

**Full Planning Application
at
9C Doune Terrace
Edinburgh
EH3 6DY**

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

Proposal: Erection of play structures (including 1 replacement) (in retrospect)
Applicant: Mrs Candles
Reference No: 04/02545/FUL

1 Purpose of report

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

Conditions

1. The area/s affected by the works hereby approved shall be reinstated to their original condition within three months of the building being vacated by the applicants.

Reasons

1. In order to safeguard the character of the conservation area.

2 Main report

Site description

The application site is a lower basement property located within a 5-storey townhouse, below 15 Moray Place. Pedestrian access to the property is via Doune Terrace. The premises, a day nursery, include a garden which faces on to Doune Terrace.

Surrounding properties are all Georgian townhouses which are generally in residential use on the upper floors, with mixed residential and commercial use on the ground and basement floors. Other properties at this end of Moray Place have walled gardens fronting on to Doune Terrace.

The property is part of an A listed building in the New Town Conservation Area and the World Heritage Site.

Site history

December 1971 - consent granted for change of use of first floor office at 15 Moray Place to residential use (ref: 1659/71).

April 1972 - consent granted for change of use to residential use (ref. 322/72).

August 1997 - consent granted for change of use from office at sub-basement level at 15 Moray Place to day nursery (ref: A01415/97). Conditions limited consent to 12 months, required noise insulation, limiting hours to 8.30 to 4.30 Monday to Friday only, limiting total number of children to 25 with only 10 being allowed in the garden at any one time.

September 1997 - Planning permission and listed building consent granted for change of use from offices at ground and first floor level to residential use (ref: A02184/97).

21/10/98 - Planning permission granted for permanent use of sub basement level flat as day nursery (ref: A 02118 98). Conditions as above.

6/6/03 - Planning permission granted for increase in hours from 8.30 - 4p.m. to 8a.m. - 6p.m. and increase in number of children by 3 to a maximum of 28 (03/01166/FUL)

17/09/03 - Planning permission and listed building consent granted for alterations including new covered corridor and porch (03/02413/FUL/LBC)

19/08/04 - consent granted to increase number of children from 28 to 30 (04/02034/FUL)

Development

This is a retrospective application to erect play equipment in the garden of the property. The new play equipment includes a timber play tower in the centre of the garden which has an overall height of 2750mm and a deck height of 1400mm. This structure is a replacement for a previous similarly sized tower. Raised areas of decking have also been constructed along the northern boundary of the garden to create a "pirate ship" for the children.

Consultations

Historic Scotland

Historic Scotland would not wish to object to the development if it were granted on a personal basis to the applicants for the duration of their occupancy of the building and its use as a children's nursery. Similar equipment could have been installed without being secured to the ground, and planning permission would probably not have been required. In our view the development can be easily reversed, and by limiting the consent to the applicants and the current use of the building, removal of the structure can be ensured in due course.

Representations

The application was advertised on 30 July 2004.

Three letters of objection have been received from neighbours. Objections are raised on the grounds that:

- loss of privacy
- play equipment is out of character with the area
- increased noise as a result of new equipment being erected

Policy

The application site is located within an Area of Housing and Compatible Uses, as designated 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 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.

Non-statutory guidelines 'DAYLIGHTING, PRIVACY AND SUNLIGHT' set criteria for assessing proposals in relation to these issues.

3 Conclusions and Recommendations

The determining issues are:

- Do the proposals preserve or enhance the character and 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 preserve the listed building or its setting or any features of special architectural or historic interest which it possesses? There being a strong presumption against granting permission if they do not; 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 these determining issues, the Committee needs to consider whether:

- a) The play equipment detracts from the setting of the listed building or the character or appearance of the conservation area,
- b) The play equipment is detrimental to residential amenity.

a) The character of the New Town Conservation Area is described in the Central Edinburgh 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."

The play equipment that has been erected has been set within an area of wood chippings that occupies approximately half the garden area. With regard to the decking close to the northern boundary wall, this is at a low level and does not project above the boundary walls of the garden. Although it can be seen from properties overlooking the garden, its wider impact is minimal and its impact on the character and appearance of the conservation area negligible. As it is located well away from the main building, there is no adverse impact on the setting of the building.

The more centrally located play tower is higher and does project above the boundary walls. It has a wider impact than the "pirate ship" and can be seen from Doune Terrace as well as from neighbouring properties. However, the fact that it can be seen from public viewpoints does not necessarily justify its refusal. The tower is well constructed in timber and has been kept away from the boundaries of the site to minimise its visual impact. Although it is accepted that the tower is large for a domestic setting, it is not a visually unattractive structure and, given the use of the site, is very unlikely to be seen as any sort of precedent. The tower is located far enough away from the building to ensure it has no significant effect on its setting.

In conclusion, the tower is well constructed, reasonably well positioned to minimise its impact and preserves the setting of the listed building and the character and appearance of the conservation area.

b) With regard to the concerns over noise, there is a restriction in place on the number of children that can be in the garden at one time. It is not accepted that the play equipment currently in place has necessarily resulted in increased noise levels over and above what would normally be expected in a space in authorised use as a children's nursery. Indeed, items such as children's slides, swings or trampolines (none of which would require consent) could conceivably result in just as much, if not more, noise.

The owner of number 9 Doune Terrace has raised an objection on the grounds that children can look directly into a bedroom of number 9 when playing on the play tower. Although the tower is only approximately 10 metres from the affected windows of number 9, it is noted that the windows are at an angle to the tower, meaning that there is no direct overlooking. It is also noted the tower has been designed to ensure the main areas of activity (access onto the deck and entry into the covered den) face away from number 9. It is also questionable whether the current situation is any worse than it would be if swings, slides, trampolines or climbing frames were located in the garden, none of which would require formal consent.

In summary, and taking into account the authorised use of the property, it is considered that the play equipment currently in place is no more detrimental to residential amenity than other items of play equipment that could be erected without the benefit of formal consent. Furthermore, the restriction on the amount of children permitted to play in the garden at any one time and the restriction on the hours of operation of the day nursery (it is not open at weekends) will ensure any problems experienced by neighbours are minimised.

There are no material planning considerations which outweigh this conclusion.

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

Alan Henderson

Alan Henderson
Head of Planning and Strategy

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Ward affected 18 -New Town

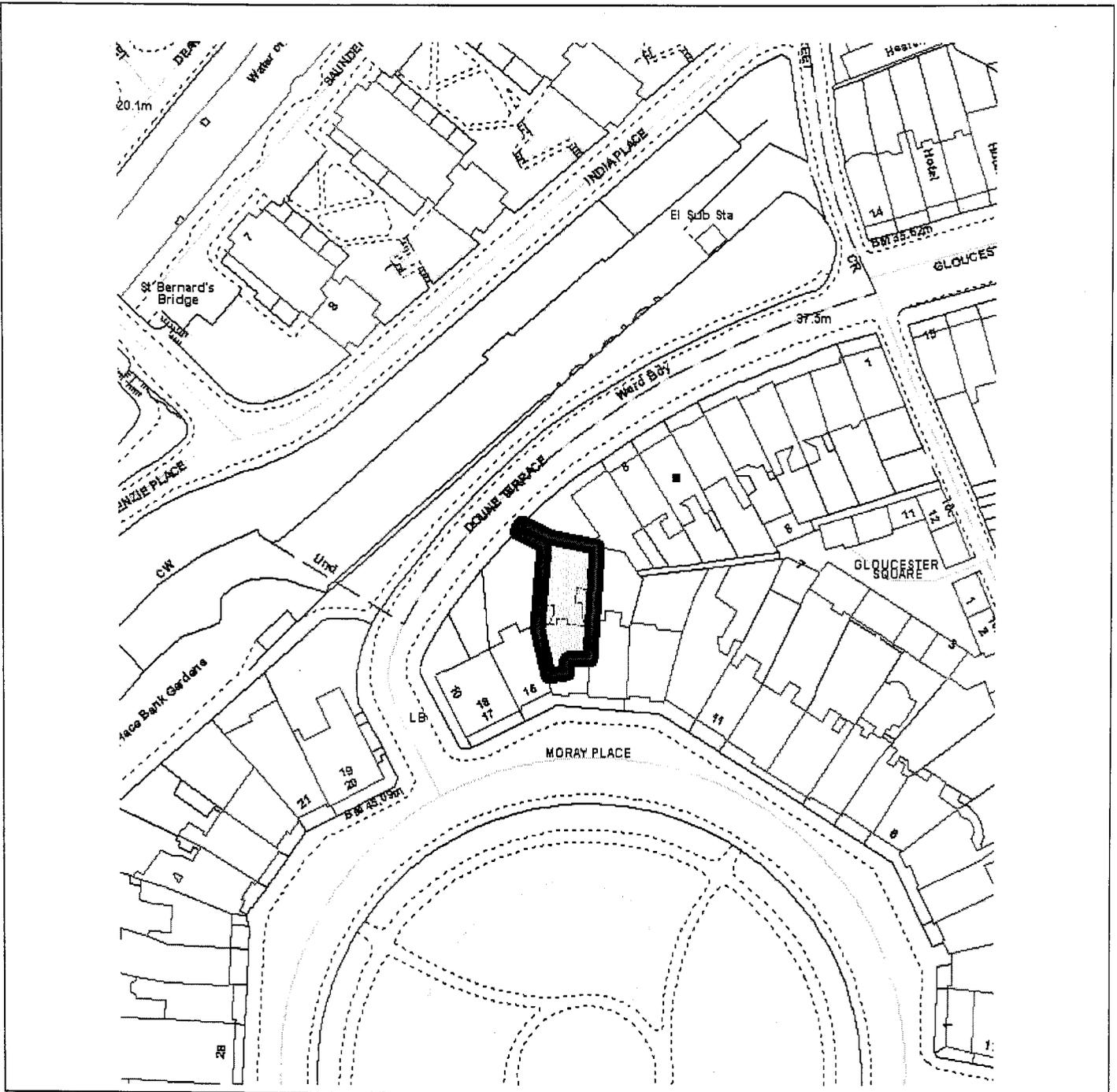
Local Plan Central Edinburgh

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

File

Date registered 21 July 2004

**Drawing numbers/
Scheme** 01-06
Scheme 1



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PLANNING APPLICATION

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|----------------------------|--|-------------|---------------------|
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| Application number: | 04/02545/FUL | WARD | 18- New Town |

**THE CITY OF EDINBURGH COUNCIL
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY**