

Development Management Sub Committee

Wednesday 10 October 2018

**Application for Planning Permission 18/02244/FUL
At Mckenzie's, 80 Main Street, Edinburgh
Change of use from public house to office and residential
accommodation, alterations to existing buildings and
erection of new residential development with associated
landscaping.**

Item number	4.1
Report number	
Wards	B01 - Almond

Summary

The proposal would be acceptable in principle, in keeping with the character of the area and could provide adequate levels of amenity. There would be no adverse impact to road safety or surface water drainage. The proposal accords with development plan policy and non-statutory guidance. There are no material considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LHOU01, LHOU02, LHOU03, LHOU04, LHOU05, LDES01, LDES04, LDES05, LTRA02, LTRA03, NSG, NSGD02, NSP,
---	---

Report

Application for Planning Permission 18/02244/FUL At Mckenzie's, 80 Main Street, Edinburgh Change of use from public house to office and residential accommodation, alterations to existing buildings and erection of new residential development with associated landscaping.

Recommendations

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

Background

2.1 Site description

The site comprises a vacant pub and car park on the south side of Main Street. The existing pub building is two storey with a single storey extension to the rear and side of the building. The surrounding area is of mixed uses, with commercial to the north and west and residential properties located to the east, south west and north.

2.2 Site History

29 January 2014 - Planning permission granted for a change of use from car park to beer garden with associated raised decking/seating area and covered barbeque facility (application number 13/04845/FUL).

Main report

3.1 Description Of The Proposal

The proposal is for the erection of a two storey semi-detached block to the rear of the site comprising 4 residential flats. The block measures 6.1 metres in height and 9.4 metres wide and will be constructed in brick, render and metal cladding with timber windows and doors. The flats are all 2 beds measuring 73.3 and 85.9 square metres. The existing public house will be converted to office space at the ground floor measuring 64.5 square metres and a 3 bed flat at the first floor measuring 86.4 square metres.

A shared garden is proposed to the rear of the new block and will be a shared space between the four flats.

Access will be from the existing vehicular access onto Main Street. Five spaces including a disabled space is to be provided along with a motorcycle space. Seven double cycle lockers will be provided.

Scheme 1

This proposed the loss of commercial at the ground floor in the existing building.

Applicant's Supporting Statement

The following documents are available on the Planning and Building Standards On-Line Services:

- Planning Supporting Statement;
- Surface Water Management Plan; and
- Design Statement.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

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

- a) the proposal is acceptable in principle;
- b) the proposal is in keeping with the character of the area;
- c) the proposal is of an appropriate scale, form and design;
- d) the proposal will provide adequate amenity for occupiers;
- e) the proposal will detrimentally affect neighbouring amenity;
- f) the proposal will adversely impact road safety;
- g) the proposal will adversely impact drainage and surface water flooding;
- h) other matters have been addressed;
- i) any impacts on equalities or human rights are acceptable; and
- j) any public comments raised have been addressed.

a) Principle

The proposed residential development would represent an appropriate and compatible use within an established residential urban area. The principle of a residential development is acceptable under Policy Hou 1 and 4 of the Edinburgh Local Development Plan (LDP).

The proposal also involves the retention of the ground floor of the existing building as office space. The unspecified class 2 use (Financial, professional and other services) provides a wide range of service uses which the public expects to find in shopping areas, such as betting shops; the offices of lawyers, accountants and estate agents; health centres and surgeries of doctors, dentists and veterinary surgeons; where the services are provided principally to visiting members of the public. Class 4 (Business) relates to uses as an office, other than a use within class 2 which can be carried out in any residential area without detriment to the amenity of the area.

Either of the above uses is appropriate and will not be detrimental to the vitality and viability of the central area and complies with Policy Ret 5 of the LDP.

b) Character of the area

The properties along Corbiehill Road and Main Street have an established rhythm of development, are of a similar scale and design, and sit within large landscaped plots. However, the wider spatial character of the area is more irregular with buildings of varying scale and design located towards the rear of sites.

The proposed development would be in keeping with the spatial characteristics of the wider area.

c) Scale Form and Design

The architectural style of the building is modern with a mixed palette of materials including brick, render and metal cladding. The building is subservient in its context, as the overall height of the proposed building sits lower than the surrounding properties on Main Street and Corbiehill Road. It does not detract from the visual appearance of the area.

The design and materials of the development are of a high quality and the development accords with policies Des 1 and Des 3 of the LDP.

d) Amenity for future occupiers

The Non-Statutory Edinburgh Design Guidance requires that a minimum of 66 square metres for a two bed and 81 square metres for a three bed. The three bed flat in the conversion is 86.4 square metres and the two bed flats in the new build measure between 73.3 to 85.9 square metres and meet the terms of the Edinburgh Design Guidance.

e) Neighbouring Amenity

Privacy

The orientation of the proposed building will result in overlooking to the gardens and not over the dwelling house of the properties lying to the east. The Edinburgh Design Guidance does not set out minimum privacy distances and it is assessed on a case by case basis. The rear of the flats are located 9 metres off the eastern boundary and is reflective of similar boundary distances found in the area and considered acceptable.

Sunlight

In terms of sunlight to existing residents, the applicant has undertaken a daylight and sunlight assessment, which compared the impact of the proposed buildings on all surrounding properties during the spring equinox. This study demonstrates that at least half of the garden area is capable of receiving sunlight for more than three hours as set out in the Edinburgh Design Guidance.

Daylighting

The information submitted by the applicant demonstrates that the proposed development will provide reasonable levels of daylight to the existing buildings as set out in the Edinburgh Design Guidance.

In conclusion the proposal will not have a detrimental impact on neighbouring residential amenity.

f) Road Safety

The site is within Zone 2 of the Council's Parking Standards. The site will utilise the existing vehicular access onto Main Street and will provide a total of 5 parking spaces which includes a disabled space, a motorcycle space and seven double cycle lockers. The proposal meets the Council's Parking Standards.

The proposed development will therefore have no detrimental impact on road safety.

g) Flooding

A Surface Water Management Plan has been submitted. Flooding has raised no objections to the application.

h) Other Matters

Archaeology

No significant archaeological remains are expected on this site. However, it is recommended that a condition be appended to the permission requiring a standard programme of archaeological work to be undertaken given the significance of the buildings and the site's location as occurring within an area of archaeological potential.

Communities and Families

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

Using the pupil generation rates set out in the Supplementary Guidance, the development of 5 flats is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.

i) Equalities and Human Rights

The application was assessed in terms of equalities and human rights. In summary, the building would be fully accessible to those with varying needs relating to mobility, sight impairment, hearing impairment and varying degrees of disability. An Equality and Human Rights Assessment is available to view on the Planning and Building Standards Online Service.

j) Public Comments

Material Representation - Objection

- does not reflect the urban pattern of the area - assessed in section 3.3b).
- poor design - assessed in section 3.3c).
- overshadowing - assessed in section 3.3e).
- loss of privacy - assessed in section 3.3e).
- parking allocation - assessed in section 3.3f).

Material Representation - Support

- accessible location - assessed in section 3.3f) and acknowledged that the site is in an accessible location.
- good size of development - assessed in section 3.3c) and acknowledged that the proposal will not have an adverse impact on the spatial character of the area.
- enhancement to the area - assessed in section 3.3) and acknowledged that the proposal will have a positive impact on the streetscape.

Conclusion

The proposal would be acceptable in principle, in keeping with the character of the area and would provide adequate levels of amenity. There would be no adverse impact on road safety or surface water drainage. The proposal accords with development plan policy and non-statutory guidance. There are no 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. 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.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.

Reasons:-

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

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.
 1. Site layout to be in accordance with the approved planning drawings in regard to the provision and layout of parking within the development. This includes accommodation of 5 car parking spaces (inclusive of 1 suitable for disabled users), 7 double cycle lockers and 1 motorcycle space;
 2. Access to the development and parking area is to be by dropped kerb (i.e. not bell mouth). The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits
http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point;
 3. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;
 4. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
 5. Electric vehicle charging outlets should be considered for this development but as a minimum ducting and infrastructure to allow electric vehicles to be readily accommodated in the future should be provided.

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 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

A total of 30 letters of representation has been received. Fifteen of these are letters of objection and 15 of these are letters of support.

Representations were received from the Residents Association, Ward Councillor and MSP.

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 - The site is designated as an Urban Area.

Date registered

18 May 2018

Drawing numbers/Scheme

01-02,03A,04-06,07A,08A,09A,10-13,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynsey Townsend, Senior Planning Officer

E-mail:lynsey.townsend@edinburgh.gov.uk Tel:0131 529 3905

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Appendix 1

Application for Planning Permission 18/02244/FUL At Mckenzie's, 80 Main Street, Edinburgh Change of use from public house to office and residential accommodation, alterations to existing buildings and erection of new residential development with associated landscaping.

Consultations

Roads Authority

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

- 1. Site layout to be in accordance with the approved planning drawings in regard to the provision and layout of parking within the development. This includes accommodation of 5 car parking spaces (inclusive of 1 suitable for disabled users), 7 double cycle lockers and 1 motorcycle space;*
- 2. Access to the development and parking area is to be by dropped kerb (i.e. not bell mouth). The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point;*
- 3. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
- 4. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
- 5. Electric vehicle charging outlets should be considered for this development but as a minimum ducting and infrastructure to allow electric vehicles to be readily accommodated in the future should be provided*

Note:

- 1. The application has been assessed under the 2017 parking standards for Zone*
- 2.*

a. *These require the provision of secure cycle storage for 2 cycles per unit (2-3 rooms) and 3 cycles per unit (4 or more rooms). This equates to a minimum requirement of 11 cycles for the scale of residential development proposed. 7 double cycle lockers (14 cycles in total) are proposed for the development. This in excess of the minimum requirement and deemed acceptable.*

The scale of office development lies below the threshold for the provision of cycle parking. However, the applicant should consider allocating one of the cycle storage lockers for use by employees of the office, given that no specific car parking is proposed and to promote the use of sustainable travel modes as an alternative to private car.

b. *The standard permits 1 space per residential unit and 1 space per 100m² for Class 2 or 1 space per 500m² for Class 4. The proposed scale of office development lies below the threshold for the specific provision of car parking. No parking is proposed for the office component of the development and this is deemed acceptable given the relative accessibility of the site by other travel modes. 5 spaces inclusive of 1 suitable for disabled use are proposed for the residential component of the development. This is deemed acceptable.*

Flooding

No objections to the application

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for change of use from public house to residential accommodation, alterations to existing buildings and erection of new residential development with associated landscaping

The application affects the late Victorian former public house Mackenzie's located within the limits of the historic settlement of Davidsons Mains originally known as Muttonhole. The origins of Muttonhole are not known, however it is recorded from at the least the 17th century. Given its location on the intersection of early roads dating back to the Roman period, earlier medieval settlement cannot be discounted.

Although unlisted this former public house dates to the Victorian period and is considered to be of local historic interest. Furthermore the site's location has also been identified as occurring within an area of archaeological potential. Accordingly this application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policy ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The proposals seek the conversion of the current Victorian public house, demolition of rear extensions and new construction. Such works will both affect the fabric of this building and potentially disturb significant remains associated with the development of Davidsons Mains/Muttonhole dating back to the post-medieval period. Such impacts are however considered to be overall low in scale and significance. It is therefore recommended that a suitable programme of archaeological work is undertaken. This will comprise a programme archaeological historic building survey (level 1; annotated plans, photographic and written survey) of the public house prior to and during any internal stripping out to record any historic pub furnishings. (Victorian -early 20th century). In addition this work will be linked to programme of archaeological excavation to fully record, excavate and analyse any significant buried remains affected by ground breaking works.

It is recommended that this programme of work be secured using the following condition:

'No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, historic building recording, reporting and analysis, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

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

Children and Families

No contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil. Using the pupil generation rates set out in the Supplementary Guidance, the development of 7 flats is to expected to generate at least onen additional pupil. A contribution towards education infrastructure is therefore not required.

Environmental Protection

The applicant proposes changing the use of an existing public house into residential use with the erection of a new residential development to the rear. The number of car parking spaces serving the site will reduce from eight to five. The site is in a mainly residential area with a road located to the front of the main building subject to the change of use.

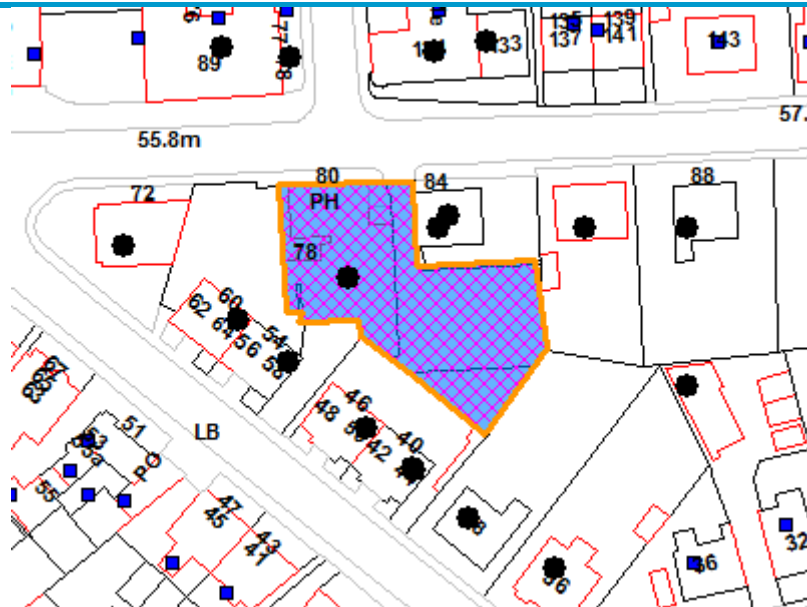
Environmental Protection recognise the planning gains this application would have if consented. Environmental Protection recommend that an informative is attached to ensure that the applicant is aware of the desirable internal noise level when considering traffic noise.

Environmental Protection recommend that the applicant installs 7Kw type two electric vehicle charging points to future proof the development.

Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable).

Environmental Protection has no objections to the development subject to the attached condition.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END