

Development Management Sub Committee

Wednesday 21 April 2021

**Application for Planning Permission 19/02822/FUL
at 1 Mentone Terrace, Edinburgh, EH9 2DG.
Change of Use from 5 Garages to new dwelling house.**

Item number

Report number

Wards

B15 - Southside/Newington

Summary

The application complies with the relevant policies in the adopted local development plan and non-statutory guidance. The proposed site is a suitable location for the formation of a dwelling house. The proposal will preserve and enhance the character of the conservation area. It will provide a good residential environment for future occupants and will not materially damage the existing amenity of local residents. It will not cause additional flood risk to neighbouring properties or be at risk from flooding itself. There are no material considerations upon which to refuse granting planning permission.

The Scottish Environmental Protection Agency (SEPA) has objected to the application. In the event that the Development Management Sub Committee proposes to grant planning permission, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 states that the application shall be notified to the Scottish Ministers due to the outstanding objection from SEPA.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES03, LDES04, LDES05, LEN06, LEN12, LEN16, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LHOU05, LTRA02, LTRA03, LTRA04, LDES12, NSG, NSGD02, OTH, CRPCMP,

Report

Application for Planning Permission 19/02822/FUL at 1 Mentone Terrace, Edinburgh, EH9 2DG. Change of Use from 5 Garages to new dwelling house.

Recommendations

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

Background

2.1 Site description

The application site relates to No. 1 Mentone Terrace. It is an area of land to the rear of the flats on Mentone Terrace/Glenorchy Terrace. The site appears to have previously been part of the rear garden area which is shared by the neighbouring flats. However, 5 garages and a raised concrete platform/access were constructed on this area around the 1970's.

The garages appear to be of concrete construction with a flat corrugated concrete asbestos roof. There are five white metal garage doors to the front elevation. The area directly in front of the garages is a raised concrete platform with an access ramp leading from the road.

There are a number of trees directly to the west of the site at a lower level which belong to neighbouring gardens. To the north of the site is an access path which leads from the road to some of the rear gardens. To the north of the access path, is a stone wall and metal fence which lines the rear boundary of the neighbouring garden. This garden is set at a lower level than the site. There are a selection of trees and shrubbery also planted nearby. Directly to the rear (south) of the site, is the wall of the nearby railway line. To the east is a quite large concrete car park which is used for the neighbouring office building. This car park is at a higher level than the site.

There is currently very limited screening along the northern boundary of the site. There is only the very top of the access path wall and a small, low and open, metal security barrier. There is no screening present along the west facing boundary of the site. This means from the elevated position of the raised concrete platform views into the neighbouring gardens are relatively unrestricted.

As the site is set lower than the nearby road and path, the garage building is not very noticeable from public elevations. However, the site appears overgrown and it does not contribute to the character or appearance of the defined conservation area.

This application site is located within the Craigmillar Park Conservation Area.

2.2 Site History

1 October 1997- An application for planning permission to erect an office development was refused at Development Management Sub Committee (application reference: 97/01963/FUL).

10 February 1998- An application for planning permission for the change of use of the garages to an office was refused at Development Management Sub Committee. The appeal was dismissed by a Scottish Government Reporter (application reference: 98/03040/FUL & 99/00051/REF).

14 May 2015- An application for planning permission to demolish the existing garage lock-ups and erect new dwelling house was withdrawn by the applicant. (application reference: 15/01429/FUL)

2 May 2019- An application for planning permission for the erection of a dwelling house was withdrawn by the applicant. (application reference: 16/02458/FUL)

Main report

3.1 Description of the Proposal

The application is for planning permission for the change of use of the existing 5 garages on the site to form a dwelling house. Works associated with the change of use include the formation of a new raised floor within the existing garage, the formation of a new roof on the structure, the insertion of windows and doors and erection of fencing around the site. The walls of the building shall be retained. It is proposed to clad the building in larch. It is also proposed that a 2 metre high larch fence be erected around the west and north boundary of the site.

The dwelling shall have no off street car parking provision, however, secure cycle storage is proposed. The area in front of the existing garage structure shall be utilised as a courtyard garden.

Previous Scheme

Updated plans were submitted which shows that the internal floor level of the proposal will be increased by 450mm from that originally shown. The overall roof height of the building has also been increased by 450mm from that originally proposed. The roof height of the existing structure will now be increased overall by 1.005 metres.

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:

- Planning/Design Statement
- Surface Water Drainage Strategy
- Flood Risk Assessment (FRA)
- FRA Self-Certification
- FRA Appendix Documents
- Noise and Vibration Impact Assessment

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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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 principle of development at this location is acceptable;
- (b) the proposal will preserve or enhance the character of the conservation area;
- (c) the proposal is of an appropriate scale, form and design;
- (d) the proposal will result in a satisfactory residential environment;
- (e) the proposed use would result in any material loss of amenity;
- (f) the proposal will have an impact in terms of flooding risk;
- (g) the proposal will have an impact on protected trees or protected species;
- (h) other material matters have been addressed and
- (i) public comments have been addressed.

(a) The Principle of Development in this Location

Policy Hou 1 (Housing Development) of the adopted Edinburgh Local Development Plan (LDP) states that priority will be given to the delivery of the housing land supply and relevant infrastructure on suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The application site is defined as being part of the urban area in the adopted LDP. The principle of housing development at the site is therefore acceptable as long as the proposal is compatible with other policies in the plan.

LDP policy Hou 2 (Housing Mix) states that the Council will seek a mix of house types and sizes where practicable to meet a range of housing needs. The surrounding area consists largely of flats and large dwellings. The proposed dwelling would provide further accommodation within the area for small families and complies with LDP policy Hou 2.

Overall the proposal is also compatible with other policies in the plan and therefore the principle of housing development is acceptable.

The proposal complies with Policy Hou1.

(b) 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."*

Policy Env 6 (Conservation Areas - Development) in the LDP requires development proposals to preserve or enhance the character or appearance of the conservation area and permits development which is consistent with the relevant conservation character appraisal. The application site lies within the Craigmillar Park Conservation area.

The Craigmillar Park Conservation Area Character Appraisal (CPCACA) stresses the following key elements;

- High quality stone-built Victorian architecture of limited height predominates providing homogeneity through building lines, heights and massing.
- Properties are characterised by the predominant use of stone construction, slated roofs and timber sliding sash and case windows.
- Stone boundary walls which define the visual and physical seclusion of the villas.

It also notes that:

- There is a modern red brick light industrial/office building with several tenants on Mentone Gardens built in the 1980s. These add variety and life to the predominantly residential area (This is the building next to the application site).

In terms of new development the CPCACA states that it is crucial that any new building is of high quality design and materials, and sympathetic to the layout and rhythm of the street pattern.

The current garages are long established. They are a simple flat roof structure with a corrugated concrete roof with metal doors to the front. The site is accessed down a wide concrete ramp/driveway. The garages appear to be constructed on a concrete plinth which is raised up from the ground level of the neighbouring rear gardens belonging to the flatted properties on Mentone Terrace.

The site is relatively well secluded from the road by the existing walls, fencing and hedges which line Mentone Terrace. Directly to the east of the site is a large concrete car parking area for the industrial/office building which is mentioned in the conservation area character appraisal.

It cannot be stated that the existing building is attractive or contributes to the character or appearance of the defined conservation area. The application proposes that the existing concrete roof be removed and will be replaced with a green sedum roof which is more appropriate for the site, which has numerous trees and gardens nearby. The proposed roof will increase the height of the existing structure by only 1.005 metres. This will not make the building significantly more noticeable from public elevations. The garage building currently has a range of white metal doors, of different styles, and concrete dividing pillars to its principle elevation. These will be removed and will be replaced with a simple glass frontage, complimented by larch cladding.

The concrete area in front of the garage structure will be utilised as a screened courtyard garden. A private courtyard garden is a more appropriate use of this space than the existing relatively open unkempt concrete platform.

The site currently has very little screening to the neighbouring gardens. It is proposed that a 2 metre high larch fence be erected around the west and north boundary of the site. The site is relatively secluded from public views and whilst on site visit it was evident that wooden fencing has already been utilised nearby, around the perimeter of the directly neighbouring car park and to divide certain areas of the gardens to the rear of Mentone Terrace. It is also apparent from older photographs of the site that there was previously wooden fencing erected along the western boundary of the site to screen it from the neighbouring gardens. The fencing proposed will be high quality and is appropriate in this instance. The site already has a metal gate at its entrance. It is now proposed that a new metal gate be installed which will have wooden inserts within it. It is recommended that the consent be conditioned so that further details of the proposed fencing and gate to the entrance of the site be submitted for approval prior to works commencing on site.

The proposal will improve the appearance of the existing building and will turn the existing raised concrete platform into a more appropriate and attractive courtyard garden. Any fencing proposed will be high quality and it will be relatively shielded from public views. The proposal will preserve and enhance the defined conservation area.

The proposal complies with LDP policy Env 6 and the conservation area character appraisal.

(c) Scale, Form and Design

LDP policy Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place.

LDP policy Des 12 (Alterations and Extensions) states that planning permission will be granted for alterations and extensions to existing buildings which in their design and form, choice of materials and positioning are compatible with the character of the existing building and will not be detrimental to neighbourhood character.

LDP Policy Des 4 (Development Design- Impact on Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact upon its surroundings.

It is acknowledged that the existing garages and raised concrete platform do not have a positive impact upon their surroundings. However, it is noted that they are sited next to a quite large concrete car park and a modern brick-built office building.

The works proposed will improve the appearance of the existing building and the overall site, which will contribute towards a sense of place. The proposed alterations are compatible with the character of the existing building and will have a positive impact upon the visual amenity of its surroundings.

The proposal complies with LDP policies Des1, Des 4 and Des 12.

(d) Residential Environment

LDP Policy Hou 5 (Conversion to Housing) states that planning permission will be granted for the change of use of an existing building in non residential use to housing provided:

- (a) a satisfactory environment can be achieved
- (b) housing would be compatible with nearby uses
- (c) appropriate amenity and car and cycle parking standards are met
- (d) the change of use is acceptable having regard to other policies on this plan including those that seek to safeguard or provide for important or vulnerable uses.

LDP policy Hou 3 (Private Greenspace in Housing Developments) states that planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents. A minimum of 20% of the total site area should be useable greenspace.

The Edinburgh Design Guidance also seeks to address the criteria of an acceptable level of amenity for future occupiers of the development.

LDP policy Tra 2 (Private Car Parking) states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council Guidance.

LDP policy Tra 3 (Private Cycle Parking) states that planning permission will be granted for development where the proposed cycle parking and storage facilities comply with the standards set out in Council guidance.

The proposal will have very large glazed areas to its principal elevation. It shall also have a selection of high-level windows in its elevation to the rear and a long rooflight. It would provide adequate levels of sunlight/daylight for any future occupiers.

A noise and vibration impact assessment was submitted as part of the assessment of the application. Environmental Protection concluded that it had no objections to the proposal subject to a condition being applied stating that the noise insulation measures proposed (triple glazing) is installed to their satisfaction. They also recommended a condition relating to a ground contamination survey be applied. These conditions have been applied.

The proposal will meet the minimum floor space requirements as established within the Edinburgh Design Guidance.

The proposal will have a courtyard garden with a maximum depth of approximately 6.7 metres and a width of 13.7 metres, although it is acknowledged that the usable area of this garden will be reduced by the existing access ramp.

Overall, the property will still benefit from a relatively secluded and usable garden area. Whilst this courtyard garden area is indicated to be paved it could be converted to a useable grassed area. A condition relating to landscaping is recommended to be attached to the consent. The proposal also includes a sedum roof which adds to the landscaping of the site. The proposal complies with LDP policy Hou 3. It is further noted that there are a number of high quality parks and greenspaces which are within walking distance of the site or are accessible by nearby public transport.

The use of the site as a dwelling house will be more compatible with its surroundings than the current garages.

The Roads Authority was consulted as part of the assessment of the application and it confirmed that it had no objections to the proposal. No off street car parking is proposed. Provision for secure off street cycle storage is shown. It is recommended that the consent be conditioned that further details of the proposed cycle storage be submitted for the written approval of the Council prior to works commencing on site.

The proposal would have to comply with the building regulations in terms of adaptability and sustainability.

The proposal complies with LDP policy Hou 5, Tra 2, Tra 3, Hou 3 and the Edinburgh Design Guidance.

(e) Loss of Amenity to Neighbours

LDP Policy Des 12 (Alterations and Extensions) states that planning permission will be granted for alterations and extensions to existing buildings which will not result in an unreasonable loss of privacy or natural light to neighbouring properties.

The proposed alterations to the existing building will increase its maximum height by 1.005 metres. Given the relatively minimal changes proposed and the position of the garage relative to neighbouring properties it will not result in an unreasonable loss of natural light to neighbouring properties.

The site currently contains 5 private garages, with a raised platform in front and an access ramp. Legally the site could be quite heavily utilised for the storage and/or maintenance of personal vehicles/goods. It is further noted that the site is at a higher level than the nearby gardens and that there is currently very little screening present along the west and north mutual boundaries shared between the site and the gardens that are directly nearby.

The existing level of the platform area in front of the building will not be increased in height when it is converted into a courtyard and there will be a 2 metre high larch fence erected around the west and north facing boundary on top of the existing platform. This will offer the courtyard and surrounding gardens substantially more privacy than that which currently exists when the raised platform is utilised.

It is noted that the floor level of the proposed dwelling will be raised by 0.45 metres over the current floor level of the garage. The depth of the proposed garden will be approximately 6.7 metres. However, at the rear of the site there is an access path for the neighbouring properties. This means that the overall distance between the windows in the front elevation of the proposal and the gardens to which it will directly face shall be around 8.5 metres. The proposed windows shall be screened by 2 metre high fencing and by the existing access ramp. The access path is lined with a metal barrier and many of the gardens to the rear of Mentone Terrace are screened by trees and shrubbery.

The west elevation drawing submitted also shows that the neighbouring garden, to which the windows of the property will directly face, is located at quite a lower level. Given the level changes present, the screening proposed, and the fact that the windows of the proposal will be approximately 8.5 metres away from the boundary of this garden, future occupants of the proposed dwelling will not have a direct view over the majority of this garden, even when standing within the property.

Whilst future occupants of the building would have a view of the rear of the flats at Mentone Terrace/Glenorchy Terrace, when standing, there will be approximately 20 metres between the windows of the proposed building and the rear windows of the flats on Mentone Terrace/Glenorchy Terrace.

It is also noted that there are many rear windows belonging to the flats on Mentone Terrace which already overlook the rear garden areas. The level of privacy to these gardens cannot be expected to be the same as to those of detached or even terraced properties.

Overall the proposal will reduce the current opportunities for overlooking from the platform area directly in front of the building and there will be no material loss of privacy to current residents from future occupants of the building.

The proposed property will be detached. It is unlikely that the normal residential use of the property would generate a significant noise impact upon existing residents. Construction noise is not controlled by the planning authority.

The proposal complies with LDP policy Des 12 and the Edinburgh Design Guidance.

f) Flooding

LDP policy Env 21 (Flooding) states that planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself.

It is identified that the Pow Burn and Pow Burn Culvert may run under the site. A Flood Risk Assessment (FRA) was submitted with the application. Flood Planning was consulted as part of the assessment of the application as was the Scottish Environmental Protection Agency (SEPA).

The submitted FRA and supplementary information concludes that the development will not increase the risk of a flood to other properties or be at risk of flooding itself.

SEPA has objected to the application. The Council's Flood Planning section has, however, confirmed that it has no objections to the proposal after assessing the submitted FRA and further associated documents.

SEPA state in their consultation response that *"The Terrenus FRA refers to a Powburn Flood Alleviation Scheme close to the site. The Council has advised us that this does not relate to the Pow/Jordan Burn but may refer to the combined sewer network in Ventnor Terrace. We would advise that the flood risk management team in the Council is best placed to comment on surface water flooding issues at, and close to, the site. We also note that proposals to discharge surface water to a local soakaway is also for the Council to consider. We assume that the soakaway was originally designed for the garages and will need to be resized to cope with the expected increase in surface water and also take into consideration future climate change impacts."*

SEPA's response states that the flood risk management team within the Council is best placed to comment on surface water flooding issues at, and close to, the site. Flood Planning has no objections to the proposal in terms of surface water management.

The SEPA consultation response also states *"The Ramage Young report suggests that the site may be adjacent to a culvert which conveys the Pow/Jordan Burn. The capacity of this culvert and its condition is unknown. It is also unknown where the water would flow should the flow in the watercourse exceed the flow in the culvert. However we note that the proposed finished floor level of 53.3 metres Above Ordnance Datum will be a metre or so above the level of the adjacent tracks which would probably receive any excess water"*

SEPA's response above indicates that the site, may, be adjacent to a culvert which conveys the Pow/Jordan Burn. And whilst they state that it is also unknown where the water would flow should the flow in the watercourse exceed the flow in the culvert, they do note that the proposed floor level of the dwelling is above the level of the adjacent tracks which would probably receive any excess water.

Again, Flood Planning has no objections.

SEPA also states that *"The Ramage Young report advises that it is proposed to construct the proposed house on top of a brick sewer. The condition of the sewer is unknown and its life expectancy is unknown. Should the sewer require maintenance or replacement then access would be essential which would be extremely difficult, if not impossible, with a house constructed over it. The house itself will increase the loading on the sewer and may cause damage to the sewer. Any impediment to undertake maintenance or replacement could place nearby properties at an increased risk of flooding. We note that the Flood Risk Assessment (FRA) refers to previous flooding of property in the area*

SEPA in their consultation responses states *"In order to review our objection to the application we would need to be satisfied that the culvert under the proposed house footprint does not convey a watercourse, part or all of the flows of the Pow/Jordan Burn"*

SEPA's objection overall appears to relate largely to concerns that the proposed build may impact upon a culvert that may, or may not, run under the site.

Flood Planning has stated in their response that *"It is in the applicant's interest to confirm the condition and capacity of the culvert. The culvert is under riparian ownership and any future maintenance or replacement will be the responsibility of the landowner"*.

Scottish Water was consulted as part of the assessment of the application and also stated that it had no objections to the proposal.

Scottish Water did however note that the development proposed impacts on existing Scottish Water assets and that the applicant must identify any potential conflicts with Scottish Water assets and contact their Asset Impact Team to apply for a diversion. They stated that the applicant should be aware that any conflicts with assets identified may be subject to restrictions on the proximity of construction.

It must be acknowledged that there is already a building on this site which the applicant intends to convert. The garage is already constructed on a raised platform. When on site visit, it was apparent that there are numerous covers which are present within the open raised platform area. The applicant is only proposing to utilise and convert this area to a courtyard garden. No new building will be constructed over this area.

The agent involved has confirmed that the proposed works will put no additional loads onto the potentially underlying structure. However, this will be fully assessed through the required building warrant for the works. Any potential engineering required to ensure the structural stability of the proposed building and that of the culvert that may, or may not, lie beneath the site will be considered in depth through the process of the warrant. The applicant will also have to liaise with Scottish Water to ensure that there are no potential conflicts with their assets and if there are, that they can be satisfactorily protected.

The applicant has indicated that they are willing to carry out the required investigation into the position and condition of the culvert. However, they have stated that the investigation would currently create an expense that cannot be justified until the principle of development is granted.

Concerns relating to the location and condition of the culvert and the proposals potential impact upon it can be adequately controlled by a planning condition, the required future Building Warrant as well as future discussions with the Scottish Water Asset Impact Team. Should the findings be insurmountable, the planning permission will be unable to be implemented.

In the event that the Development Management Sub Committee proposes to grant planning permission, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 states that the application shall be notified to the Scottish Ministers due to the outstanding objection from SEPA.

The proposed development will not increase a flood risk or be at risk of flooding itself. The proposal complies with LDP policy Env 21.

g) Trees

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact upon a tree protected by a tree preservation order or on any other tree worthy of retention.

There are no trees within the site, however there are a number of trees directly next to the site, some of which slightly overhang quite near to the roof of the building.

The application was assessed by Natural Environment. The Council's arboriculturalist stated that it was unlikely that the works proposed would have any impact upon tree roots but that the consent should be conditioned so that if any significant roots are found during construction, then works should be stopped immediately and an arboriculturalist called to provide a written report for the Councils approval. It is recommended that this condition be applied.

The Council's arboriculturalist did state that there may be some light pruning required to nearby trees to facilitate the additional height of the proposal. The agent involved with the application has stated that the development will not result in any works to nearby trees being required.

Since the site lies within a conservation area, the consent of the Council will be required if any works to trees, including pruning, does need to be carried out. An informative has been applied to remind the applicant of this responsibility.

There is no potential impact upon protected species.

The proposal complies with LDP policy Env 12.

h) Other material considerations

Network Rail

Network Rail was consulted as part of the assessment of the application. They confirmed that they had no objections to the proposal. They did, however, suggest a number of informatives stating that the applicant must ensure that the construction and subsequent maintenance of proposed buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land. The recommended informatives have been applied.

One of the comments provided states that no Sustainable Drainage Systems should be constructed within 10 metres of railway infrastructure. The applicant has confirmed that currently the runoff from the existing building enters a soakaway within the site and thus to the local ground water in line with good treatment practise. The current development proposal comprises a renovation of the existing structure and they intend that the existing soakaway facility be used.

Disability access

It is noted that there is quite a steep ramp that provides access to the site. It is acknowledged that this ramp may not meet modern building standards regulations and may be required to be modified. This would be addressed as part of the required building warrant application for the site.

Waste Services

Waste Services was consulted and confirmed that they had no objections to the proposal.

(i) Public comments

Material Representations - objection

- Concerns relating to design and appearance of building and proposed fencing. This is addressed in section 3.3b&c;
- Concerns over flooding/surface water as a result of the development. This is addressed in section 3.3f;
- Concerns regarding building over the culvert. This is addressed in section 3.3f;
- Overlooking and loss of privacy. This is addressed in section 3.3e;
- Potential disturbance and noise. This is addressed in section 3.3e;
- Inappropriate residential environment would be created. This is addressed in section 3.3d;

- Network Rail were not consulted- This is addressed in section 3.3h;
- Disability access. This is addressed in section 3.3h;
- Lack of greenspace. This is addressed in section 3.3d.
- Concerns relating to the impact on the railway. This is addressed in section 3.3h;
- Impact upon trees and wildlife. This is addressed in section 3.3g;
- Loss of outlook. The immediate outlook from properties will not be impacted;
- Health concerns for future residents. Environmental Protection offered no objections to the proposal. A condition has been applied to the consent with regards to the requirement for a ground investigation of the site to be carried out;
- There are inaccuracies within the plans. It is acknowledged that there are some slight inaccuracies within the plans, with the west wall of the garage being shown to be inline with the boundary when instead it appears to be positioned slightly in from the boundary. However, the difference is minimal, approximately 200mm, and it is not proposed for the position of the wall to change. The plans are not clear whether there is a wall or fence located around the boundary of the nearby car park, however, this is not material to the overall assessment of the application. Overall the plans submitted clearly indicate the works which are proposed and what elements of the existing garage are to remain and what will be replaced.
- Description of the proposal is incorrect and that this is not just a change of use. The application description accurately describes that the site will have its use changed from a garage to that of a residential property. The accompanying plans clearly indicate the scale and nature of the works which are proposed to be carried out.

Non Material Representations

- The existing garages are never used and should not have been granted consent. This is not a material planning consideration;
- Lack of architectural details and how the proposal will be built, existing walls will not take the additional weight. This is not a material planning consideration. Further details of the proposed build will be required for the building warrant for the proposal;
- Larch cladding can be combustible. This will be looked at in detail during the building warrant;
- The existing roof contains asbestos. This will be looked at in detail during the building warrant

- Legal liability if works were to stop mid-way. This is not a material planning consideration;
- It would set a precedent. Every application is determined on its own merits.

Conclusion

The proposal complies with the relevant policies in the adopted local development plan and non-statutory guidance. The proposed site is a suitable location for the formation of a dwelling house. The proposal will preserve and enhance the character of the conservation area. It will provide a good residential environment for future occupants and will not materially damage the existing amenity of local residents. It will not cause additional flood risk to neighbouring properties or be at risk from flooding itself. There are no material considerations upon which to refuse granting planning permission.

The Scottish Environmental Protection Agency (SEPA) have objected to the application. In the event that the Development Management Sub Committee proposes to grant planning permission, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 states that the application shall be notified to the Scottish Ministers due to the outstanding objection from SEPA.

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

3.4 Conditions/reasons/informatives

Conditions: -

1. No trees which overhang the application site shall be lopped, topped, pruned or felled without the approval of the Planning Authority.
2. During excavation and construction if any tree roots over 25mm diameter or large bundles of fine roots are discovered within the site then a suitably qualified arboriculturalist shall be contacted and the roots inspected to clarify whether the works shall harm these trees. A written report of any findings following this inspection shall be submitted to the Planning Authority for further approval prior to any further works commencing
3. Prior to the commencement of development a Tree Protection Plan in accordance with BS5837:2012 Trees in relation to design, demolition and construction to demonstrate how trees adjacent to the site will be protected, including the location of tree protection fences, must be submitted to and approved by the Planning Authority.
4. 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.

5. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. The landscape plan shall demonstrate that a minimum of 20% of the site area is useable greenspace.
6. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
7. The following noise protection measures to the proposed residential property, as defined in the E2 'Environmental Noise and Vibration Impact Assessment' report (Ref P8097), dated December 2019 updated January 2020:

Glazing units with a minimum insulation value of 8,8mm - 14 mm - 6 mm - 14 mm - 12,8mm triple glazing shall be installed for the external doors and windows of the areas highlighted on drawing number 07a.

These glazing units shall be installed prior to the development being occupied.

8. Further details of the proposed secure cycle storage within the site shall be submitted for the written approval of the Council, prior to the unit becoming occupied.
9. A site survey, including the use of CCTV, shall be undertaken to establish the location, condition and depth of the Powburn culvert prior to any construction work beginning. A report on the findings and proposed mitigation measures, including future access provision to the culvert, shall thereafter be submitted to the Planning Authority for further approval and any agreed measures shall thereafter be implemented prior to works beginning on site.
10. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. In order to protect the trees near to the site.
2. To protect the trees near to the site.
3. To protect the trees near to the site.
4. In the interests of visual amenity.
5. In the interests of amenity.
6. In the interests of the health and safety of future occupiers.
7. In the interests of the amenity of future occupiers.
8. In the interests of sustainability.
9. In the interests of flood protection.
10. In order to ensure that the approved landscaping works are properly established on site.

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 should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See

http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category D - New Build).

5. Uncontrolled drainage towards the railway may have a direct impact on the reliability and frequency of the rail transport in your area. All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. (Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development).

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, see contact details below:

Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4352
E-mail: AssetProtectionScotland@networkrail.co.uk

6. According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal to apply for a diversion.

7. The detailed arrangements for waste collection need to be agreed with myself at later stage. The architects or developers should liaise directly with me, via email at Sean.Hanlon@edinburgh.gov.uk

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:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Six objection comments were received in relation to the application, including one from the Craigmillar Park Association and the Grange/Prestonfield Community Council.

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

Date registered 12 June 2019

Drawing numbers/Scheme 01,02,03,04,05a,06,07b,

Scheme 2

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer

E-mail: robert.mcintosh@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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

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

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

LDP Policy Hou 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 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.

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-Streetcar and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Relevant Non-Statutory Guidelines

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

Other Relevant policy guidance

The Craigmillar Park Conservation Area Character Appraisal emphasises the predominance of high-quality stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing and the use of traditional materials, and the predominant residential use.

Appendix 1

Application for Planning Permission 19/02822/FUL At 1 Mentone Terrace, Edinburgh, EH9 2DG Change of Use from 5 Garages to new dwelling house

Consultations

Environmental Protection

The applicant has now submitted further information on the required glazing specification that is required to mitigate the noise from the railway. The required noise reduction levels have been established in the applicant's noise impact assessments and upgraded glazing specifications highlighted on drawing numbers ECA-141 rev B (Elevations & Ground Floor Plans) dated 10/6/2019. The applicant has advised that triple insulated glass units of the following specification will be installed to meet the required sound reduction levels; 8,8mm - 14 mm - 6 mm - 14 mm - 12,8mm. Environmental Protection shall recommend a condition is attached to ensure this minimum specification is installed.

The application site may have become contaminated from previous uses on the land and so it is recommended that a condition be attached which ensures that the site is assessed and appropriately remediated where required to ensure that the site is made safe for the proposed end use.

Environmental Protection offers no objections subject to the following condition:

1. Prior to the commencement of construction works on site:
 - (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.

2. The following noise protection measures to the proposed residential property, as defined in the E2 'Environmental Noise and Vibration Impact Assessment' report (Ref P8097), dated December 2019 updated January 2020:

- Glazing units with a minimum insulation value of 8,8mm - 14 mm - 6 mm - 14 mm - 12,8mm triple glazing shall be installed for the external doors and windows of the

areas highlighted on drawing number ECA-141 rev B (Elevations & Ground Floor Plans) dated 10/6/2019.

shall be carried out in full and completed prior to the development being occupied.

Roads Authority

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

1. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category D - New Build);

Note:

1. The proposed zero car parking is considered acceptable and complies with Council parking standards.

SEPA

Original Response:

We object to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

In summary we wish to receive clarification on the following points before we would consider removing our objection to the proposed development:

o A detailed Flood Risk Assessment (FRA) to inform the developable area and finished floor levels.

We note that a Stage 2 FRA has been completed in support of this application, however upon review we still have concerns in relation to flood risk impacts of the development.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

1. Flood risk

1.1 SEPA objected to a similar application at this site in May 2015 (15/01429/FUL). We recommend that this response is read in conjunction with our previous response.

1.2 The proposed dwelling house would replace garages and be located at a low level adjacent to the railway tracks. Review of the SEPA Flood Map indicates the site

is immediately adjacent to the 1 in 200-year (0.5% annual probability) flood extent and as such may be at medium to high risk of flooding. The risk of flooding would appear to be from the Jordan Burn and it is likely that the flood modelling is channelling flows along the railway as the watercourse would appear to be culverted in this location. A detailed FRA will be required to assess the flood risk from the Jordan Burn and inform safe development levels. The detailed FRA should provide an estimate of the design flood peak flows and water levels at the site. This will need to take into account various culvert blockage scenarios.

1.3 The results of at the detailed FRA should inform the developable area and finished floor levels. Finished floor levels should be above the 1 in 200 year flood level, with added freeboard (as defined by the council but normally 600mm) and appropriate climate change allowances.

Detailed advice for the applicant

2. Flood risk

2.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland.

2.2 We refer the applicant to the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction with Policy 41 (Part 2).

2.3 Our Flood Risk Assessment Checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process.

2.4 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

2.5 The flood risk advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1).

Regulatory advice for the applicant

3. Regulatory requirements

3.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website.

Follow-up Response

Thank you for your consultation email which SEPA received on 12 June 2020. Please accept our apologies regarding the delay in our response.

We maintain our objection to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. In order to review our objection to the application we would need to be satisfied that culvert under the proposed house footprint does not convey a watercourse, part or all of the flows of the Pow/Jordan Burn.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

Please note our comments below.

Technical Report

1. SEPA objected to this application in April 2020. Please read this response in conjunction with our previous response.
2. The Ramage Young report suggests that the site may be adjacent to a culvert which conveys the Pow/Jordan Burn. The capacity of this culvert and its condition is unknown. It is also unknown where the water would flow should the flow in the watercourse exceed the flow in the culvert. However we note that the proposed finished floor level of 53.3 metres Above Ordnance Datum will be a metre or so above the level of the adjacent tracks which would probably receive any excess water.
3. The Ramage Young report advises that it is proposed to construct the proposed house on top of a brick sewer. The condition of the sewer is unknown and its life expectancy is unknown. Should the sewer require maintenance or replacement then access would be essential which would be extremely difficult, if not impossible, with a house constructed over it. The house itself will increase the loading on the sewer and may cause damage to the sewer. Any impediment to undertake maintenance or replacement could place nearby properties at an increased risk of flooding. We note that the Flood Risk Assessment (FRA) refers to previous flooding of property in the area.
4. The Terrenus FRA refers to a Powburn Flood Alleviation Scheme close to the site. The Council has advised us that this does not relate to the Pow/Jordan Burn but may refer to the combined sewer network in Ventnor Terrace. We would advise that the flood risk management team in the Council is best placed to comment on surface water flooding issues at, and close to, the site. We also note that proposals to discharge surface water to a local soakaway is also for the Council to consider. We assume that the soakaway was originally designed for the garages and will need to be resized to cope with the expected increase in surface water and also take into consideration future climate change

Scottish Water

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

There is currently sufficient capacity in the Glencorse Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

There is currently sufficient capacity for a foul only connection in the Edinburgh Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Next Steps:

All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Network Rail

Thank you for consulting Network Rail regarding the above development.

Whilst Network Rail has no objections in principle to the proposal, due to its close proximity to the operational railway, we would request that the following matters are taken into account, and if necessary and appropriate included as advisory notes, if granting the application:

The applicant must ensure that the construction and subsequent maintenance of proposed buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land.

Uncontrolled drainage towards the railway may have a direct impact on the reliability and frequency of the rail transport in your area.

All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. (Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development).

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

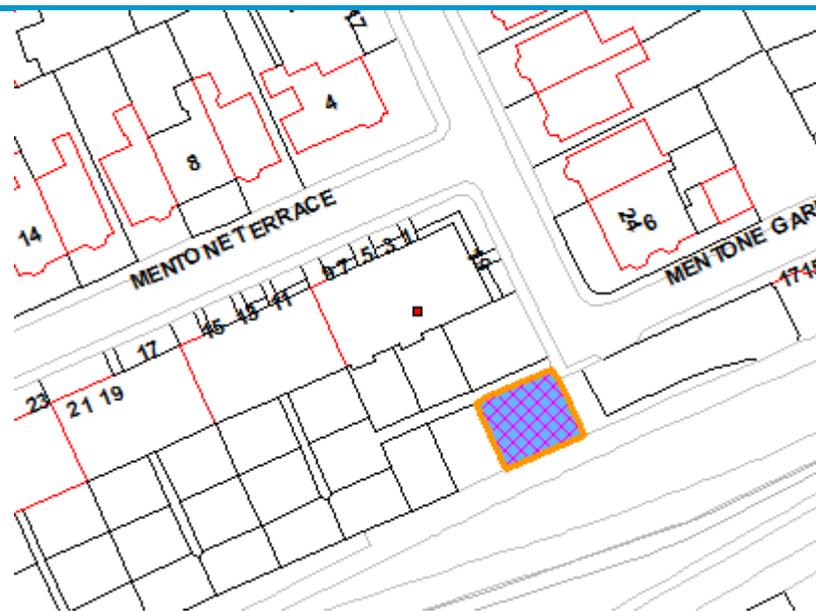
Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, see contact details below:

Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4352
E-mail: AssetProtectionScotland@networkrail.co.uk

We trust full cognisance will be taken of these comments. We would be grateful if Local Planning Authorities would provide a copy of the Decision Notice.

Location Plan



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