

MDA Studio.
FAO: David Moore
65 Redford Avenue
Edinburgh
EH13 0BU

Mr K Anderson.
15 Stenhouse Mill Crescent
Edinburgh
EH11 3LP

Decision date: 23 July 2019

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013

Change of Use of existing garages x4 and office space into studio apartments x2
including garage
At 15 Stenhouse Mill Crescent Edinburgh EH11 3LP

Application No: 19/01836/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 12 April 2019, this has been decided by **Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

Reasons:-

1. The proposals are contrary to the adopted Local Development Plan Policies Hou 5, Hou 3 and to the Edinburgh Design Guidance. The proposals do not provide any communal open space for future residents nor do they provide sufficient amenity in terms of daylight as both dwellings are single aspect.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-03, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The principle of housing in this location is acceptable. Transport and parking is acceptable and the minimum standards for the internal floor areas is achieved. However, there is no additional provision for communal or private open space for future occupiers and both dwelling are single aspect. Consequently, an acceptable residential environment is not achieved and the proposals are unacceptable.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Lesley Porteous directly on 0131 529 3203.

D R Leech

**Chief Planning Officer
PLACE
The City of Edinburgh Council**

NOTES

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The appeal can be made online at www.eplanning.scot or forms can be downloaded from that website and sent to the Planning and Environmental Appeals Division, 4 The Courtyard, Callendar Business Park, FALKIRK FK1 1XR.
2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission 19/01836/FUL At 15 Stenhouse Mill Crescent, Edinburgh, EH11 3LP Change of Use of existing garages x4 and office space into studio apartments x2 including garage

Item	Delegated Decision
Application number	19/01836/FUL
Wards	B07 - Sighthill/Gorgie

Summary

The principle of housing in this location is acceptable. Transport and parking is acceptable and the minimum standards for the internal floor areas is achieved. However, there is no additional provision for communal or private open space for future occupiers and both dwelling are single aspect. Consequently, an acceptable residential environment is not achieved and the proposals are unacceptable.

Links

<u>Policies and guidance for this application</u>	LHOU01, LHOU03, LHOU05, LTRA02,
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Report of handling

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site is in a primarily residential area to the west of the city centre. On three sides of the site there is semi detached and detached housing. There is a large area of road in front of the site. The site comprises four lock up garages and one office space. The site is generally flat.

2.2 Site History

15 November 1995 - Planning permission granted for the discharge of a condition restricting Class 4 offices to personal and temporary use. (application number 95/02072/FUL).

8 January 2019 - Planning application withdrawn for change of use of existing 4 x garages and office space to 2x dwellings including garages (application number 18/08942/FUL).

Main report

3.1 Description Of The Proposal

The proposal is for the conversion of four lock-up garages and one office to form two studio flats. Each studio dwelling will comprise a living/ dining/ bedroom area, shower/toilet, kitchen and utility room. A garage is also provide with secure cycle storage for two bicycles.

The existing render on the external walls will be replaced with a new smooth render. Doors and windows will be dark grey aluminium. Garage doors will be secure electric shutters and painted dark grey to match doors and windows.

The roof will comprise recycled lightweight plastic roof tiles. It will be ridged at the front and flat at the rear. The front of the ridge will have two electric velux windows with solar panels on both sides.

Approximately 700mm width of new paving will form a footpath in front of the apartments.

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, it needs to be considered whether:

- a) The principle of development is acceptable;
- b) The amenity of future residents is acceptable;
- c) Transport matters are addressed;
- d) Any impacts on equalities or human rights are acceptable, and
- e) Any comments raised have been addressed.

a) Principle of development

The application site is included within the urban area of the adopted Local Development Plan (LDP). The principle of housing in this location is acceptable.

LDP Policy Hou 5 of the adopted Local Development Plan (LDP) sets out the criteria for approving the change of use of existing non-residential buildings to housing. The first consideration is that a satisfactory residential environment can be achieved. This is not able to be achieved by this proposal as there is no additional open space for future occupiers and both flats are single aspect. There is not sufficient open space for future residents although car and cycle parking standards can be met.

Although the principle of housing is acceptable in this location, the proposal does not comply fully with Policy Hou 5 of the LDP.

b) Amenity of future residents

LDP Policy Hou 3 states that planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents. In flatted developments there should be a minimum of 10 square metres per flat. For this proposal that would equate to a minimum of 20 square metres of communal provision. There is no additional private or public open space provided for the future residents of the flats.

The proposal does not comply with LDP Policy Hou 3.

In order to ensure a good standard of overall amenity The Edinburgh Design Guidance states that for new development, single aspect dwellings should not make up more

than 50% of the overall numbers. Both studio flats are single aspect, therefore the proposal does not comply with that guidance.

The Edinburgh Design Guidance also sets out the minimum internal floor areas for new dwellings. The minimum internal floor area for a studio dwelling is 36 square metres. Both flats are 36 square metres each therefore achieve the minimum standard.

c) Transport matters

Transport has no objections to the application subject to several conditions or informatives being included as appropriate. Firstly, the applicant is to provide two car parking spaces for the new dwellings complying with the Council's parking standards. Also, the applicant should ensure that the location of the proposed planters should be positioned such that vehicular access to the neighbouring residential units is not compromised.

d) Equalities and human rights

This application raises no adverse comments in terms of equalities and human rights.

e) Public comments

A representation has been submitted raising the following point:-

- Access to neighbours parking area will be blocked. Addressed in 3.3 (c).

Conclusion

The principle of housing in this location is acceptable. Transport and parking is acceptable and the minimum standards for the internal floor areas is achieved. However, there is no additional provision for communal or private open space for future occupiers and both dwellings are single aspect. Consequently, an acceptable residential environment is not achieved and the proposals are unacceptable.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposals are contrary to the adopted Local Development Plan Policies Hou 5, Hou 3 and to the Edinburgh Design Guidance. The proposals do not provide any communal open space for future residents nor do they provide sufficient amenity in terms of daylight as both dwellings are single aspect.

Risk, Policy, compliance and governance impact

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

Equalities impact

5.1 The equalities impact has been assessed as follows:

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

Consultation and engagement

6.1 Pre-Application Process

Pre-application discussions took place on this application.

6.2 Publicity summary of representations and Community Council comments

One representation was received. The representation was not against the proposal but raised concern at the parking arrangements.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

Statutory Development

Plan Provision

The adopted Local Development Plan identifies the site as being within the general 'Urban Area'.

Date registered

12 April 2019

Drawing numbers/Scheme

01-03

Scheme 1

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lesley Porteous, Planning officer
E-mail:lesley.porteous@edinburgh.gov.uk Tel:0131 529 3203

Links - Policies

Relevant Policies:

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

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

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

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.

Appendix 1

Consultations

Transport Response -dated 16 July 2019

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

1. The applicant to provide 2 car parking spaces and complies with the Council's parking standards which could permit up to 2 parking spaces for the proposed change of use.
2. 4 cycle parking spaces to be provided complies with the Council's minimum parking requirement of 2 cycle spaces for the 2 studio flats.
3. A private pavement/footway of 0.7m wide to be provided in front of the proposed change of use and with additional planters to provide protection/safety from turning vehicles.

Note:

- a) The applicant should note that the turning area is privately owned and have to satisfy themselves that they have right of access.
- b) The location of the proposed planters should be positioned such that vehicular access of the neighbouring residential units on both sides of the proposed development are not compromised.

END

UP

H^R. W. DAVIDSON

166, STENHOUSE MILL LANE

RE ELECTROCONS

CHANGE TO TWO PLATS. EDINBURGH

APPLICATION N^o 19/01836/FUL. 2.5.2019.

Dear Sir

I have no objection to the prepared change. However I am concerned that the new owners do not restrict use of car parking to their garage.

The present owners have

always given attention to allowing access from and to my parking area, I have had problems caused by some car owners parking across the access area

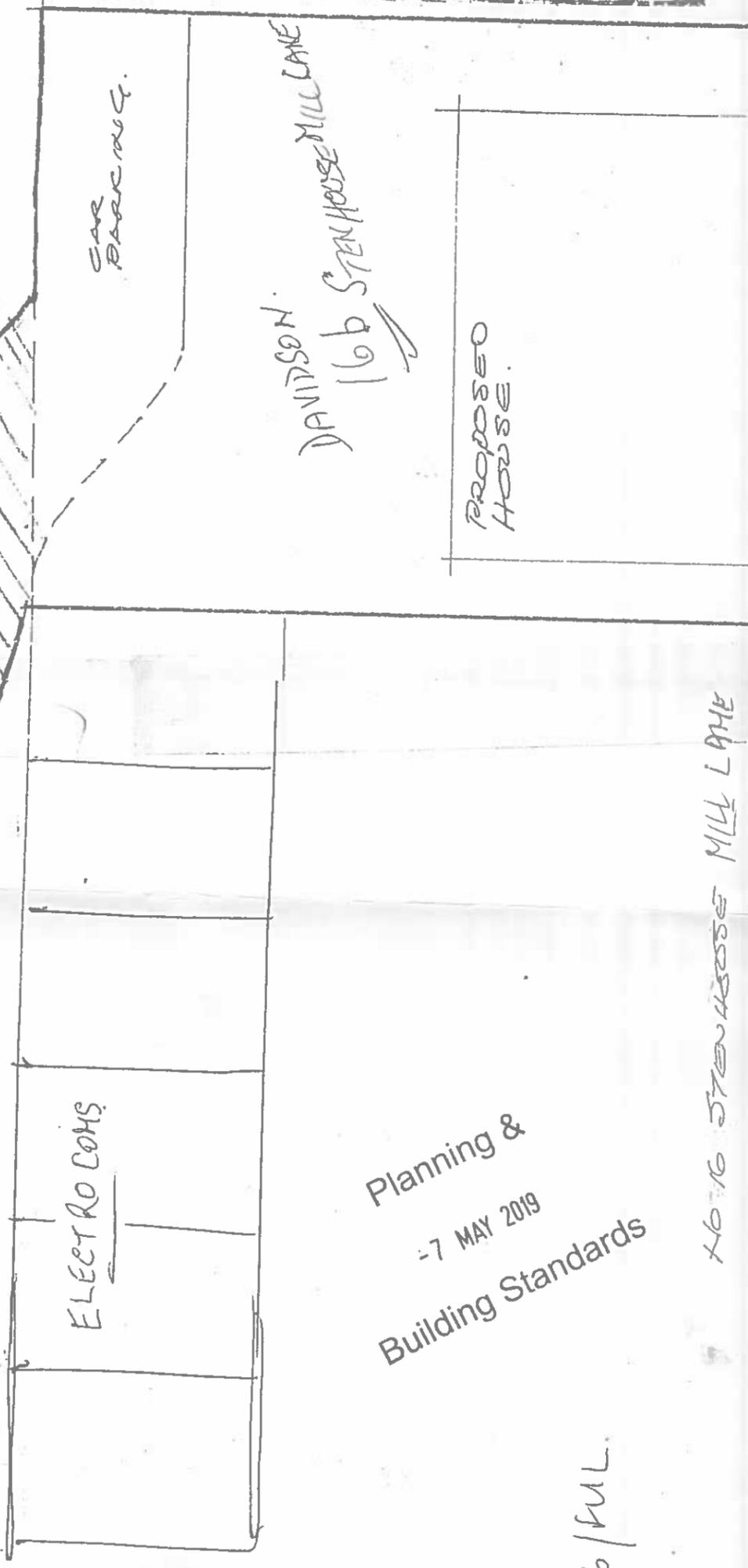
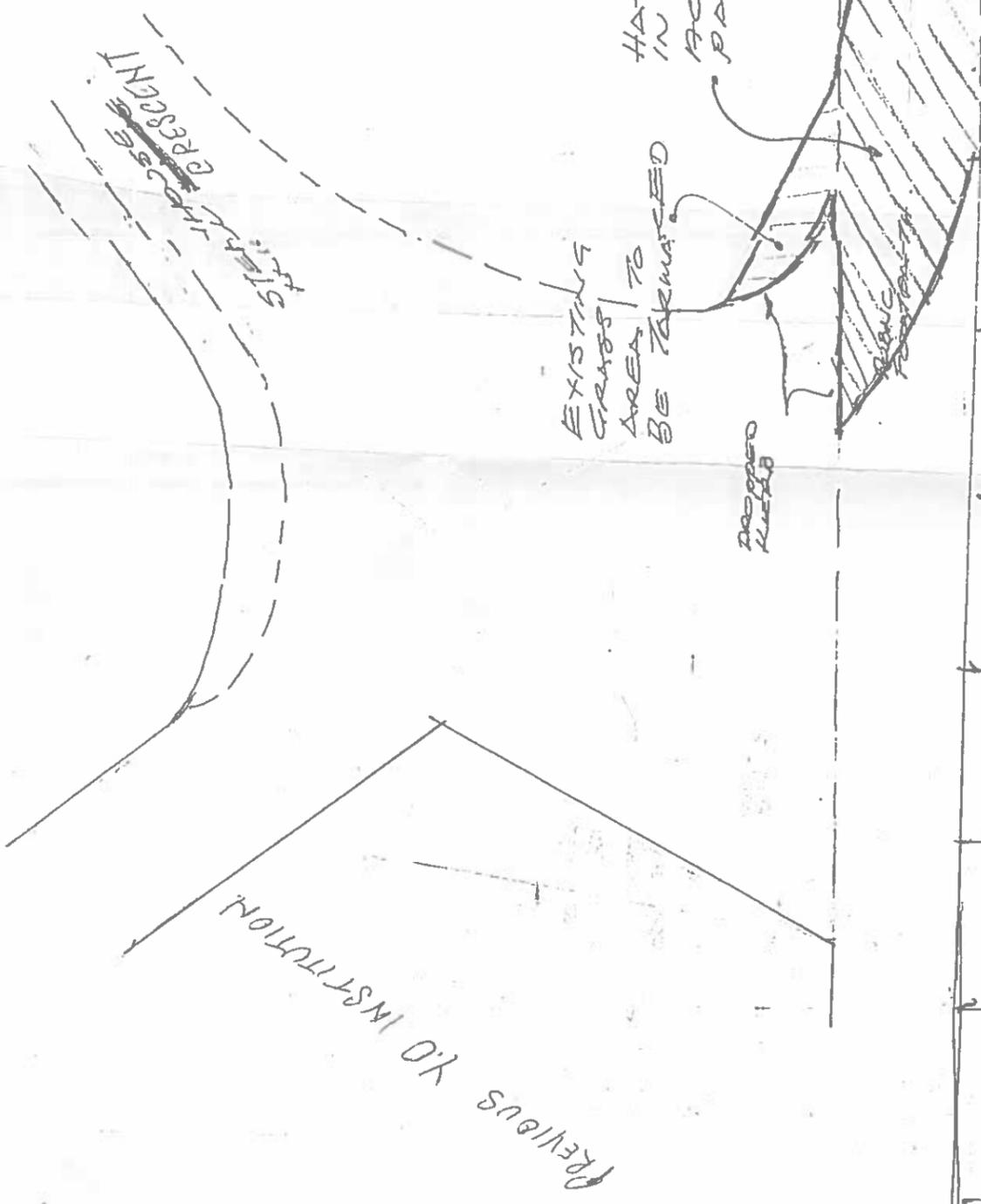
I am concerned that visitors to the new owners are allowed to obstruct access to and from my parking area.

It will be sad to lose my considerable neighbours from 5 Leithgatesins. I trust this will prevent

I am

Any unnecessary frustrations
from Stanley Bell.

I enclose copy of my
access to my parking area
which I received prior to
commencement of construction
of my house.



PREVIOUS Y/O INSTUTION

ELECTRO COHS

Planning &
-7 MAY 2019
Building Standards

19/01836/FUL

166 STENHOUSE MILL LANE