

Full Planning Application
at
Flat 1
36 Drum Street
Edinburgh
EH17 8QH

Development Quality Sub-Committee
of the Planning Committee

Proposal: **Erection of 4 flats and 2 retail units (as amended)**
Applicant: Mr Sheerin
Reference No: 03/03879/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 accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent.
3. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
4. The hours of delivery to the retail units and the new beer store shall be restricted to 8.00am to 8.00pm only.

5. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Head of Planning & Strategy, having first been agreed by the City Archaeologist.

6. 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.

7. The existing trees which lie within the proposed amenity open space area shall be retained and protected during the course of construction to the satisfaction of the Head of Planning and Strategy. A plan showing the number and type of trees to be retained shall be submitted for the approval of the Head of Planning and Strategy prior to the commencement of work on site.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2. To comply with current legislation in terms of the Roads (Scotland) Act 1984.

3. In order to safeguard the amenity of neighbouring residents and other occupiers.

4. In order to safeguard the amenity of neighbouring residents and other occupiers.

5. In order to safeguard the interests of archaeological heritage.

6. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

7. In order to retain and/or protect important elements of the existing character and amenity of the site.

2 Main report

Site description

The application site comprises partly walled/partly fenced garden ground attached to an existing public house, which is located on the south west side of Drum Street. The main public house to the south east is two storeys with a small single storey wing to the west, part of which is to be demolished and the land incorporated into the development site. There are several garden trees and shrubs on the site. The public house is statutorily listed, category C(s). The wing is a new addition.

To the north west there is a single storey cottage adjacent to the site and others fronting Drum Street. There are other one, one and a half and two storey houses surrounding the site. There are residential gardens adjoining the south and west boundaries, with the Parish Church beyond these to the south west. The existing materials are a mix of stone and different renders with mainly natural slate roofs. The boundaries are stone and timber fencing.

There is a row of commercial uses opposite the site, across Drum Street.

The site lies within Gilmerton Conservation Area.

Site history

There is no relevant planning history for this site.

Development

This application is for the erection of two ground floor retail (class1) units fronting onto Drum Street with four flats above. A pend access is proposed at the southern end of the site, leading to a parking area and garden at the rear.

The initial scheme was for a two and a half storey development across the full width of the site with a 1.5m set back half way along the site and access for the flats, and servicing for the retail units, from the rear.

Amendments have been carried out through the submission of schemes 2 and 3. These reduce the maximum height from 11m to 9.5m and from 10.4m to 7.8m for the end unit over the pend. All the main roof dormers have been deleted to the front, other than two above the pend. The development is now mainly two storeys with velux windows to the front and dormer windows to the rear. Adjacent to the single storey cottage the development steps down to one and a half storeys.

The retail proposal comprises one single unit, with full height windows and a central glazed door and one double unit with two corresponding window/door details. The eastern half of the development lines through with the front building line of the public house, whilst the west half is set back 1.5m to give a wider pavement in front of the pend and one of the retail units. The adjacent cottage is then set back a further 1.5m behind the proposed building, with a gap of 1.2m between the buildings.

The main access to the flats and shops is now to the front with secondary rear access to the shops only. Cycle storage is provided in the rear courtyard and bins in the pend. The proposed garden area is approximately 60square metres or 18% of the development site.

The proposed materials are smooth render to the ground floor; wet dash render to the upper floors and clay pantiles with slate edge courses. Timber double-glazed sash and case windows and doors are proposed with cast stone basecourse and band details.

The public house wing is to be cut back by 3.8m giving a gap of 1m between it and the new block. A new wall and timber gates are to be erected in front of the wing, where there is currently a 3m set back, in order to create a new external beer store. A new timber fence will separate the public house from the new development. Existing rear stone boundary walls will be retained.

Consultations

Transport

The application requires to be continued for amendments to ensure that the rear area meets adoptable standards. If access to the development were available to all parts from the front, the adoptable standards applicable to the rear would not be required.

Further Comments - 20.02.04

No objection to the amended proposals subject to the following condition:

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All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent.

Environmental Services

The proposed development would not be compatible with the use of the public house. At present the lounge part of the bar is not in use but has potential to function as part of the public house in the future. This proposal involves direct communication between the flats and the public house. Refusal is recommended on the grounds of noise nuisance from both music and deliveries from the adjacent public house.

Further Comments - 25.03.04

Further to the revised plans received by this Department which outline that the proposed retail and residential development is now physically separate to the public house, and as there is at present residential use in close proximity to the public house, the Department of Environmental and Consumer Services would have no objection to the proposed development subject to the following conditions:

1. Prior to the commencement of work on site:
 - a) a site survey (including bore hole testing where necessary) shall be carried out to establish, to the satisfaction of the Head of Planning, either that the level of contamination of any land within the site is acceptable, or that remedial and/or protective measures could be undertaken to bring the contamination to an acceptable level in relation to the development, and
 - b) a detailed schedule of any required remedial and/or protective measures, including their programming, shall be submitted to and approved in writing by the Head of Planning.
2. Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule to the satisfaction of the Head of Planning.

In relation to the proposed retail units the conditions below must be attached.

The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

Hours of delivery shall be restricted to 8am to 8pm.

Archaeologist

The development site is close to the 18th century Gilmerton Cove and fronts onto Drum Street which formed one of the main medieval routes into Edinburgh. The site therefore has potential for containing important archaeological remains. It is recommended that a programme of work should be secured by imposing a condition, based on that in PAN42, on any consent.

Representations

Neighbour notification was carried out on 14 October 2003 in respect of Scheme 1 and the application was advertised on 14 November 2003. One objection letter was received from a neighbouring resident and one letter of comment from a commercial occupant. The Cockburn Association have also commented and another resident has queried the neighbour notification (since clarified) and raised one point of objection.

The points of comment are: -

1. The building line should respect existing frontages and if possible widen the existing narrow footpath.
2. The design must be in keeping with the character of the old village.
3. The development should be set within the context of the existing two-storey pub and single storey cottage: context drawings should be submitted.

The grounds of objection are: -

1. Height out of keeping with the area.
2. The increase in noise and traffic.
3. The likely increase in on street parking and congestion.
4. Likely loss of privacy.

Neighbour notification was redone following the submission of Scheme 2. The one commercial neighbour reiterated previous comments.

Policy

The application site lies within Gilmerton Conservation Area in the Finalised South East Edinburgh Local Plan and opposite a group of commercial units which form part of the designated Local Shopping Centre. Other parts of the Centre lie to the north west and south east of the application site.

Finalised Local Plan

Relevant Policies:

Policy DQ12 controls development on or adjoining Listed Buildings to ensure it does not adversely affect the architectural character of such buildings.

Policy DQ17 requires special attention to be given to the design of development proposals within a conservation area.

Policy R2 supports proposals for retail development on sites in or adjacent to an existing local shopping centre which compliment the centre and are compatible in scale and character.

Adopted Local Plan

Relevant Policies:

Policy H3 requires all new housing development to make provision for landscaping and open space.

Policy H4 sets out quality objectives for new development, especially with special regard to Conservation Areas.

Policy E4 sets quality objectives for new development.

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

3 Conclusions and Recommendations

DETERMINING ISSUES

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 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 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 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 proposed uses are acceptable in this location
- b) The proposals are in keeping with the character and appearance of the conservation area and the Listed Building.
- c) The proposals will be detrimental to residential amenity
- d) The proposals will be detrimental to road safety

a) The site, as garden ground to the public house, is already in commercial use. There are commercial uses opposite the site and the area to the west, centred around the main crossroads, is identified as a shopping centre in the adopted Local Plan. This is shown as several smaller areas in the Finalised Plan. The retail proposal is therefore compatible in scale and character with the existing centre. Other surrounding properties are in residential use and the site is covered by a general residential policy allocation in the Local Plan. The proposed flats are therefore acceptable in principle.

b) GILMERTON CONSERVATION AREA CHARACTER STATEMENT

The character of the Conservation Area derives from its long history as a rural village and a centre of coal mining and limestone quarrying. A number of old buildings survive, only one of which is listed, and are the basis of the Conservation Area. With its shopping activity it is a focal point of identification for the surrounding modern housing schemes. It has a distinctive hilltop location on the edge of the urban area with open countryside still abutting to the south. It thus gives the Green Belt a suitable edge. Derelict and underused buildings provide an opportunity for restorative developments in keeping with traditional scale and character.

The site currently forms a gap in the row of buildings fronting Drum Street. A sensitive infill development would therefore be acceptable in principle, provided it was in keeping with the character of the area.

As amended, the proposals line through with the existing ridge height of the public house and the forward building line of that property. The step down at the north west end now means that the adjacent block is only 1.9m above the ridge of the cottage and 0.7m above the height of the chimney. The development sits well within the context of the surrounding buildings. A plan showing this has been submitted. Open space provision is satisfactorily.

The building has a simple style and the detailing and materials correspond to surrounding properties. The proposals, as amended, are in keeping with the character and appearance of the conservation area.

The main public house building is statutorily listed, category C(s). The wing is a modern flat roof addition. Its partial demolition does not affect the character of the main building and does not require Listed Building Consent. The formation of the new front wall which will tie into the listed structure will require Listed Building Consent. The materials for the new wall can be agreed as part of that consent.

c) The location of the new block within the gable to gable zone between the pub and the cottage ensures that there will be no overshadowing of adjacent land. Because there is over 1m separation between the new building and the cottage there will be no loss of daylight to this property even though the cottage is set back 1.5m.

All the attic floor dormers are 9m or more from the rear boundary. There are two windows which do not fully comply with privacy distances on the first floor level. One is a kitchen window at the west end of the building which, because of the angles of the boundaries, will be 7.5m from the rear courtyard of the adjacent cottage. This courtyard is already overlooked by cottages opposite and is primarily used for parking vehicles rather than as amenity ground. The amenity of this property will not be adversely affected by the minor breach in privacy standards.

The other window is a kitchen at the opposite end of the site which will be 8.4m from the rear boundary of an adjacent house on Ravenscroft Street. This property already has windows within 7m of the development site, but because of the location of trees on both sides of the boundary and a high stone wall the breach in normal standards is not noticeable. As this is a two way reduction in standards, and the existing trees could be retained on the open space to be located along this boundary, this minor breach in policy is acceptable. The proposals will not be detrimental to residential amenity.

Environmental Services is satisfied that with the amendments to the plans in relation to the public house, the amenity of proposed residents will be to an acceptable level. Open space provision is in line with policy requirements.

d) Transport has confirmed that the parking layout is acceptable and supports the servicing of the retail units from the main street. With the removal of existing front walls and fences the majority of the pavement will be widened, though the recess in front of the pub is being taken up for a new store.

The proposals will not be detrimental to road safety.

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

Alan Henderson

Alan Henderson
Head of Planning and Strategy

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Ward affected 56 -Gilmerton

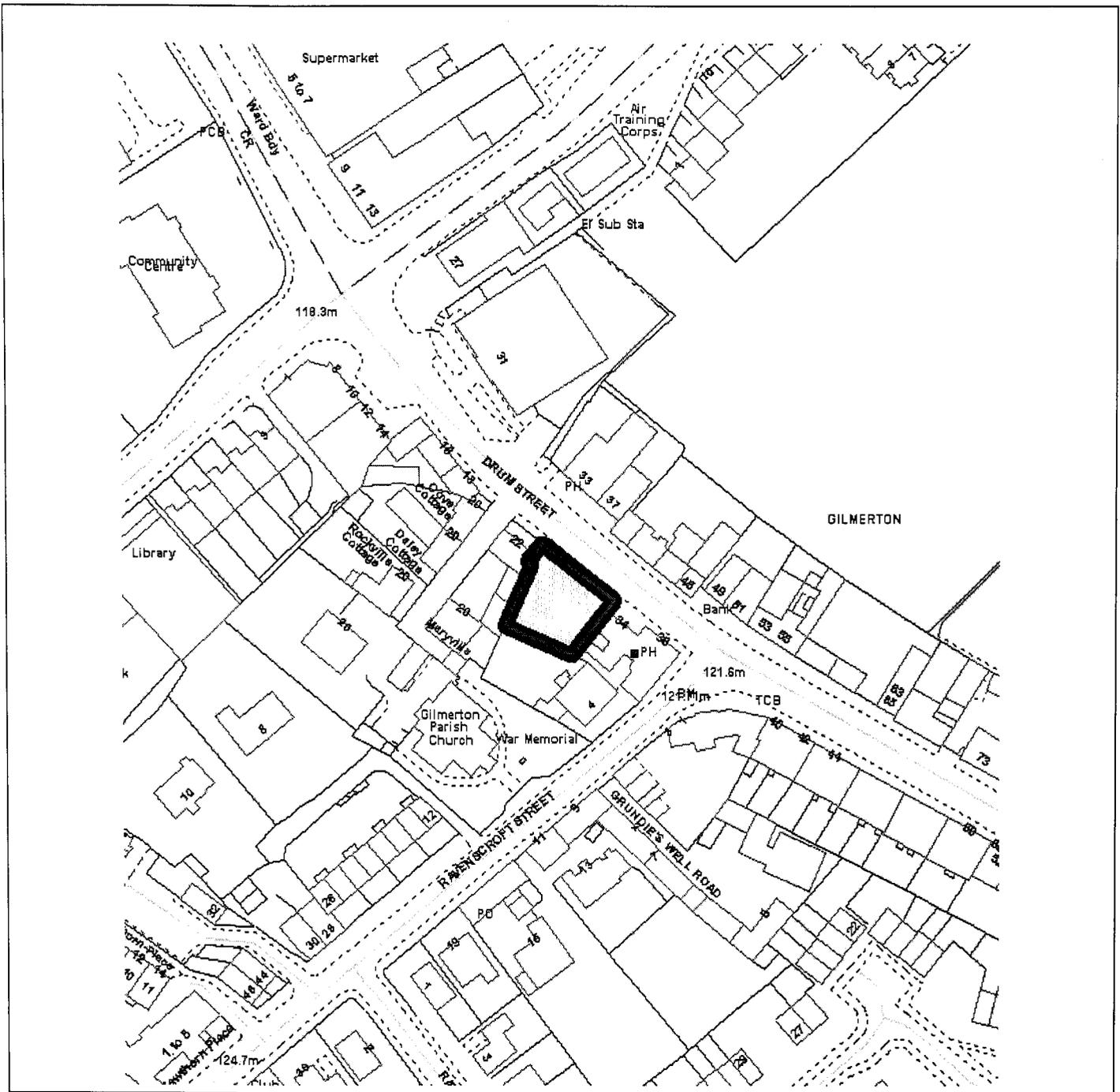
Local Plan South East Edinburgh

**Statutory Development
Plan Provision** Conservation Area

File af

Date registered 17 October 2003

**Drawing numbers/
Scheme** 05-07
Scheme 3



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PLANNING APPLICATION

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Application number:	03/03879/FUL	WARD	56- Gilmerton

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