

Development Management Sub Committee

Wednesday 26 January 2022

**Application for Planning Permission 20/04132/FUL
at 17 Spey Street Lane, Edinburgh, EH7 4PZ.
Demolish the existing garage structure and erect a two-
storey residential dwelling house (as amended).**

Item number

Report number

Wards

B12 - Leith Walk

Summary

The proposals comply with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the proposals will not be detrimental to the architectural character, setting or historical interest of adjacent listed buildings. It will preserve the character and appearance of the Pilrig Conservation Area.

The proposals comply with the development plan. It has the potential to contribute to the housing land supply through re-use of brownfield land for residential development.

The implementation of noise mitigation measures will safeguard the living environment of future occupiers and in turn prevent limitations on the activities or potential re-development of neighbouring sites. No unreasonable impact on neighbouring amenity will occur as a result.

A reduced reliance on car usage is encouraged and promotion of sustainable modes of transport through appropriately designed cycle provision is supported. No specific road or pedestrian safety issues will occur as a result. The proposal incorporates sustainable features.

There are no other material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LEN03, LEN05, LEN06, LEN09, LEN12, LEN16, LEN21, LEMP09, LHOU01, LHOU03, LHOU04, LTRA02, LTRA03, LTRA04, NSG, CRPPIL, NSGD02, HESSET, SPP,

Report

Application for Planning Permission 20/04132/FUL at 17 Spey Street Lane, Edinburgh, EH7 4PZ. Demolish the existing garage structure and erect a two- storey residential dwelling house (as amended).

Recommendations

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

Background

2.1 Site description

The proposal site is a single storey garage located on the south-west side of Spey Street Lane. The building is currently vacant, last in use as a car mechanics workshop.

The building is of a functional appearance. External materials include a corrugated iron flat roof with brick walls externally finished in a light render facing onto the lane. It occupies the whole footprint of the site.

The lane comprises primarily of single and two-storey garages and workshops of varying scale and form. Industrial uses are present here including units occupied by a joiners, mechanics and polishing workshops. Domestic garages are also evident on the other side of the lane.

The wider area is of mixed character. Primarily residential, with tenement flatted properties on Spey Terrace to the south-west. Communal gardens of the nearest tenements border the site.

A classical terrace of listed town houses on 22-28 Pilrig Street (ref:LB29495) is located to the north-east containing a mix of residential dwellings and converted guesthouses. These properties contain long gardens which mainly border buildings at the rear facing onto the lane. A number of other listed buildings are located on Pilrig Street and surrounding area.

This application site is located within the Pilrig Conservation Area.

2.2 Site History

29 September 2020 - Conservation Area Consent submitted to demolish existing garage and erect two-storey residential dwelling house (application reference: 20/04133/CON). Pending decision.

Main report

3.1 Description of the Proposal

The proposal is to demolish the existing garage and construct a new, two-storey residential dwelling.

The residential dwelling will contain three bedrooms in total with an internal size of 143 sqm.

The dwelling will be of a contemporary design. The external walls will be constructed in stone, with a dual pitched roof in dark grey slate. Windows of varying sizes will face onto the lane and a large, glazed opening will be installed in the visible gable elevation. An enclosed, external terrace is included at first floor. Three cycle spaces will be incorporated internally near the main entrance.

The dwelling will have a maximum height of approximately 7.1m, eaves height of 4.6m and depth of 12m.

Supporting Information

The following documents have been submitted and can be viewed on Planning and Building Standards On-line Services.

- Design Reports
- Bat Survey Report
- Noise Impact Assessments
- Tree Survey Report
- Drainage Flooding and Surface Water Management Plan, Drainage Layouts and Calculations
- Daylight and Sunlight Assessment

Revised Scheme

- The original submission has been revised as per the following.
- Height of building reduced
- Materials altered from metal clad upper floor and roof to stone walls and slate roof
- Alterations to window design, position and rooflights added
- External terrace enlarged from 5 sqm to 10 sqm
- Cycle storage amended to include three spaces

3.2 Determining Issues

Due to the proposals being in proximity to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
 - (i) harming the listed building or its setting? or
 - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

3.3 Assessment

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

- a) the proposals preserve the setting of adjacent listed buildings, their setting and features of special architectural or historic interest
- b) the proposals preserve or enhance the character and appearance of the conservation area
- c) the principle of the development is acceptable
- d) the scale, form, design and materials are acceptable
- e) impacts on amenity are acceptable
- f) transport impacts are acceptable
- g) other material planning considerations have been addressed
- h) public comments have been considered

a) Listed Building and Setting

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The following HES guidance is relevant in the determination of this application:

HES's guidance on *Managing Change - Setting*, set out the principles that apply and how they should inform planning policies.

LDP policy Env 3 (Listed Buildings - Settings) states development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or its setting.

The site lies to the south-west of category B Listed classical terrace (ref: LB29495), 22-28 Pilrig Street.

The dwelling will be positioned beyond the rear gardens of this terrace. It is of a scale and position that is in keeping with the established built form on Spey Street Lane. It does not disrupt the existing spatial relationship between the listed terrace and buildings on the lane. The proposal does not interfere with oblique views of the listed building or disrupt formal approaches.

As revised, traditional building materials will be used that are in keeping with the historic setting of this listed terrace.

Furthermore, it is acknowledged there are a number of listed buildings on Pilrig Street and surrounding streets. The relationship between the site and these historical assets would not materially be altered by the proposal. In this regard, there would be no detrimental impact on their architectural character, historical interest or setting.

In light of the above, the proposals comply with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

b) Character and Appearance of Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

LDP policy Env 5 (Conservation Areas - Demolition of Buildings), states proposals for the demolition of unlisted buildings within a conservation area but considered to make a positive contribution to the character of the area will only be permitted in exceptional circumstances and after taking into account considerations set out in Env 2.

LDP policy Env 6 (Conservation Areas)- states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant character appraisal.

The Pilrig Conservation Area is characterised by its varied street pattern and terraced properties, contrasted with the green space of Pilrig Park and Rosebank Cemetery. The scale is set by two storey housing.

The existing garage unit is not of architectural or historical significance. The materials including a corrugated iron flat roof and rendered walls form part of an overall utilitarian appearance.

The building's industrial use is characteristic of the lane. However, it is of a functional appearance that does not make a positive contribution to either the character or appearance of the conservation area. The loss of this structure and its replacement with a contemporary new building is therefore acceptable.

Materials, as revised, including stone walls with a dark grey slated roof are appropriate in this context as they are compatible with the historic environment. The detailing, including modestly scaled and variable window arrangements creates an uncomplicated elevation onto the lane. This aligns with the simple appearance of buildings nearby, but as part of an overall modern design concept.

The height of the building has been reduced but it will still exceed the existing built form immediately south-east. However, there is a range of building scales evident on the lane and the reduced mass is compatible with the surrounding historic context.

The eaves level, as revised, aligns closely to the building facing the site and those towards the top of the lane. The materials are appropriate to the historic environment.

It is recognised the dual pitched form is not characteristic of a traditional mews building. However, Spey Street Lane is not a traditional mews lane. There are differing forms of buildings here and the site sits adjacent to industrial garages where dual pitched roof forms are evident. It is therefore considered appropriate in this immediate context.

It is acknowledged the immediate context of the lane is primarily industrial. However, whilst the proposal will introduce a residential dwelling onto the lane, the character of the wider conservation area is mixed.

As outlined, the revised dwelling in scale, form and materials is appropriate to the historic environment of the conservation area and it will replace an existing garage of a utilitarian design.

The proposals will preserve the character and appearance of the conservation area, therefore comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) the principle of the development is acceptable

LDP policy Hou 1 (Housing Development) prioritises the delivery of housing land supply and the relevant infrastructure and identifies four criteria on where this can be achieved.

Criteria d) prioritises delivery of housing on other suitable sites in the urban area, provided proposals are compatible with other policies in the plan. The principle of housing is acceptable subject to compliance with other policies of the LDP.

LDP policy Hou 2 (Housing Mix) promotes a mix of house types where practical to meet a range of housing needs and having regard to the character of the surrounding area and its accessibility.

The proposal, on a small-scale would contribute to a requirement in the LDP for additional housing within the city. Re-use of previously developed land is promoted and the proposal accords with this objective of the LDP. The introduction of a family sized house is acceptable.

LDP policy Hou 3 (Private Greenspace) states planning permission will be granted for development that makes adequate provision for green space to meet the needs of future residents.

Supporting paragraph 226 states that exceptions to these requirements may be justifiable if there are good reasons why this cannot happen, for example where justified by the following policy on density.

The proposal does not provide greenspace. However, it is recognised the capacity to provide good quality greenspace on-site free from shade is limited by the surrounding high-dense urban environment with large tenement buildings to the south-west. In addition, the site is located in reasonable proximity to Pilrig Park, approximately 650 m to the north.

A departure from the requirements of LDP policy Hou 3 is therefore acceptable based on the characteristics of the site and the surrounding area.

LDP policy Hou 4 (Density) seeks an appropriate density of development having regard to its characteristics and those of the surrounding area, the need to create an attractive residential environment, accessibility and its impact upon local facilities.

The existing garage covers the whole of the site which is consistent with adjacent buildings to the south-east. The proposed dwelling will also cover the entire footprint and is similarly scaled to the adjacent built forms. The proposed development will therefore not materially alter the existing density of the immediate area.

The site has good access to public transport links to the city centre and residential development in this location will help to support local facilities and commercial uses in the local area.

As such, introducing a development of this density is considered compatible with the density of residential development evident in the area, contributing to the viability of the local area.

LDP policy Des 2 (Co-ordinated Development) states permission will be granted for development that will not compromise the effective development of adjacent land or the comprehensive development and regeneration of the wider area.

LDP policy Emp 9 (Employment Sites and Premises) states proposals to redevelop employment sites or premises in the urban area for other uses will be permitted subject to the use not prejudicing or inhibiting activities of nearby employment uses and the proposal will contribute to the comprehensive regeneration and improvement of the area.

Due to the size of the site there is no requirement to provide replacement employment on it. The redevelopment of the site will contribute to the wider regeneration of the area and with the implementation of suitable mitigation measures in terms of noise and ventilation, there will be no adverse impact on adjacent businesses.

In light of the above, the proposal complies with LDP policy Hou 1, Hou 2, Hou 4 and Emp 9. A departure from the requirements of LDP policy Hou 3 is acceptable in this instance based on the site characteristics and surrounding area.

d) Scale, form, design and materials

LDP policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area.

LDP policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

LDP policy Des 4 (Design- impact on Setting) requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regard to its height and form, scale and proportions, including the spaces between the buildings, position of the buildings and other features on the site; and the materials and detailing.

The Edinburgh Design Guidance (EDG) seeks to ensure that new developments will have a positive impact on their surroundings through height and form, scale and proportions, site layouts and materials utilised.

The building takes cues from existing development on the street but achieves a building of a contemporary design and form.

The proposal will be in keeping with the varying scale of development evident on the lane. It is compatible with commercial buildings to the south-west in terms of its height. Its form takes reference from the existing dual pitched roof arrangement on buildings nearby.

The use of traditional materials including stone and slate roof is compatible with the prevalent use of these materials in the historic environment. The window and door proportions align with the existing detailing of buildings nearby, albeit in a contemporary style.

The proposed footprint of the building is consistent with the existing garage on-site and buildings nearby, therefore it is in keeping with the existing site characteristics and spatial pattern of the area.

The revised proposal is a high-quality, modern design concept, that takes appropriate reference from the historic environment and is therefore compatible with the character of the townscape in compliance with LDP design policies.

The proposal complies with LDP policies Des 1, Des 3, and Des 4.

e) Amenity

Amenity of Future Occupiers

LDP policy Des 5 (Development Design - Amenity) requires development proposals to demonstrate that neighbouring amenity of a development will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook. It further requires new development to offer suitable level of amenity to future residents.

The Edinburgh Design Guidance requires a minimum internal floor area of 81 m² for three bedroom dwellings.

The property will achieve an internal floor area of 143 m². This floor area exceeds the space standards of the Edinburgh Design Guidance.

In terms of daylight, the property will achieve satisfactory levels by virtue of windows facing onto the lane, rooflights and scale of the glazed opening serving the living room on the gable elevation.

These openings are adequately spaced and positioned in relation to sources of outlook from neighbouring residential properties. Therefore, adequate privacy and outlook will be retained for the future occupiers.

The large tenement to the west of the site will face onto the rear of the new dwelling. However, the extent of glazing on this elevation has been minimised therefore no significant downward views into the dwelling will occur as a result.

The site will also have access to large areas of greenspace for future occupiers as identified within the LDP Open Space Action Plan. Pilrig Park is less than 700m, within walking distance of the site.

In addition, the first-floor external terrace will provide amenity space for future occupiers.

The proposal provides an adequate living environment for future occupiers and complies with LDP Policy Des 5.

Neighbouring Amenity

Policy Des 5 states planning permission will be granted for development where it is demonstrated that: a) the amenity of neighbouring developments is not adversely affected.

The EDG refers to the following in assessing the potential impact of development on neighbouring residential amenity.

In regard to privacy, the pattern of development in an area will help to define appropriate distances between buildings and privacy distances.

In regard to daylight, this is required for living rooms, kitchens and bedrooms. The amount of daylight reaching an external wall is measured by the Vertical Sky Component (VSC). The Council requires this to be more than 27% or 0.8 of its former value. This standard is achieved where new development does not rise above a 25 degree line drawn in section from the horizontal at the mid-point of the existing window to be tested.

In regard to sunlight, reasonable levels should be maintained to existing gardens and spaces. The use of the affected area of garden, and its size will be taken into account when assessing whether any loss of sunlight is adverse.

Furthermore, private views will not be protected, however immediate outlook of the foreground of what can be seen from within a building may be. Unless there are exceptional circumstances, this means that new development that blocks out the immediate outlook of a dwelling must be avoided.

All proposed windows on the principal elevation would face the street side of Spey Street Lane. First floor bedroom windows will afford a degree of outlook to rear gardens of properties on Pilrig Street. These gardens are large at over 20 m in depth. The extent of downward views into these spaces will be restricted by the limited scale of glazing on the east elevation, and height of the stone boundary wall bordering the lane.

On the north-west elevation, the glazed opening will face onto the adjacent communal garden. The internal design of the floors will minimise direct views onto this space. The first floor is mainly setback from this opening and externally a privacy screen has been included to restrict views from the ground floor. This notwithstanding, a degree of this garden will be visible mainly to the northern boundary.

However, it is recognised these are communal gardens that are presently overlooked from the immediate proximity of windows at the rear of the facing tenements. In this respect a degree of mutual overlooking presently occurs, and no material privacy issues will be arise from the proposal.

The rear window is a high-level opening, and of limited scale therefore will not result in any material loss of privacy to neighbouring occupiers. Furthermore, the external terrace will be adequately enclosed by the roof form and screening to ensure privacy. In consideration of the above, no unreasonable loss of privacy will occur for neighbouring occupiers.

A daylight report and cross section has been submitted to assess any impact the proposal would have on residential windows of tenement properties at the rear. The cross section demonstrates that the proposal does not intersect a 25-degree line taken from the mid-point of neighbouring windows on Spey Terrace. The proposal therefore complies with EDG guidance and would not result in any unreasonable impact on daylight to these rooms. No other property's windows would be adversely impacted upon as a result.

Sunlight

Sunlight diagrams have been submitted on the spring equinox showing existing and proposed levels of shade cast on the adjacent tenement gardens.

The diagrams show the communal garden space to the south-west of the site is presently in shade from midday onwards at this time of the year. The proposal will result in a degree of additional shade cast between 09 am to 12 pm. However, the extent of this is a modest proportion of the overall garden ground. The garden space has poor levels of sunlight as existing, however, there will be no material loss of sunlight from the proposal.

The communal garden to the north-west will result in increased overshadowing, most noticeably between 09 am to 11 am. A degree of additional shade will be cast in afternoon hours however the extent of this will not materially differ from the existing situation. In this regard no unreasonable impact on neighbouring occupiers overall living environment will occur as a result.

Noise

The Chief Planner in his letter dated February 2018 advised that the Agent of Change Principle clearly places the responsibility for mitigating any detrimental impact from noise on neighbours with those carrying out the new development or operations. The Planning Advice Note on Noise advocates a pragmatic approach to the location of new development within the vicinity of existing noise generating uses.

The Agent of Change Principle is now enshrined in section 41A of the 1997 Act where "a development that is the subject of an application for planning permission is a noise sensitive development if residents or occupiers of the development are likely to be affected by significant noise from existing activity in the vicinity of the development" and requires that the planning authority "must, when considering under section 37 whether to grant planning permission for a noise sensitive development subject to conditions, take proper account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing cultural venues or facilities including in particular, but not limited to live music venues or dwellings or businesses in the vicinity of the development".

In discharging this duty, the planning authority cannot impose conditions on the noise sensitive source.

The applicant has submitted a Noise Impact Assessment (NIA).

Representations have stated the proposal cannot guarantee noise mitigation measures would sufficiently keep noise levels within the dwelling acceptable. Background noise levels have been measured on only one day and not as per BS 4142.

The NIA has been revised to include assessment against relevant criteria for potential impact from commercial and industrial noise sources on residential property. It is noted measurements are taken from one day, however a series of time periods have been recorded to assess the extent of industrial and background noise from the lane.

Further, the report states that measurements undertaken were understood to be typical 'noisy' activities confirmed with premises on-site.

The report states it was not possible to measure background noise levels for a prolonged period of time during daytime hours as this would have required various noise generating sources to cease operations simultaneously.

Existing noise identified in the NIA are primarily from nearby workshops and garages which are understood to operate in daytime hours only. The dominant noise source identified is the joiner's workshop opposite the proposal site.

Environmental Protection have assessed the NIA and raised concern in regard to potential noise disturbance from existing commercial workshops on the lane and the impact on their future operations.

Noise levels in rooms along the eastern side of the site are likely to experience daytime plant noise levels significantly in excess of Environmental Protection's noise criteria of NR25 allowing for windows to be open.

The NIA therefore recommends that an alternative approach be adopted to achieve suitable internal noise levels and mitigate the impact of adjacent noise emitting sources. Windows on the east elevation may only be able to achieve internal ambient noise levels with a closed window approach during certain operational hours of nearby industrial uses.

To not exceed an internal ambient noise level of NR 25, specific glazing specifications are proposed, and ventilation provided by an alternative means, mechanical ventilation.

In regard to noise, as detailed above, the noise mitigation measures identified in the NIA, are considered appropriate to safeguard the living environment of future occupiers and in turn prevent limitations on the activities or potential re-development of neighbouring sites.

Subject to the full details of these measures as required by condition, the proposal will not result in an unreasonable impact on neighbour's living environment or compromise the effective development of adjacent land.

Environmental Protection have also recommended a condition in regard to the submission of a contaminated land site survey due to the previous industrial operations on site. This has been included by condition.

In addition, that the development will not be connected to adjacent buildings to mitigate structural borne noise. The plans have been amended to detail a distance retained to the adjacent building to address this matter.

In light of the above, the proposal complies with LDP policy Des 5 and Emp 9.

f) Transport

Cycle Parking

LDP policy Tra 3 set out the requirements for private cycle parking as set out in the Edinburgh Design Guidance.

LDP policy Tra 4 states that cycle parking should be provided near building entrances and of an appropriate design.

The Edinburgh Design Guidance states a minimum of three spaces should be provided for dwellings with four habitable rooms or more. In regard to design, long-stay parking in residential development should be focused on location, security and weather protection.

A cycle storage is provided internally at ground floor. The plan has been revised to provide three cycles. The location of the cycle parking is accessible as it is located adjacent to the main entrance in a secure, covered location. The design is therefore appropriate for long-term use by residents.

In regard to cycle parking, the proposal complies with LDP policy Tra 3 and Tra 4.

Car Parking

LDP Policy Tra 2 set out the requirements for private car parking. The Council's Parking Standards are set out in the Edinburgh Design Guidance.

The proposal is for a car-park free development. Representations have raised concern in regard to potential traffic congestion, impact on parking, pedestrian and road safety from the proposal.

In regard to the LDP Transport policies, a car-park free development is appropriate in this location as the site is well-served by sustainable modes of transport, well-connected to a range of commercial and other services.

No objections have been raised from the Roads Authority in regard to road or pedestrian safety.

In tandem with the provision and design of cycle spaces detailed above, the development encourages reduced reliance on car journeys and increase in travel by a sustainable mode of transport in compliance with the overall objectives of LDP Transport Policies.

In regard to car parking, the proposal complies with LDP policy Tra 2.

g) other material planning considerations

Trees and Ecology

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or any other tree or woodland worthy of retention. Where permission is granted, appropriate replacement planting will be required to offset the loss.

LDP policy Env 16 (Protected Species) aim to ensure development will not be to the detriment of a protected species and suitable mitigation is proposed.

The applicant has submitted a Bat Survey report in support of the proposals. The report concludes that no records of bat roosts were found within the building during the surveys conducted. Furthermore, limited bat activity was recorded during the surveys however the likelihood these came from within the building is negligible and no further license is recommended.

In light of the above, the proposal will not be to the detriment of protected species.

A tree survey has been submitted as part of the proposals. Three trees are located near the site in adjacent gardens. It is not anticipated that the proposal will result in adverse impacts on two of these trees (Sycamores).

A birch tree lies adjacent to the north-west boundary and there is the potential for the proposal to impact on this specimen from its proximity. This tree is modestly scaled, identified as a category C tree of low quality. In this regard, any potential impact on this specimen is not considered contrary to LDP policy Env 12. This notwithstanding, it is encouraged that the applicant take measures to limit any impacts during any construction activities.

The proposal is not likely to result in damaging impacts upon trees worthy of retention and will not be to the detriment of protected species.

The proposal therefore complies with LDP policy Env 12 (Trees) and Env 16 (Species Protection).

Archaeology

LDP policy Env 9 (Development Sites of Archaeological Significance) aims to protect archaeological remains.

The City Archaeologist has been consulted on the proposal and raises no objection.

Having assessed the scale of new ground works and the recent development history of the site, it has been concluded that this development is unlikely to have a significant archaeological impact.

It is not anticipated that the proposal will have any adverse archaeological implications and complies with LDP policy Env 9.

Flood Risk and Surface Water Management

LDP policy Env 21 (Flood Prevention) states that planning permission will not be granted for development that would increase a flood risk or be at a risk of flooding itself, impeded the flow of flood water or be prejudice to existing or planned flood defence systems.

The site is located near an area containing a medium risk of surface water flooding, with no specific river or coastal flood risk as identified by the Scottish Environment Protection Agency (SEPA) online maps.

The applicant has submitted a drainage, flooding and surface water management report which has been assessed by the City Council's Flood Prevention team.

No objections have been raised. However, it is requested that written confirmation from Scottish Water be received that the proposed surface water connection to the combined sewer is accepted.

Scottish Water have confirmed there is sufficient capacity to accommodate the development subject.

In light of the above, the proposal has been designed to mitigate potential flood risk and accords with LDP Policy Env 21.

Sustainability

LDP Policy Des 6 (Sustainable Buildings) aims to tackle the causes and impacts of climate change, reduce resource use and moderate the impact of development on the environment. It states that planning permission will only be granted for new development where it has been demonstrated that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low and zero carbon generating technologies. The supporting text clarifies that Scottish Building Standards set carbon dioxide emissions reduction targets.

To meet this criterion proposals for new development must accord with the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards) and also demonstrate that at least half of this reduction will be met through low and zero carbon technologies. This aspect will therefore be assessed during the building warrant process.

The site utilises brownfield land located in an urban area with good public transport links, allowing a reduced reliance upon the car. Sustainable modes of transport are encouraged through cycle storage provision for residents.

The development incorporates low and zero carbon technologies including use of solar photovoltaic panels.

The proposal complies with LDP Policy Des 6 (Sustainable Buildings).

Scottish Planning Policy

Scottish Planning Policy (SPP) presumption in favour of sustainable development is a significant material consideration due to the development plan being over 5 years old. It sets out 13 principles to guide policy and decisions.

The development proposes an appropriate and sustainable land use which will support the local economy and protect the historic environment. The scheme makes good use of the land available and the design is high-quality that will help create a sense of place. The site is within walking distance of a public park with sport and recreational facilities.

The proposals include measures to assist with climate change mitigation including its location near to sustainable transport links, incorporation of sustainable technologies including use of solar panels, no car parking provision and appropriately designed cycle parking provision.

The proposed development therefore complies with the SPP sustainability principles.

Equalities and Human Rights

The application was assessed in terms of equalities and human rights. No impacts were identified.

h) Representations

Material Comments- Objections

- Adverse impact on character and appearance of the Conservation Area, contrary to policy Env 6 - Addressed in section 3.3 b);
- Impact of proposed development on adjacent land, contrary to policy Des 2 - Addressed in section 3.3 c);
- Adverse impact of proposal on nearby uses and activities, contrary to policy Emp 9 - Addressed in section 3.3 c);

- Overdevelopment of site, contrary to LDP policy Hou 3 - Addressed in section 3.3 c);
- Adverse impact and lack of compatibility with surrounding context, contrary to policy Design policies - Addressed in section 3.3 d);
- Noise mitigation measures insufficient - Addressed in section 3.3 e) ;
- Impact on sunlight, daylight and privacy - Addressed in section 3.3 e);
- Impact on road and pedestrian safety - Addressed in section 3.3 f);
- Proposal is not sustainable, contrary to LDP policy Des 6 - Addressed in section 3.3 g);
- Impact on protected species, ecology, contrary to LDP policy Env 16- Addressed in section 3.3 g);
- Accuracy of plans - The planning authority has assessed the submitted documents and considers they are sufficient to accord with the relevant legislation in order to determine the proposal. Visuals and drawings out with the red line boundary on plans do not form part of proposed development;

Non-Material Comments - Objections

- Contrary to Guidance for Householders - This document is not applicable to this proposal;
- Potential disruption to nearby uses through construction works - These matters would be controlled under separate legislation to planning.;
- Contrary to LDP policy Hou 5 - This policy is not applicable to this proposal;

Conclusion

The proposals comply with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the proposals will not be detrimental to the architectural character, setting or historical interest of adjacent listed buildings. It will preserve the character and appearance of the Pilrig Conservation Area.

The proposals comply with the development plan. It has the potential to contribute to the housing land supply through re-use of brownfield land for residential development.

The implementation of noise mitigation measures will safeguard the living environment of future occupiers and in turn prevent limitations on the activities or potential re-development of neighbouring sites. No unreasonable impact on neighbouring amenity will occur as a result.

A reduced reliance on car usage is encouraged and promotion of sustainable modes of transport through appropriately designed cycle provision is supported. No specific road or pedestrian safety issues will occur as a result. The proposal incorporates sustainable features.

There are no other material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, 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 remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.

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.

3. Prior to commencement of the development full details of the glazing units for bedrooms 1, 2 and 3 and all other habitable rooms as identified on pages 11-12, Section 8.2 of the submitted Noise Impact Assessment - Revision 02, Report reference 7106-00-02, dated 3rd August 2021, shall be submitted to and approved by the Local Planning Authority.

The approved glazing units shall thereafter be installed prior to first occupation of the residential dwelling hereby approved and thereafter retained.

4. Prior to the commencement of the development full details of the Mechanical Ventilation Heat Recovery (MVHR) System identified in the submitted Noise Impact Assessment - Revision 02, Report reference 7106-00-02, dated 3rd August 2021, shall be submitted to and approved by the Local Planning Authority.

The approved details shall thereafter be fully installed and operational prior to the first occupation of the residential units hereby approved and thereafter retained.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to ensure the site is made safe for the proposed use.
3. In order to ensure the adequate implementation of details to safeguard the living environment of future occupiers and prevent limitations on the activities of nearby uses.
4. In order to ensure the adequate implementation of details to safeguard the living environment of future occupiers and prevent limitations on the activities of nearby uses.

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.
4. The applicant is required to submit a Pre-Development Enquiry to Scottish Water in order to gain agreement of the proposed surface water connection to the combined sewer.
5. The recommendations included in Section 6.4 of the submitted Bat Survey Report, Practecology, dated 28 June 2021 relating to artificial features for bats and sensitive lighting, should be included in the design of the proposal.

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

1062 representations have been received (1054 objections and 8 supporting comments)

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**

Edinburgh Local Development Plan - Urban Area

Date registered

29 September 2020

Drawing numbers/Scheme

01-05, 06C, 07B, 08B, 09B, 10,

Scheme 2

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lewis McWilliam, Planning Officer

E-mail:lewis.mcwilliam@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

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 Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

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 5 (Conservation Areas - Demolition of Buildings) sets out criteria for assessing proposals involving the demolition of buildings within a conservation area.

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

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Emp 9 (Employment Sites and Premises) sets out criteria for development proposals affecting business and industrial sites and premises.

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

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.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Relevant Non-Statutory Guidelines

The Pilrig Conservation Area is characterised by its varied street pattern and terraced properties, contrasted with the green space of Pilrig Park and Rosebank Cemetery. The scale is set by two storey housing.

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.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

Scottish Planning Policy (SPP) - The SPP sets out Scottish Government policy on nationally important land use matters and includes subject specific policies on: economic development, town centres and retailing, housing, rural development, coastal planning, fish farming, historic environment, landscape and natural heritage, open space and physical activity, green belts, transport, renewable energy, flooding and drainage, waste management, minerals, on-shore oil and gas, surface coal mining and communications infrastructure.

Appendix 1

Application for Planning Permission 20/04132/FUL At 17 Spey Street Lane, Edinburgh, EH7 4PZ Demolish the existing garage structure and erect a two-storey residential dwelling house (as amended).

Consultations

Environmental Protection:

I refer to the above application which concerns the construction of a new dwelling on land which has previously been used as a commercial garage at the northern end of Spey Street Lane. The application site is bounded to the front by Spey Street Lane, to the rear and north by gardens of residential properties on Spey Street and to the south by other commercial workshops. On the opposite side of Spey Street Lane are further two storey workshop buildings. The businesses carried out at the workshops on the Lane include mechanics workshops, a metal polishing workshop and a joinery workshop all of which currently work during daytime hours on Monday to Saturday. There are currently no other residential properties on the Lane.

A Noise Impact Assessment has been submitted in support of this application which suggests that with the incorporation into the design of appropriate mitigation measures the amenity of future residents of the property could be protected. In addition, a mechanical ventilation with heat recovery (MVHR) system is to be included as part of the low energy design which is proposed will also protect future residents from noise as windows would not require to be opened for ventilation.

Environmental Protection considers that living apartments should be able to be ventilated by natural means. The revised design includes additional windows to first floor bedrooms and a rooflight to the ground floor bedroom which enables all living apartments to be naturally ventilated without the need to open windows on the Spey Street Lane elevation which faces the main noise source. The revised noise impact assessment predicts that daytime internal noise target levels in the bedrooms may only be met with those windows located on the Spey Street elevation closed.

Environmental Protection still has concerns that the introduction of a residential property into the far end of Spey Street Lane on which only commercial properties are located could negatively affect how those businesses are able to operate in the future. Should complaints about noise be raised by future residents with Environmental Protection, assessment of the noise would require to be made within the property with windows open for ventilation despite the provision of the MVHR.

Environmental Protection would also comment that as the land was previously used as a commercial garage and could potentially be affected by contamination from that use, prior to development of the site the applicant would require to ensure that the land is or can be made suitable for use for the proposed land use.

Therefore, should consent be granted for these proposals, Environmental Protection would recommend that following conditions are attached:

1. In accordance with Noise Impact Assessment - Revision 02, Report Reference: 7106-00-02 prepared by New Acoustics dated 3 August 2021:

-The development will not be structurally connected to any of the adjacent buildings so as to mitigate any structure borne noise.

-Windows of habitable rooms on the east elevation (i.e. relevant windows to bedrooms 1, 2 and 3) shall include triple glazing which has a weighted sound reduction index of R_w 43dB (C-2;Ctr-6). All other building elements to habitable rooms on the east elevation (e.g. window frames, external wall, roof build-up and ventilation duct terminals) must also conform to this acoustic performance.

- Windows on all other building elevations shall be triple glazed units with an acoustic performance of R_w 32dB (C-2;Ctr-6)

-A whole house Mechanical Ventilation Heat Recovery (MVHR) System shall be included in the development. Full details of the layout and specification of system shall be provided and installed to the satisfaction of the Head of Planning prior to occupation of the development.

2. Prior to the commencement of construction works on site:

-A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, 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

-Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

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.

Flooding:

Thank you for the consultation request. We have no major concerns over this application, but would request that the applicant provide written confirmation that Scottish Water agree with the proposed surface water connection to the combined sewer.

Transport:

No objections to the application.

Zero car parking is considered acceptable.

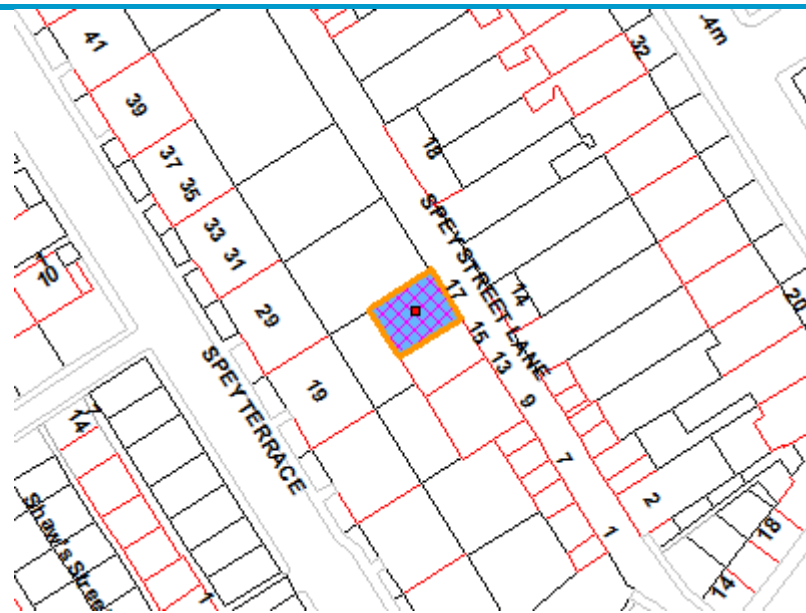
The applicant should note that the proposed development is in an area being investigated for on-street parking controls (i.e. controlled parking zone).

Archaeology:

Further to your consultation request I would like to make the following comments and recommendations concerning this application to demolish the existing garage structure and erect a two-storey residential dwelling house.

Having assessed the scale of new ground works and the recent development history of the site, it has been concluded that this development is unlikely to have a significant archaeological impact.

Location Plan



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