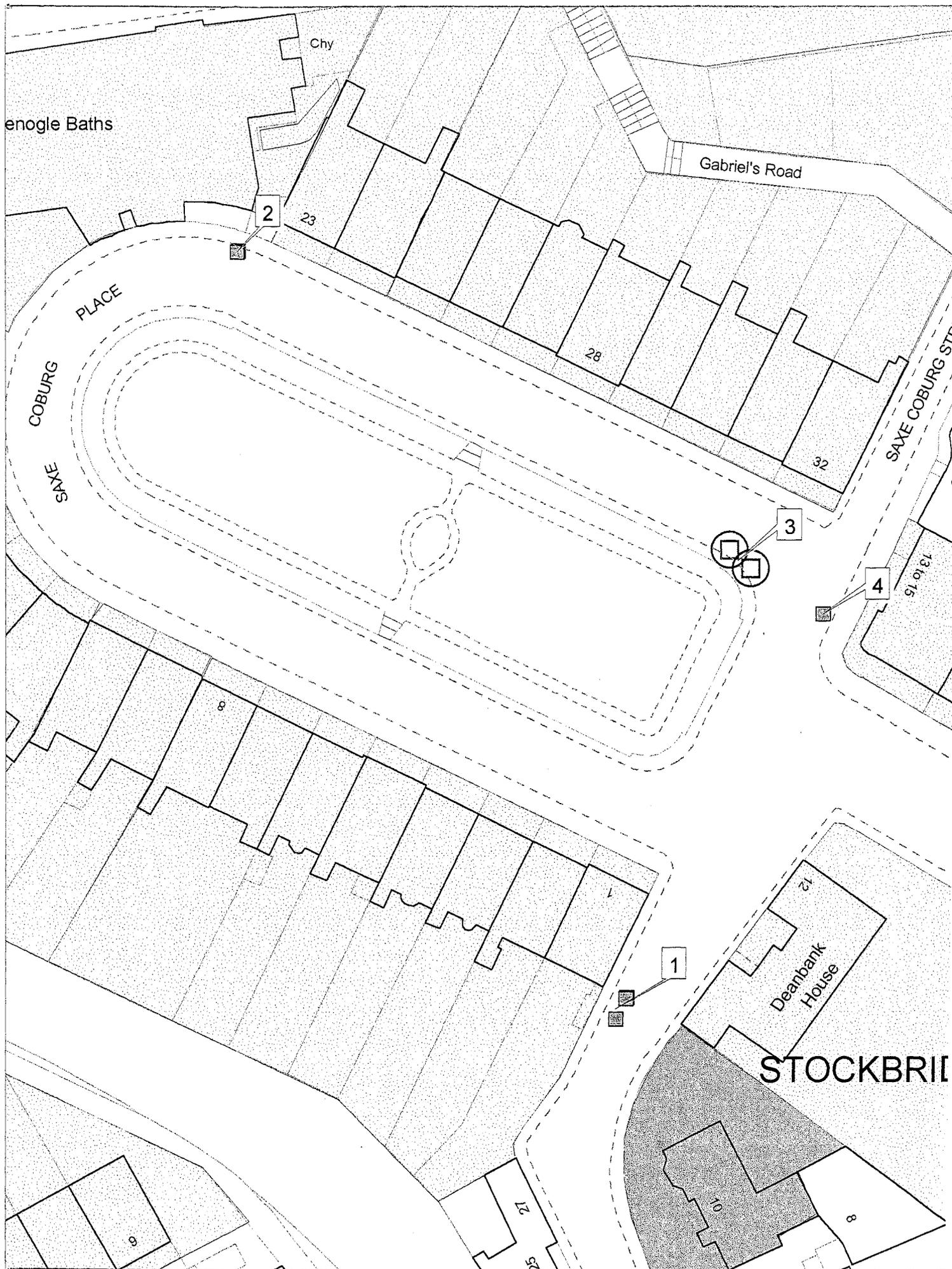
Drawing: w17/a60/m1
Title: Application 60
Original scale: 1: 600
Date 04 Feb 03 Drawn: B Taylor

EDINBURGH
THE CITY OF EDINBURGH COUNCIL
ENVIRONMENTAL AND CONSUMER SERVICES

Reproduced from the Ordnance Survey mapping with permission of the controller of Her Majesty's Stationary Office. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
Licence Number LA 09027L, City of Edinburgh Council.



GE



enogle Baths

Chy

Gabriel's Road

COBURG PLACE
SAXE

SAXE COBURG ST

Deanbank House

STOCKBRID

2

23

28

32

13 to 15

8

1

12

9

12

10

8

3

4