

**Application by City of Edinburgh Council
at
Henderson Row
Edinburgh
EH3 5DR**

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

Proposal: Place communal domestic refuse containers
Applicant: The City Of Edinburgh Council.
Reference No: 04/02564/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 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 accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2 Main report

Site description

The site is the public highway to the front of 28 Henderson Row, on the north side of the street, to the east of the junction with Perth Street. Adjacent buildings are four storey tenements, which are category B listed. Neighbouring uses are predominantly residential, with some commercial. This part of the street has resident's parking. The site is within the New Town Conservation Area and the World Heritage Site.

Site history

Pavement between 36 and 76 Henderson Row

03/01335/CEC - Proposal to place communal domestic refuse containers approved 17.09.2003

Pavement opposite 57 Henderson Row

03/00759/CEC - Proposal to place communal domestic refuse containers approved 12.06.2003

Development

The proposal is for the placement of a single OMB 3200 litre bin on the north side of the street, 15 metres from the corner of Perth Street. The container will initially be placed in a temporary location slightly closer to the corner whilst a traffic regulation order is processed for the permanent location.

Consultations

No consultations undertaken.

Representations

The application was advertised on 23/07/04. Two letters of representation have been received from residential neighbours. The issues raised are:

1. Detriment to visual amenity
2. Detriment to character and appearance of conservation area
3. Noise from vehicles and from use of container
4. Loss of a parking bay
5. Will remove need for black bags on pavement

Policy

The site is identified by the CENTRAL EDINBURGH LOCAL PLAN as being within an area allocated for Housing and Compatible Uses.

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 CD18 (SAFETY, SUSTAINABILITY AND ACCESSIBILITY) requires the design and layout of development proposals to meet safety, sustainability and accessibility objectives.

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.

3 Conclusions and Recommendations

DETERMINING ISSUES

The determining issues are:

- 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 preserve the listed building or its setting or any features of special or historic interest? There being a strong presumption against granting permission if they do not;
- Do the proposals preserve the building or its setting or any features of special architectural or historic interest? 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 take account of the following specific considerations:

- a) The principle of containerisation in this area
- b) The effect of the proposed container on the setting of the adjacent listed buildings
- c) The effect of the proposals on the character and appearance of the conservation area, and the World Heritage Site
- d) The effect on local parking

a) There have been a number of applications submitted and approved for similar sites nearby, and elsewhere in the city for sites in conservation areas. It is now accepted that the containers are appropriate subject to local conditions, and compliance with other policies and guidelines.

b) The container is not proposed on the public footpath, but is on the road surface. The distance from building to kerb is 6.4 metres. It will be in the same position as parked cars. There will be no adverse effect on the setting of the adjacent buildings.

c) The conservation area's character 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'*. These proposals will have no effect on the character of the conservation being located on the street and in a position where cars are permanently parked.

d) With regards to local parking, this proposal will result in the loss of one on street residents' parking space. This requires the promotion of a traffic regulation order. It is therefore also proposed that a temporary location be approved slightly closer to the Perth Street junction until this has been carried out. The temporary location is on a single yellow line, (which allows parking outwith controlled parking hours, i.e. 0830 - 1800 Monday to Saturday). The TRO will include provision for a new bay to be created

in the position of the temporary container location so there will effectively be no loss of on-street parking.

It is concluded that the benefits of containerisation in this location outweigh those of retaining the refuse sack collection methods that prevailed, and that there will be no loss of amenity, on-street parking, or adverse effects on the historic character of the area.

It is recommended that the Committee approves this application, subject to the conditions stated. As there are objections, referral to the Scottish Ministers is required.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/Tel Kingsley Drinkwater on 0131 529 3648 (FAX 529 3717)

Ward affected 17 -Stockbridge

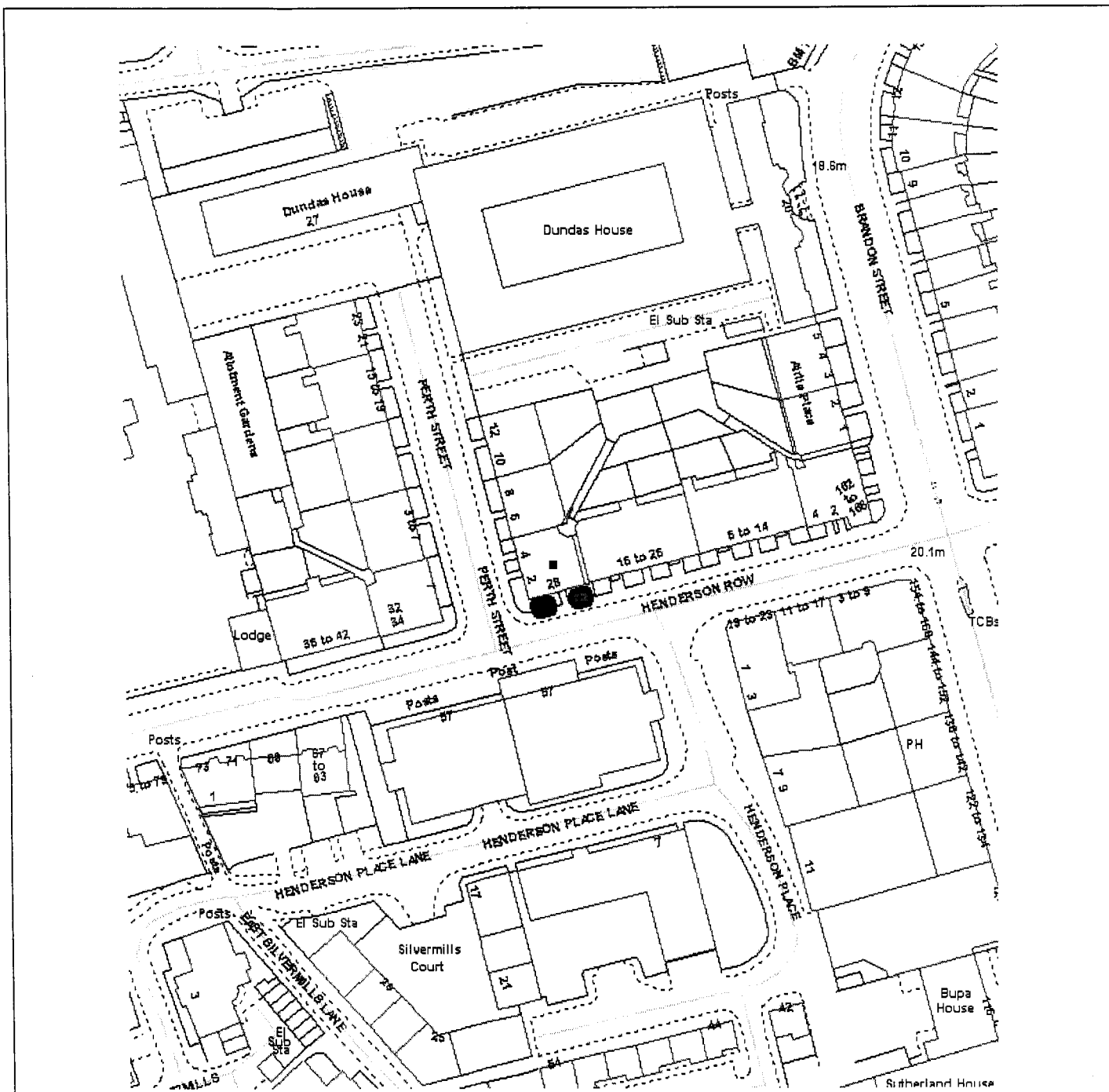
Local Plan Central Edinburgh

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

File -

Date registered 6 July 2004

**Drawing numbers/
Scheme** 01-2
Scheme 1



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PLANNING APPLICATION

Address	Henderson Row, Edinburgh, EH3 5DR,		
Proposal	Place communal domestic refuse containers		
Application number:	04/02564/CEC	WARD	17- Stockbridge
THE CITY OF EDINBURGH COUNCIL THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			