

Full Planning Application
at
17 Elbe Street
Edinburgh
EH6 7HJ

Development Quality Sub-Committee
of the Planning Committee

Proposal: 4 terraced houses and 6 flats
Applicant: J Smart + Co (Contractors) Plc.
Reference No: 03/03555/FUL

1 Purpose of report

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

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. All roofing shall be in natural slate
3. Prior to the issue of consent the applicant shall enter into a suitably worded legal agreement with the Council to ensure an appropriate financial contribution towards educational infrastructure costs.
4. The developer shall enter into a suitably worded legal agreement to provide a Traffic Regulation Order, and associated double yellow lines, to restrict parking on adjacent streets, all at no cost to the Council.
5. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning and Strategy, either that the level of risk posed to human

health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

- b) Where necessary, a detailed schedule of any required remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning and Strategy.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning and Strategy.

6. Hard landscaping of the courtyard to be in setts or materials as further approved by the Head of Planning.

7. The development shall not commence until a scheme for protecting the residential development hereby approved from noise from adjacent commercial premises has been submitted to and approved in writing by the Head of Planning & Strategy; all works which form part of the approved scheme shall be completed to the satisfaction of the Head of Planning & Strategy before any part of the development is occupied.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the character of the conservation area.
3. In order to ensure that no financial burden is placed upon educational infrastructure.
4. In order to safeguard the interests of road safety.
5. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
6. In order to safeguard the character of the conservation area.
7. In order to protect the amenity of the occupiers of the development.

2 Main report

Site description

The existing property has been disused for many years, being last used as an office around 20 years ago. The building adjoining to the south contains two floors of office over a ground floor public house. The attic level recently received consent for use as housing. The west section of this building is semi-derelict and contains a cabinet maker in the lower void within the structure. Upper floors are vacant and inaccessible.

New flats have been built on all other sides: four storey to the north; five/six storeys to the west; and six storeys to the east (over Elbe Street).

Surrounding materials are predominantly brick, but with some use of both brick and render.

The site is on the outermost edge of the Leith Conservation area. All directions other than south lie outwith the conservation area.

Site history

There is no relevant planning history for this site.

Development

The application proposes conversion of a small utilitarian Victorian office to create 4 townhouses. A rear courtyard building is to be replaced with a small replacement building containing 6 flats.

No alterations are proposed to the frontage. All changes centre around the demolition of a large brick shed extension to the rear, and replacement with a block of flats on a reduced footprint. The new building is three storeys high in red brick with a masonry ground floor (matching adjacent materials).

Scheme 2

The scheme was amended to clarify access arrangements (shared surfaces etc) and include for waiting restrictions on the public road.

Car parking (100%) is accommodated within an enlarged courtyard area. A cycle store is provided in the south-west corner of the courtyard.

The applicant has submitted a Supporting Statement which includes reference to the acoustic report, open space and amenity and the mix of units.

Scheme 3

The scheme was further amended to rotate the rear block through 90 degrees to sit parallel to the front block.

This allowed an increase in open space provision.

A cycle store is also now included to the rear of the front block, balancing a bin store on the opposite side.

The elevational treatment was altered to give more traditional proportions and detailing.

Consultations

Environmental and Consumer Services

This Department has concerns regarding this application.

The proposed residential development would introduce houses in very close proximity to two existing potentially noisy activities namely the joiner's workshop and the public house. Such a development could have a detrimental effect on these businesses.

Consequently, prior to further consideration of this application, additional information on the potential noise impact of both businesses on the proposed development and details of any measures necessary to mitigate the noise is required.

Environmental and Consumer Services - Further Comments received 21 January 2004

I refer to my previous correspondence with yourself regarding the above planning application dated 11 November 2003. I am now in receipt of the acoustic assessment (Report No G/3304/03) relating to the Bowlers Rest public house. Having read the contents of the report I am now satisfied that provided the measures laid out in the recommendations of that report are implemented then our concerns in relation to the public house impact will be alleviated.

However I had also previously expressed similar concerns with regard to the proximity of the joiners workshop. These do not appear to have been addressed.

In addition to the above the following condition relating to contamination would be attached to any consent granted.

Prior to the commencement of construction works on site:

- a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

- b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning

Education

This site is located within the catchment areas of Leith Primary School, Leith Academy, St Mary's Roman Catholic Primary School and Holy Rood Roman Catholic High School.

Leith Primary School is operating below capacity and has adequate capacity to accommodate this development.

Leith Academy is operating at capacity and is forecast to remain in this position. This school would not have spare capacity to accommodate any children in this position. This school would not have spare capacity to accommodate any children generated from this development, and accordingly developer contribution should be sought. Based in a development of 4 houses and 6 flats the contribution would be £6,880.

The numbers expected to be granted for St Mary's Leith Roman Catholic Primary School and Holyrood High School from this development would be negligible.

The forecasts are based on 2002 Star of Session School Rolls and housing completions identified in the Housing Land Audit 2001. Revised child to house ratios have been applied.

There is no spare capacity available at Leith Academy to serve this development. Accordingly, a contribution of £6,880 should be sought. If no contribution is secured towards alleviating accommodation pressures at this school, I would have to object to this application.

Representations

The application was advertised on 17th October 2003.

The Cockburn Association wrote criticising the use of tile rather than slate, but did not raise any issue of principle or design. This is addressed by condition and has been discussed with the Association who are now satisfied.

Neighbours were renotified on 15th April 2004, in relation to the revised position of the rear block.

One new representation was received from a neighbour to the north. This complained that the proposal would be taller than the existing structure on that side, and have an effect on the amenity of their flat.

Policy

The property lies in an area of Mixed Activities in an eastern spur of the Leith Conservation Area as shown in the NEELP.

Relevant Policies:

Policy E21 (CONSERVATION AREAS - GENERAL): requires proposed development within a conservation area to retain all features which contribute to the character and appearance of the area.

Policy E22 (CONSERVATION AREAS - REDEVELOPMENT): sets out criteria against which new development in conservation areas will be assessed.

Policy E25 (DESIGN OF NEW DEVELOPMENT - OBJECTIVE): encourages new development of the highest possible standard.

Policy E26 (QUALITY OF NEW DEVELOPMENT): sets out general design requirements for new development, and requires particular attention to be paid to main approach roads to the city centre and seafront and waterfront locations.

Policy E7 (OPEN SPACE PROVISION): specifies minimum standards of open space provision in new housing developments to meet both recreational and amenity needs.

Policy H3 (HOUSING - CONVERSION OF NON-RESIDENTIAL BUILDINGS) encourages, and sets out criteria for assessing, the change of use of suitable non-residential buildings to housing.

Policy H4 (DESIGN OF NEW HOUSING DEVELOPMENT) sets out general design considerations for new housing development.

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

Policy T7 (CYCLE PARKING) requires new development to provide secure cycle parking in conformity with approved standards and in appropriate public locations where it contributes to greater cycle use.

Policy T10 (PRIVATE CAR PARKING) requires all new development to comply with approved car parking standards as set out in the Development Control Handbook

3 Conclusions and Recommendations

DETERMINING ISSUES

The determining issues are:

- Do the proposals preserve or enhance the character and appearance of the conservation area? If not, there is a strong presumption against the granting of planning permission.
- Do the proposals comply with the development plan?
- If they do, are there any compelling reasons for not approving them?
- If they do not, are there any compelling reasons for approving them?

ASSESSMENT

To determine this application the Committee should consider the following a) the principle of residential use b) the effect of the scale, form and design on the character and appearance of the conservation area c) the effect on neighbouring properties d) parking and road safety e) the amenity of the created units.

a) Residential use is acceptable in terms of local plan allocation as long as other policies are met.

Acoustic studies indicate no problems from the adjacent public house. Recent reports and ensuing works also mean that any potential noise from the joiner's workshop is already addressed (i.e. the recent consent for residential use above the joiners required works relating to noise reduction prior to consent being issued, and these works were carried out).

The mixture of unit types is well balanced and considered good for this site.

b) Conservation Area Character Statement

The Leith Conservation Area covers the extent of the historic town, including the Madeira Area (Leith's 'First New Town'), and also Leith Walk - the town's main link with Edinburgh City Centre. The character of the Conservation Area derives from Leith's history both as a port and as an independent burgh. Several fine Georgian and Victorian warehouses survive, some now converted for residential or office use; in many cases these were initially built to hold wine and dry goods, although many were converted in the late 19th Century to serve the whisky industry. A rich mixture of civic buildings and mercantile architecture survive, particularly at Bernard Street and The Shore. Significant earlier buildings include Lamb's House and St Ninians Manse (both early 17th Century); although many more recent buildings have been built, and present street pattern of The Shore closely follows that of the historic town.

The Inner Harbour of the water of Leith provides a vibrant focus for the Conservation Area, with buildings along The Shore forming an impressive waterfront townscape. The Conservation Area also covers the older parts of Leith Docks, containing many early features including listed dock buildings and the Victoria Bridge, a scheduled Ancient Monument.

The Madeira area retains a largely Georgian domestic character, with stone buildings and slate roofs predominating; some of the Georgian buildings retain astragaled windows and doors with fanlights. Many of the roads are setted, the main exception being Prince Regent Street; stone garden walls are a feature of this area. North Leith Parish Church provides a visual focus to this mainly residential area, which also includes major public buildings such as Leith Library and Town Hall.

Leith Walk remains the main artery linking the centre of Edinburgh to the old burgh of Leith. It characterised mainly by Victorian tenements and pubs at the ground floor level. There are a number of Georgian survivals, most notably Smith's Place dating from 1814. Between Smith's Place and Albert Street lies a series of tenemented streets, mainly designed by John Chesser.

Building types within the Conservation Area vary but are traditionally of stone with slate roofs; however more recent building has generally used block or render and traditional brick where previously found. Pockets of public housing development of the 1960s and 1970s, of a contemporary character, fall within the expanded Conservation Area. Open space is concentrated at Leith Links, which provides a spacious contrast to the relatively dense settlement pattern of the remainder of the Conservation Area.

The courtyard form of the development echoes several such courtyards in the older parts of Leith, most notably one diagonally opposite to the north-east, which is very similar in height and overall dimensions. Around one dozen such courtyards in Leith have a format where a secondary building sits parallel to the front building, behind a small yard accessed through a pend in the front building. The format therefore improves and enhances the character of the conservation area.

The chosen walling materials match the adjacent materials used on the new flats in schemes to north and east, which in turn echo the traditional brick buildings to the north-east and further east, and the materials formerly found on the site to the north. In this part of Leith, red brick was a traditional material. Many older buildings were in red engineering brick, sometimes on a sandstone ground floor base.

A condition is added to require a natural slate roof (addressing the sole Cockburn Association comment). This is also more appropriate to the Conservation area (even though the new build in question is wholly screened from public view on all sides.

Open space on site is provided through the provision of a central landscaped courtyard. This is primarily hard landscaped. This is appropriate aesthetically, to this former industrial section of the Leith Conservation Area. Soft landscaped areas total 10% of the site area. Hard surfacing totals around 40% of site area, and provides a visually appropriate courtyard, giving adequate amenity to the proposed units.

c) Daylight in the amended scheme is greatly improved relative to the status quo for residential neighbours, largely due to the removal of bulk on the northern edge.

The existing structures have an effect over the whole depth of the site, and cause loss of daylight to the north, although this is only over bin store roofs. The proposal will only affect a small area of path, adjacent to bin stores. The net effect is considerably less than at present. In the zone immediately adjacent to the gable there is a marginal drop in daylight, but this effect is contained to an area of path next to a bin store. To the west a car park has only recently been built, serving new flats on Mitchell Street. This land is overshadowed even at present, due to existing building heights. To this west side, the built form is again marginally higher than the existing built form, but since the land beyond is a car park (with some landscaped corners) there is no effect on amenity of neighbouring windows. Skylight Factor here remains acceptable. Redevelopment of the site to that side is unlikely, given the recent completion of flats here, and any prejudice to future development rights by the proximity of this development to the boundary and considered negligible.

Amenity of the neighbouring office to the south is also greatly improved through the reduction of built volume on site, and opening up of a courtyard, into which they will face.

Although all units created are dual aspect. The windows close to the west boundary (facing a car park) are non-apartment windows, and do not prejudice privacy to that side in terms of adopted policy. That site has, in any case, only recently been redeveloped, with no windows facing this site.

d) 100% car and cycle provision is proposed.

Transport has no objections to the proposal subject to introduction of waiting restrictions on the adjacent streets. This is addressed by condition.

e) The houses created on Elbe Street have dual aspect. Each has adequate daylight. They face a road (Pattison Street) and parking area opposite and no privacy issues arise.

The flatted units to the rear have dual aspect, but with all apartments facing east, to the rear of the front block. All have good daylight and sunlight.

The two blocks are 19m apart and meet privacy requirements internally.

Environmental Services comments on acoustic issues are satisfied that the public house is unproblematic but query the relationship to the joinery workshop to the south-west. There are however no openings from the workshop on this side. The new build section is only 1m from the rear of this block in the amended scheme, but this is a blank elevation. This compares favourably with the relationship of the joinery to existing new flats to the west, where windows exist only 3m from open doors and windows within the joinery. No complaints have arisen from this relationship. The applicant refuses to execute a further acoustic report in relation to the workshop as they feel this is a less onerous relationship than the public house (already accepted as satisfactory) and because the

position of their unit is further from it than existing flats which are closer to the open south side of the joiners. As a safeguard a condition is added requiring the units to protect themselves from any potential noise.

It is also noted that a recent consent for residential conversion of the attic floor of the building immediately to the south required the joinery to undergo improvements to lessen noise from operations and this has already been executed.

All created units are therefore considered to have adequate amenity.

It is recommended that this application is approved, subject to the conditions attached.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/Tel Stephen Dickson on 0131 529 3901 (FAX 529 3706)

Ward affected 22 -Lorne

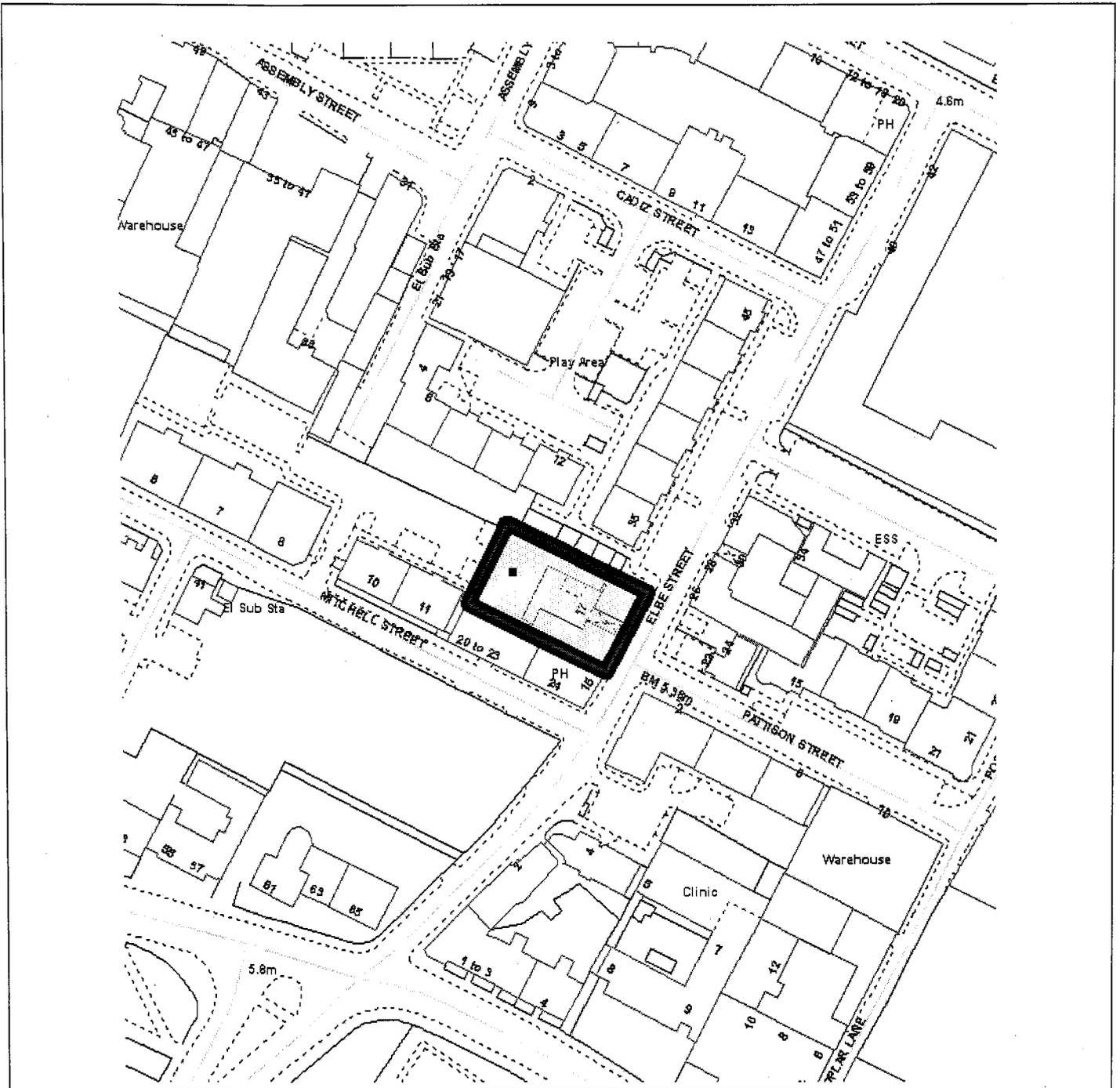
Local Plan North East Edinburgh

**Statutory Development
Plan Provision** Mixed Activities/Leith Conservation Area

File AF

Date registered 25 September 2003

**Drawing numbers/
Scheme** 2,11-12,14-15
Scheme 3



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PLANNING APPLICATION

Address	17 Elbe Street, Edinburgh, EH6 7HJ		
Proposal	4 terraced houses and 6 flats		
Application number:	03/03555/FUL	WARD	22- Lorne
THE CITY OF EDINBURGH COUNCIL			
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			