

**Enforcement Report into Breach of Control  
at  
145 Lochend Road  
Edinburgh  
EH7 6ET**

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

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**Owner/s**

**Occupier**

**Reference No:** 06/00140/E06

**1. Purpose of Report**

**Breach of Control:**

The inclusion of a pitched-roof, contrary to the grant of consent for a flat-roofed, combined bin store/ substation and water tank area, and subject to a committee refuse and enforce agreement regarding a previous application.

**Recommendation:**

That committee agrees to withdraw the sanctioning of statutory enforcement action, and grants consent for the pitched-roof.

**The Site**

**Site Description**

The combined bin store/ substation and water tank building is on the southwest corner of a large flatted development. The structure is located on Lochend Road, and has a tiled pitched-roof and light coloured, roughcast walls matching the flatted development.

The surrounding residential units, relating to the large flatted development, are both complete and occupied.

## **Site History:**

01.08.2003 – consent granted for 151 flats including small flat-roofed bin-store 02/03988/FUL.

13.02.2004 – consent granted for an additional 4 units within approved volume 02/03988/VARY.

15.02.2006 – refusal of a large pitched-roof bin store 05/03983/FUL.

30.08.2006 – Appeal relating to the refusal of 05/03983/FUL, dismissed.

01.12.2006 – consent granted for a flat-roofed, combined bin store/ substation and water tank 06/04342/FUL.

## **Representations**

No representations have been received.

## **Description of Development**

The unauthorised erection of a combined bin store/ substation with pitched-roof.

## **3. Officer's Assessment and Recommendations**

The determining issues are whether the development is acceptable with regard to the provisions of the development plan, so far as they are material, to any other material considerations, and in the light of these considerations, whether it is expedient to initiate enforcement action.

For this purpose the Committee needs to consider whether the development has an adverse impact on the amenity of the surrounding residential units, and the area surrounding the development, as a whole.

The building is located on the southwest corner of a large private development. Residential units on the ground and first floors look out onto this structure and its pitched roof. Notwithstanding the reasoning which led to the refusal of a pitched roof proposal previously, the pitched roof as built has had no adverse effect either on local amenity or on daylighting within the immediate residential units. No complaints have been received from those local residents regarding the existing roof line.

The building has a smaller footprint, and lies at a greater distance from the existing residential units than those measurements within the approved plans. (for 06/04342/FUL). The pitched roof does increase the total volume of the approved structure, but there has been no gain for the developer from this increase. The pitched roof ties in with the surrounding roof treatments, and as such a flat roof would create more of a visual distraction and give the sense that the overall development remains incomplete.

A further material consideration which was not considered during the determination of the original application for this development relates to crime prevention. (PAN 77, Designing Safer Places). Lothian and Borders Police have

expressed their concerns regarding security and safety, surrounding the reintroduction of a flat roof. Anti-social behavioural problems that have risen in the past, on this site, include 'youths climbing on the fence and onto the adjacent flat roof and youths vandalising the roof'. A flat roof also creates a platform on which youths may harass residents on the upper levels of the residential block, as well as those on the ground level. Security measures such as barbed wire or razor wire are considered to be subsequent alternate methods for limiting disruptive behaviour, linked with this structure. However, the visual impact of such measures would be more of a detriment to local amenity.

The Council's non-statutory guideline on 'Daylighting, Sunlight and Privacy' requires that all proposals should be checked using the '43 degree method' to ensure that overshadowing is minimised. The introduction of the new roof structure, due to the pitch, has no material affect on daylighting requirements and as such complies with guideline figures.

In conclusion, with respect of the issues raised it is not considered expedient to take any further action regarding the pitched-roof.

It is therefore recommended that Committee agrees to withdraw the sanctioning of statutory enforcement action, and grants consent for the pitched-roof.



**Alan Henderson**  
Head of Planning and Strategy

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<b>Contact/tel</b>	Ross Middleton on 0131 529 6127
<b>Ward affected</b>	Ward 38 - Restalrig (OLD)
<b>Local Plan</b>	North East Edinburgh Local Plan
<b>Statutory Development Plan Provision</b>	Housing and Compatible Uses
<b>File</b>	
<b>Date Complaint Received</b>	22 February 2006

## **Planning Policy**

### Consultations

#### Lothian and Borders Police

The development, overall, has experienced a high level of determined criminal attack over the last 6 months. The boundary with a pathway, which leads into the Hawkhill estate, seems to have been a focal point for much of the criminal activity, which has occurred. The building has been poorly designed, with a flat roof situated immediately adjacent to this pathway.

The problems include; Youths climbing on the fence and onto the adjacent flat roof; youths vandalising the roof and stealing lead there; and, youths vandalising and breaking the stone pillars, coping stones and fencing. Measures such as barbed wire, razor wire, anti climb paint and security fencing, constructed on top of the flat roof, could prevent access and vandalism. The site lies in an area of Housing and Compatible Uses as shown in the North East Edinburgh Local Plan.

#### Relevant Policies:

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 H7 (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 the reasonable prospects of further residential development where this is an objective of the Local Plan.

The finalised Edinburgh City Local Plan requires:

Policy Des 1 (DESIGN QUALITY AND CONTEXT): states that design should be based on an overall design concept that draws upon positive characteristics of the surrounding area to create or reinforce a sense of place, security and vitality.

Policy Des 3 (DEVELOPMENT DESIGN): determines that development is permitted where it has a positive impact on its setting, having regard to the positioning of buildings on site, their height, scale and form.

#### Planning Advice Note 77, Designing for Safer Places

Designing for safer places, highlights the positive role that planning can play in helping to create attractive and well managed environments which help to

discourage antisocial and criminal behaviour. An understanding of the characteristics of the local area and an appreciation of an area's physical, social and economic circumstances can enable a better design solution.

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

## Appendix A



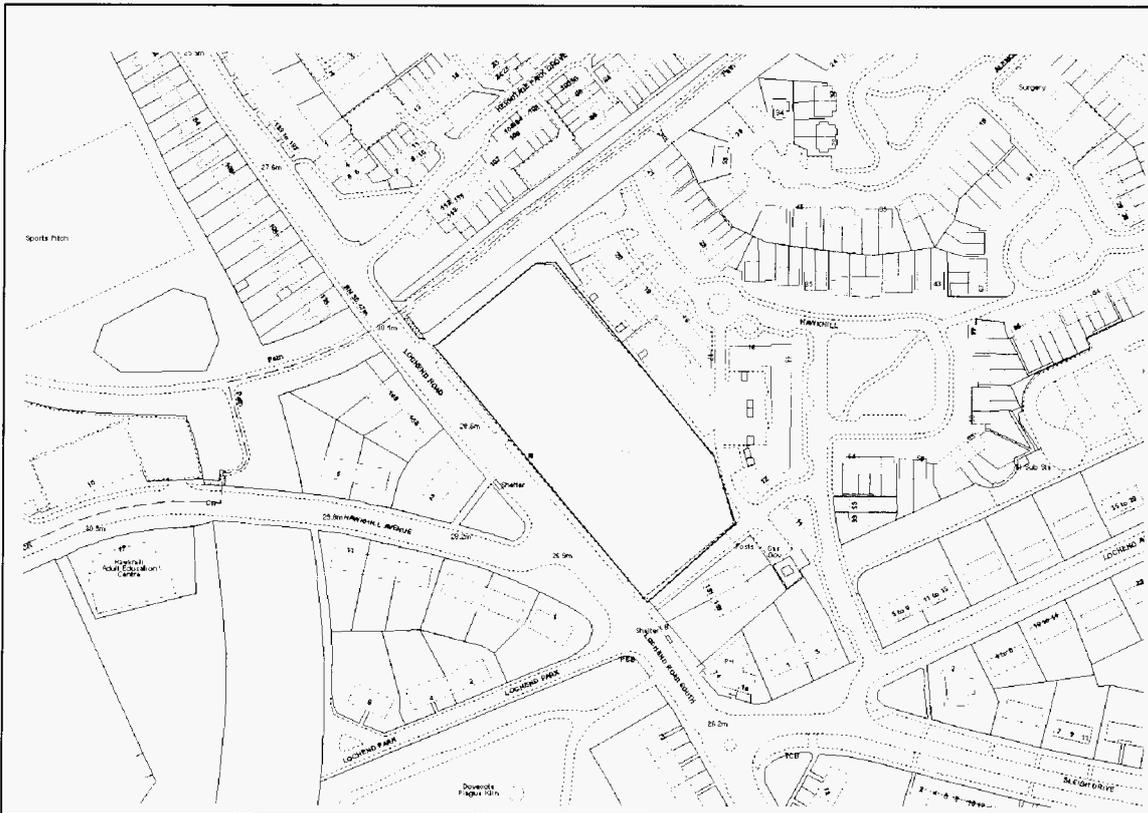
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### Location Plan



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