

Development Management Sub Committee

Wednesday 24 April 2019

**Application for Planning Permission 19/00799/FUL
At 5 - 7 Thorntree Street, Edinburgh, EH6 8PY
Erection of 3, two storey, flat-roofed, two bedroom houses
with associated parking, bike storage, refuse/recycling
storage, amenity space and private gardens.**

Item number	4.18
Report number	
Wards	B12 - Leith Walk

Summary

The site is suitable for residential development and the proposed density is less than its surroundings. There is a need for family homes with gardens in this area. The low density is appropriate for a mews type development. Scale, form and design are appropriate and amenity levels both to occupants and to neighbours will be adequate. Parking and cycle parking meet policy requirements. No other considerations outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LHOU01, LHOU02, LHOU04, LDES01, LDES04, LDES05, LTRA02, LTRA03, NSG, NSGD02,
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Report

Application for Planning Permission 19/00799/FUL At 5 - 7 Thorntree Street, Edinburgh, EH6 8PY Erection of 3, two storey, flat-roofed, two bedroom houses with associated parking, bike storage, refuse/recycling storage, amenity space and private gardens.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The site is an area of land enclosed by tenements and accessed through a pend on Thorntree Street. It extends to an area of 573 square metres and previously held an industrial style workshop building. This was demolished recently (this did not require permission) and the site is now cleared, other than the semi-mature trees retained at the north and south ends of the site.

The site immediately adjoins common back greens on all sides.

The surrounding tenements are of two broad dates: those to the north (Thorntree Street) and east (Easter Road) date from around 1885 to 1890; those to west (Halmyre Street) and south (Lorne Street) date from around 1905 to 1910. Although none are listed or in a conservation area, they form a homogenous stone-built environment enclosing the application site.

2.2 Site History

25 August 2015 - part change of use to residential approved (planning reference: 15/02275/FUL).

17 January 2018 - redevelopment of workshop to create 8 flats in a four storey block refused ((planning reference: 17/03140/PPP).

Main report

3.1 Description Of The Proposal

The application proposes three two-bedroom houses, laid out in a stepped terrace, to reflect the existing angled site.

The units are flat-roofed. North-south walls are expressed in facing brick and extend to north and south as fins. The flat roof has a deep overhang to both north and south, protecting the timber-clad faces on these sides.

Each house has two cycle spaces at the front and a single car parking space. Each has an enclosed south-facing private garden.

Bin storage is provided between the block and the entrance pend.

Drawings were added to clarify that the semi-mature trees on site shall be retained.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposed use is acceptable in principle and the type of housing is appropriate;
- b) the proposed scale, form and design are acceptable;
- c) parking and cycle parking standards will be met;
- d) the amenity of the proposed houses is acceptable;
- e) impact on neighbouring amenity is acceptable;
- f) other considerations; and
- g) comments are addressed.

a) Principle of Use and House Type

LDP policy Emp 9 considers loss of employment sites.

The former employment use ceased upon demolition of the former shed. Whilst a new employment use may have been possible on the site, the proposed housing does not prejudice any ongoing employment use nearby and the proposal contributes to the wider regeneration of the area. The requirements of policy Emp 9 are met.

LDP policy Hou 1 seeks that priority will be given to the delivery of the housing land supply and the relevant infrastructure as detailed in the plan, including on "other suitable sites in the urban area, provided proposals are compatible with other policies in the plan".

The proposed housing is situated in an area of predominantly residential use with residential properties bounding the site on all sides. A residential use on the site is compatible with neighbouring uses. The proposal accords with LDP policy Hou 1, subject to compliance with other relevant LDP policies.

There is a lack of family houses with gardens in the area, and few sites where this form of development would be possible. The proposal directly addresses policy Hou 2 on housing mix in this regard.

The proposed density equates to only 52 units per hectare, which is low in relation to the tenemental surroundings, but appropriate to this rear site. This density is appropriate for a mews-style development and accords with LDP policy Hou 4 on density.

b) Scale, Form and Design

LDP policy Des 1 considers the quality of new design and policy Des 4 seeks that new development fits with its setting.

A previous application of four storeys, matching the surrounding scale, was refused (see History). There is a presumption on this site that development should not match the surrounding buildings in scale and form. and that the site merits a low key solution i.e. a maximum of two storey in height.

Whilst the two-storey proposal does not match the surrounding tenemental form, it is considered an appropriate scale for this rear site. Lower scale buildings are typical of these sites behind the tenements, and are relatively common with the wider area, even if not currently found on this site.

The site was previously occupied by a single storey warehouse building of minimal architectural quality, and occupying most of the site. This previous building was incongruous in terms of its surroundings.

The development of small-scale housing is appropriate on this site. The use of a flat rather than pitched roof minimises daylight impact on neighbouring sites. The proposal will create a "sense of place" in relation to its site and will not damage the character of the wider area.

Due to the secluded location of the site, there is almost no impact from any public street other than a narrow glimpse view through the pend on Thorntree Street. Upon entry to the site, through the pend, the development will create a pleasant and acceptable environment.

The form and design are appropriate to this site and the requirements of policies Des 1 and Des 4 are met.

c) Parking and Cycle Parking

LDP policy Tra 2 considers car parking requirements.

Council guidelines now seek to minimise car generation. The proposal provides one space per house which is now the maximum provision allowed. Policy Tra 2 is met.

LDP policy Tra 3 considers cycle parking requirements.

The proposal includes two cycle spaces per house, which meets policy requirements.

Access to the site is unaltered.

The requirements of policies Tra 2 and Tra 3 are met.

d) Amenity of the Proposed Houses

LDP policy Des 5 and Hou 3 consider the amenity needs of new housing.

Each house is dual aspect with a south-facing garden. Garden sizes vary from 26 to 38 square metres. The gardens are distant from the surrounding tenements and will have adequate sunlight and daylight.

The houses are each 80 square metres in area and meet minimum space standards for a two-bedroom house.

Daylight and sunlight levels will be adequate.

Amenity of the proposed houses will be acceptable and meet the requirements of Des 5 and Hou 3.

e) Impact on Neighbouring Amenity

LDP policy Des 5 and the Edinburgh Design Guidance consider impact on neighbouring amenity.

Due to the existing relationship of the site to the rear of the Thorntree Street tenements, whilst the development can achieve 9 metre distances to its own boundary, due to short back greens on the properties to the north, some window to window privacy distances drop to 15 metres. This is acceptable in this tight urban context.

On the south side some windows lie only 5 metres from the southern boundary. However, the adjacent land on this side is common back green, and privacy issues do not arise. The windows of the development on the south side face the rear of Lorne Street tenements, over 100 metres distant. No privacy issues arise on the south side.

In terms of overshadowing, the gables of the proposal have a small impact on the common greens to both east and west. This totals around 10 square metres on each side. The back greens in question each have an area of over 100 square metres so this represents an impact on less than 10% of the area. Policy itself seeks to protect daylight to neighbouring windows. No neighbouring window is overshadowed in policy terms. Moreover, it is noted that the previous industrial shed on the site overshadowed the same areas to both east and west to a more extensive degree than now proposed.

In summary, whilst there are minor breaches to privacy and daylight, these are acceptable both due to the previous building on the site and due to the mews style of the development. These minor infringements of policy Des 5 are acceptable.

f) Other Considerations

LDP policy Env 8 considers potential impact on archaeological remains.

The City Archaeologist highlights that industrial development on the site predates the surrounding tenements.

A condition is added seeking an archaeological investigation of the site.

LDP policy Env 12 considers impact on trees.

Four semi-mature trees stand on the south side of the site and one on its north side. The proposed building is further from these trees than the previous structure, hence there is no reason to suppose these trees will be adversely impacted.

Bin location is illustrated on the east side of the vehicle access. It is noted that waste collection throughout the adjacent area is from communal bins on the streets. The illustrated bin location will only be required if the method of waste collection alters. Potential noise from bin use is not a planning consideration.

As a previously industrial site the land may require decontamination. This is addressed by condition.

g) Public Comments

Material Considerations

- The site is not suitable for housing - addressed in section 3.3 a).
- Loss of privacy and daylight - addressed in section 3.3 e).
- Inappropriate, scale and design - addressed in section 3.3 b).
- Lack of parking provision - addressed in section 3.3 c).
- Density of residential properties in area already too high - addressed in section 3.3 a).
- Tree loss - addressed in section 3.3 f).
- Bin location will cause noise - addressed in section 3.3 f).
- Site may require decontamination - addressed in section 3.3 f).

Non-material considerations

- Site should remain open space - the land is a brownfield site, whose original development predates the tenements.
- Lighting will cause disturbance - this would equally be true were the site redeveloped to its previous use.
- Noise disturbance during construction - this is not a planning consideration.
- Noise from cars going through pend - this aspect previously existed.
- Devaluation of property - this is not a planning consideration.
- Bin location in alley-way is inappropriate - this is a misinterpretation of plans, the bins are south of the pend.
- Loss of view - views are not protected.
- Insufficient access for emergency services - this is a building warrant issue.
- Contrary to title deed requirements - this is a legal issue.
- The previous industrial shed has been demolished - this is self-evident.
- Road safety - the access is unchanged.
- As the locked gate on the pend will disappear security issues will arise - the status of the previous gate (locked or unlocked) is not a planning concern.

Conclusion

The site is a backland brownfield site. The principle of residential use is acceptable on the site, and a mews style development is deemed more appropriate than a form matching the surrounding scale. The proposal would create a pleasant residential environment with minimal impact on surrounding properties. Car parking and cycle parking meet policy requirements.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. 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 Planning Authority, having first been agreed by the City Archaeologist.
2. 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, 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 Planning Authority.

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 for the approval of the Planning Authority.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application attracted 40 objections, mainly from neighbours, including comment from Tommy Sheppard MP. A petition with 50 signatures (including several who wrote separately) was also submitted.

All representations were in objection. A summary of objections is within section f) of the Assessment.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site lies within the white Urban Area as shown in the Edinburgh Local Development Plan.

Date registered

18 February 2019

Drawing numbers/Scheme

1-3,4a,5,6,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Appendix 1

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Consultations

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

Note:

The proposed 2 cycle parking spaces and 1 car parking space per unit is acceptable.

Archaeologist

Further to your consultation request, I would like to make the following comments and recommendations in respect to this application for the erection of three two-storey flat roofed two-bedroomed mews houses with associated parking, bike storage, refuse/recycling storage, amenity space and private gardens.

The site was developed during the mid-late 19th century for maritime industry, with the 1st Edition OS map showing the site forming part of rope walk with associated outbuildings/workshops. Prior to this date the site is likely to have remained open fields, though it is close to the presumed line of English siege works associated with the 1559-60 Siege of Leith, adjacent to Easter Road which became the main route between Leith and the Canongate by the 17th century. As a minor country road Easter Road is likely to date back to the early medieval period. The site was occupied until c.2017 by a warehouse constructed between the OS maps of 1876 and 1893.

Based on the historical and archaeological evidence the site and warehouse have been identified as occurring within an area of archaeological significance. Accordingly, this application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policies EV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

As stated in my responses earlier applications, most recently 2017 (17/03140/FUL), for this site it was occupied by an unlisted warehouse parts of which were thought to date back to the last quarter of the 19th century. Despite requesting recording of this structure prior to demolition there is no record of this being done, nor what impact such work may have had on any underlying remains.

As the proposals will also require ground breaking works in terms of construction, it is essential that a programme of archaeological work is undertaken prior to development to record any surviving remains associated with this Victorian Warehouse and also any underlying archaeological remains including the site's former 19th century rope-walk and associated industrial outbuildings.

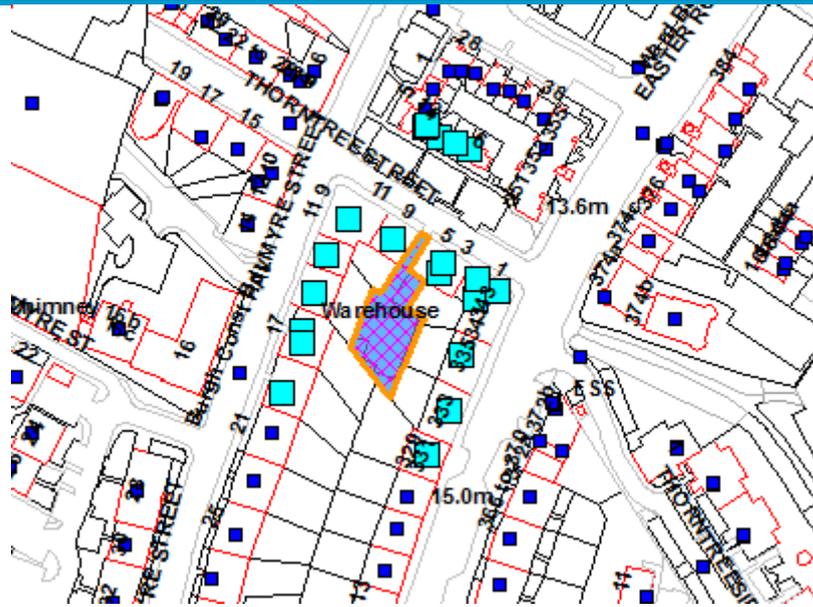
This will see a phased archaeological programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of the site post demolition. The results of which would allow for the production of appropriate, more detailed mitigation strategies to be drawn up to ensure the preservation and full excavation, recording and analysis of any further surviving archaeological remains.

It is recommended that following condition be applied to ensure that the above programmes of archaeological work are carried out;

'No development nor demolition shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Location Plan



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