

Development Management Sub Committee

Wednesday 12 September 2018

**Application for Planning Permission 18/02697/FUL
At 10 West Scotland Street Lane, Edinburgh, EH3 6PT
Change of use at 9, 9a, 9b (1st floor) and 10 (ground and 1st
floor) West Scotland Street Lane to Sui Generis (Flats) with
internal and external alterations (as amended)**

Item number	4.2(a)
Report number	
Wards	B11 - City Centre

Summary

The proposals comply with the Local Development Plan and are a minor infringement of the non-statutory guidelines, have no adverse effect on the character or appearance of the conservation area or character or setting of the listed buildings and have no detrimental impact on residential amenity, road safety or infrastructure. The benefit of bringing a building at risk back into use justifies a minor departure from non-statutory guidance. There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LHOU05, LEN03, LEN04, LDES05, LTRA02, LTRA03, NSG, NSLBCA, NSGD02, CRPNEW, LEN06,
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Report

Application for Planning Permission 18/02697/FUL At 10 West Scotland Street Lane, Edinburgh, EH3 6PT Change of use at 9, 9a, 9b (1st floor) and 10 (ground and 1st floor) West Scotland Street Lane to Sui Generis (Flats) with internal and external alterations (as amended)

Recommendations

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

Background

2.1 Site description

The application relates to an early 19th century, two-storey mews building on the north side of West Scotland Street Lane, within a triangular courtyard. The building, which is constructed in rubble sandstone with a slate roof, is category B listed (reference 45526, listed on 24 March 1998) and within the Old and New Towns of Edinburgh World Heritage Site. It is also on the Buildings at Risk Register (reference 5246) due to its structurally dilapidated state.

The property has not had an active use recently, but was last in use as a workshop and garage. There are three private garages at ground level at no. 9 West Scotland Street Lane. The surrounding area is predominantly residential and the Georgian townhouses to the north and east on Royal Crescent and Dundonald Street are category A listed (reference 29679, listed on 22 September 1965).

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Related Planning History

02 September 2014 - listed building consent granted for roof repairs including re-slating with Cupa H3 slates at 8 West Scotland Street Lane (14/02668/LBC).

Main report

3.1 Description Of The Proposal

The application is to convert no. 10 West Scotland Street Lane and the first floor of no. 9 to three residential flats: two 2-bedroom flats at no. 10 and one 1-bedroom flat at no. 9.

No parking provision is proposed in the development and the current parking space is being removed.

The following external alterations are proposed:

- reconstruct the roof with a lead-covered flat-central section and Cupa Heavy 3 slated pitches, raising the wallhead in matching sandstone by approximately 450mm;
- form a zinc-covered wallhead dormer with timber-framed glazed double doors and a Juliet balcony with a glazed balustrade on the front elevation and two single zinc-covered wallhead dormers on the east elevation;
- install a glazed/vertically-lined timber screen in the existing garage opening on the front elevation of no. 10; and
- replace the existing windows with timber-framed (or aluminium-clad timber-framed) windows.

The proposed internal alterations form part of the associated application for listed building consent (18/02885/LBC).

Scheme 1

The original scheme proposed a mansard roof with no increase in the wallhead height.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement;
- Planning Statement;
- Photographic Schedule;
- Structural Report; and
- Daylighting Study (Sun Path Analysis).

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 harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the 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?

3.3 Assessment

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

- a) the proposal is acceptable in principle in this location;
- b) the proposals adversely affect the character or appearance of the conservation area or character or setting of the listed buildings;
- c) the proposals are detrimental to residential amenity, road safety or infrastructure;
- d) any impacts on equalities or human rights are acceptable; and
- e) public comments have been addressed.

a) Principle

Policy Hou 5 of the Edinburgh Local Development Plan supports the conversion of non-residential buildings to housing in this area, provided a satisfactory residential environment can be achieved with appropriate open space.

The gross internal floor area of each proposed flat (approximately 67sqm for the two-bedroom flats and 53 sqm for the one-bedroom flat) complies with the minimal floor area requirements as set out in the Edinburgh Design Guidance. Small residential flats are appropriate for mews buildings which do not typically have private gardens.

The garages below the proposed flat at no. 9 are in domestic use so there are no concerns regarding noise affecting the future occupiers of this flat.

Provided other policy requirements are met, the development is acceptable in principle.

b) Character and Appearance of Conservation Area and Character or Setting of Listed Buildings

The proposed residential use is in keeping with the predominantly residential character of the Second New Town in which the site is located.

The New Town Conservation Area Character Appraisal identifies the key characteristics of this part of the Second New Town as:

- *the grid hierarchy of grand streets, lesser streets, lanes and mews;*
- *terraces of buildings with regular building plot widths and the consistent relationship of building lines to the layout of streets;*
- *the overwhelming retention of buildings in their original design form with a standard materials palette, including blonde sandstone and slated pitched roofs.*

This building is on the Buildings at Risk Register due to its very poor structural condition. Although the building was in use as a workshop and garage until relatively recently, no proper maintenance had been carried out for many years. The term "derelict" is accurate for the current state of this building. The roof has partially collapsed and needs total reconstruction. Large cracks have formed on the front and side elevations and the south-facing gable wall is leaning outwards. This gable needs to be rebuilt and localised re-construction is required at the cracked areas. Internally, there are large cracks in the walls and significant timber decay. The proposed residential use will encourage the regular occupation and maintenance of the property, safeguarding its future.

The proposed first floor flats at nos. 9 and 10 would not be habitable in terms of head room if the existing dual pitch roof were to be reconstructed as existing. The revised scheme proposes a flat section with pitches to match the existing angle which will provide the required level of usable space in these attic apartments. The raising of the wallhead by approximately 450mm in matching recycled sandstone will have minimal visual impact on the appearance of the building, whereas the mansard roof profile previously proposed would have been significantly more noticeable. This increased height will allow for any additional structural depth that may be required and insulation to provide a better thermal performance in compliance with the building regulations. Whilst changes to the original roof form are contrary to the non-statutory guidance on listed buildings and conservation areas, the change is designed to have minimal impact on the listed building and bring a building at risk back into use. It is therefore a justified infringement of the guidance.

The revised arrangement will have no detrimental impact on the symmetrical entrance to the lane which is formed by this building and its matching equivalent at no. 1. The symmetry of the lane has already been compromised by the extension of the end building on the north side to a full two-storey height with a flat roof.

A detailed materials specification has been provided and the existing sandstone will be recycled as much as structurally possible. Any required infills will be in stone recycled from similar mews projects rather than using modern new stone, unless necessary for features such as lintels or cills. The original slate and roof timbers are beyond repair. The contemporary detailing will demarcate the 21st century age of this intervention and the new wallhead dormers and windows will provide a higher level of daylighting than traditional-scale openings would allow. The building on the opposite side of the lane has a similar lead-covered, flat-roofed dormer and most mews in West Scotland Street Lane have had their original garage doors, entrance doors and windows replaced with modern-style versions in traditional materials. The proposed new design features will not therefore be out of keeping with the character of the lane.

The existing drawings have been revised to include the two chimneys on the north elevation, one of which is not on the applicant's property. The removal of the one chimney and vents on the north elevation is acceptable as these are redundant features which are not key elements of the listed building's special interest.

The setting of the adjacent townhouses in Royal Crescent and Dundonald Street will not be impacted negatively by these relatively modest alterations to an existing mews building.

No mature or significant trees will be removed and there is no statutory protection for the mature shrubs or any wildlife in this location. Some small trees and ivy are growing into the building, adding to structural instability.

Due to the small scale nature of the proposal, there is no requirement to assess the impact on the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site.

The proposals will therefore have no adverse impact on the character or appearance of the conservation area or character or setting of the listed buildings, in compliance with LDP Policies Env 6, Env 4 and Env 3.

c) Residential Amenity, Road Safety and Infrastructure

The proposed residences will have a satisfactory standard of amenity in terms of internal floor area and daylighting. While no private gardens will be provided, the properties are in close proximity to King George V park and within the vicinity of the Royal Botanic Gardens and Warriston park, so future occupiers will have adequate access to open space.

In terms of overshadowing, the existing structure overshadows the gardens of the townhouses on Royal Crescent to a certain degree. The sun path analysis carried out as prescribed by the Edinburgh Design Guidelines shows that the development will have no significant impact on the existing daylighting situation for these gardens. The building is too far away from the townhouses to have any impact on daylighting levels within these properties.

Normal privacy levels are relaxed for directly facing properties in mews lanes given that these standards would preclude the conversion of buildings to residential use. The installation of frosted glazing in windows to maintain privacy is neither appropriate in the historic context, nor enforceable in planning terms. The proposed additional windows in the side elevation are therefore acceptable.

The proposed residential use should not generate any significant noise for surrounding properties and any proposed future applications for change of use will be assessed on their own merits.

No off-street parking spaces are proposed, but the site is within Zone 1 of the Council's Parking Standards, which specifies no minimum number of parking spaces for two- or three-room dwellings (excluding kitchens and bathrooms). There is space within each flat for bicycles and the site is within a short walk of a major public transport route and local buses. Residents will be able to apply for a parking permit but the small scale nature of this development means there will be little impact on road infrastructure. A car-free development is unnecessary.

The development is not expected to generate any additional primary school pupils, so no financial contribution towards education infrastructure is required.

The proposed development will therefore have no detrimental impact on residential amenity, road safety or infrastructure, in compliance with LDP Policies Des 5, Tra 2 and Tra 3.

d) Impact on Equalities and Human Rights

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

e) Public Comments

Material Objections

- the small flats proposed are inappropriate in this location - this has been addressed in section 3.3 a).
- the building is not derelict and was in regular use as a workshop and garage until sold - this has been addressed in section 3.3 b).
- the raising of the height of the roof and change in profile will have an adverse effect on the listed building and conservation area and will destroy the symmetry of the lane opening - this has been addressed in section 3.3 b).
- there is a lack of information on the proposed re-use of materials and original materials should be re-used - this has been addressed in section 3.3 b).
- the demolition of the chimney and vents on the north elevation will have an adverse effect on character and these features are not shown on the existing drawings - this has been addressed in section 3.3 b).

- the modern design and roof dormers are out of keeping with the character of the surrounding area - this has been addressed in section 3.3 b).
- the removal of trees and mature shrubs will have a detrimental effect on the appearance of gardens and wildlife - this has been addressed in section 3.3 b).
- loss of daylight to neighbouring properties and gardens - this has been addressed in section 3.3 d).
- loss of privacy - this has been addressed in section 3.3 d).
- an increase in on-street parking problems in the surrounding streets, so the development should be car-free - this has been addressed in section 3.3 d).
- the existing garages are described as stores which is incorrect - this is indeed the case but is not material to the consideration of this application which does not include these properties.
- neighbour notification is incomplete - neighbour notification has been carried out in accordance with planning legislation.

Non-Material Objections

- The comments regarding noise, disruption and access for residents, emergency vehicles and refuse lorries during construction, potential letting and Airbnb use, owners' permission to alter the existing garages and the impact on telephone wires and utilities are non-material in planning terms.

Conclusion

The proposals comply with the Local Development Plan and non-statutory guidelines, have no adverse effect on the character or appearance of the conservation area or character or setting of the listed buildings and have no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

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 is not subject to 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 was advertised on 22 June 2018. A total of 25 representations were received comprising 23 objections, including one from the Fettes Row and Royal Crescent Association, and 12 supporting comments.

A full assessment of the representations can be found in the main report in the Assessment Section.

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 is located within the Urban Area as defined in the Edinburgh Local Development Plan.

Date registered

12 June 2018

Drawing numbers/Scheme

01, 02, 03A, 04A + 05A,

Scheme 2

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 5 (Conversion to Housing) sets out the criteria for change of use of existing buildings to housing.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

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.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

Appendix 1

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Consultations

Historic Environment Scotland

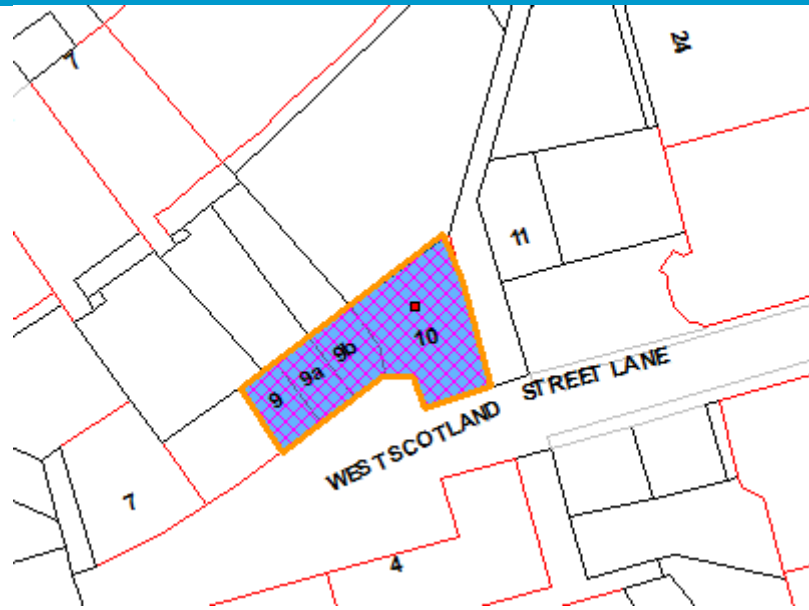
We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.

Communities and Families

The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

Using the pupil generation rates set out in the Supplementary Guidance, the development of 3 flats is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.

Location Plan



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