

# Development Management Sub Committee

Wednesday 6 November 2019

**Application for Planning Permission 19/02812/FUL  
At 539 Gorgie Road, Edinburgh, EH11 3AR.  
Proposed change of use - proposed change of use from  
Class 10: non-residential institutions to Class 7: Hotels and  
Hostels.**

**Item number**

**Report number**

**Wards**

B09 - Fountainbridge/Craiglockhart

## Summary

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The development is an acceptable use in principle which will not have a detrimental impact on the living conditions of neighbouring residents. The proposal does not raise any issues in respect of its impact on the character and appearance of the surrounding area, the setting of the listed building or transport and parking. The potential flood risk to the development is considered acceptable in the specific context of the proposed use for which permission is sought. The proposal complies with policies Hou 10, Hou 7, Env 3, Des 1 and Tra 2 of the adopted Edinburgh Local Development Plan (LDP) and the Edinburgh Design Guidance (EDG). A justified infringement of policy Env 21 is acceptable in the context of this application.

## Links

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[Policies and guidance for this application](#)

LDPP, LHOU10, LDES01, LHOU07, LEN03, LEN21, LTRA02, NSG, NSGD02, NSLBCA,

# Report

## **Application for Planning Permission 19/02812/FUL At 539 Gorgie Road, Edinburgh, EH11 3AR. Proposed change of use - proposed change of use from Class 10: non-residential institutions to Class 7: Hotels and Hostels.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site consists of Stenhouse St Aidan's Church, which is a collection of three buildings constructed in the early 20th century which are all category B listed (listing date: 26 October 1989, listing reference: 30211). The main church sanctuary was built in 1935. The site is on the corner of Chesser Avenue and Gorgie Road. The immediate surrounding area is predominantly residential in nature to the south, comprising a mixture of four in a block buildings, tenement flats and semi-detached dwelling houses. However, the site lies on a busy A road near to commercial properties, and the wider surrounding context is therefore mixed in character.

#### **2.2 Site History**

7 September 1999 - Planning permission granted to provide two ramps and handrails to allow inclusive access to the church (application reference: 99/02303/FUL).

25 May 2012 - Planning permission and listed building consent granted for the removal of a temporary ramp and alterations to the existing railings (application reference: 12/01193/FUL and 12/01193/LBC).

12 September 2018 - Listed building consent granted for the temporary conversion of sanctuary to provide a night shelter; construction of new temporary structure to have additional sanitary facilities with access from sanctuary; internal remodelling to offer new meeting room, laundry and WCs (application reference: 18/03750/LBC).

11 October 2018 - Planning permission granted for a six month period for the use of the premises as a night shelter and the erection of a sanitary block (application reference: 18/03751/FUL).

## Main report

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### 3.1 Description of the Proposal

The proposal seeks planning permission for a change of use from a church (class 10), into a night shelter hostel with beds for a maximum of 75 individuals (class 7) on a permanent basis. The proposal will be operated by the Bethany Christian Trust. As outlined in the supporting statement, the Trust intends to provide daily transport to the premises via a city centre pick up point, with three trips at 9pm, 9.30pm and 11pm. Food will then be served between 9.30pm and 10.30pm, with a lights out policy operated between 11.00pm and 6.30am. Breakfast will be served between 6.30am and 7am with transport then provided back into the city centre. The scheme is intended to operate over a 32-week period during the winter and autumn.

In addition, consent is also sought for the permanent siting of a rectangular timber sanitary block situated between the gable elevation and the western boundary of the site. The block is directly linked to the church and provides showers and toilets for occupants.

#### Supporting Documents

The applicant has submitted the following supporting documents which are available to view via planning and building standards online services:

- Care Shelter Report 2017-2018
- Planning Statement
- Summary of Care Shelter Procedures (Contents Only)
- MSP's motion in support of Diadem

### 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 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 proposed change of use is acceptable in principle
- b) The proposal will have a detrimental impact on the amenity of neighbouring residents
- c) The proposal will have an adverse impact on the setting of the listed building or the character and appearance of the surrounding area
- d) The proposal raises any issues in respect of transport and road safety
- e) The proposal raises any issues in respect of flood prevention, and
- f) Any matters raised in representations have been addressed.

#### a) Principle of the Proposal

Policy Hou 10 of the adopted Edinburgh Local Development Plan (LDP) states that development involving the loss of valuable community facilities will not be allowed unless appropriate alternative provision is to be made.

The applicants supporting statement outlines that the existing church has not been utilised since April 2018 when an African Church ceased their use of the building. Gorgie Dalry Stenhouse Church Congregation currently has its main place of worship at Gorgie Church which is situated at 190-192 Gorgie Road. Having regard to the fact that the church is not currently utilised, the proposal will not result in the loss of a community facility. The proposed use represents an appropriate social facility. Whilst the proposed use will cater for a transient population, the proposal will not disrupt the existing population balance or undermine the social and physical fabric of the community.

The proposal is acceptable in principle and complies with policy Hou 10.

#### b) Impact on the Amenity of Neighbouring Residents

Policy Hou 7 states that developments which will have a materially detrimental impact on the living conditions of nearby residents will not be permitted.

The premises are intended to operate specifically as a night shelter during night time hours, with staff members present to oversee the behaviour of individuals staying on the premises overnight. The supporting statement outlines that residents' access to outside areas within the curtilage of the site will be limited, with smoking only permitted within the main courtyard area of the church grounds which faces onto Gorgie Road. The neighbouring properties to the south are separated from this area by the church buildings, and the distance between the courtyard and the residential premises is considered sufficient to ensure that they will not be disturbed by any individuals using the courtyard.

Environmental Protection advised in its response that it would have no objection to the proposal subject to the application of a condition limiting the use of the shelter for a 32 week period based on specific dates. If such a condition were not to be applied, Environmental Protection advises that it would require further details on cooking and a supporting noise impact assessment (NIA). It should be noted that there have been no complaints to Environmental Protection from neighbours during the trial period.

The applicants have advised that cooking operations will involve utilising the existing kitchen situated within the church. In addition, given the orientation of the buildings in relation to residential properties, an NIA is not required.

As consent has been sought for a permanent change of use of the buildings, it is appropriate for the planning authority to assess the suitability of such a use over the course of a calendar year, not just a 32 week period. The application of a condition limiting the use to a 32 week period would not be reasonable or accord with the requirements of circular 4/1998 on the use of conditions in planning permissions. As stated in section 3.3 (a), the use is acceptable in principle and there would be no basis on which to restrict the use by condition, albeit this accords with the timescale proposed by the applicants.

The proposal will not have a materially detrimental impact on the living conditions of neighbouring residents and complies with LDP policy Hou 7.

#### c) Impact on the Setting of the Listed Building and Character and Appearance of Surrounding Area

The setting of the church is largely influenced by the main courtyard area which serves as the focal point of the site, and the small areas of landscaping situated between the buildings and the boundary railings. The sanitary block is located in a discreet location adjacent to the western boundary of the site and it does not interfere with the setting of the church buildings.

The sanitary block is located in a suitable position adjacent to the western gable elevation of the church. The block is screened from wider view behind a timber fence and mature trees located along the boundary of the site. Its overall impact on the character and appearance of the surrounding streetscape is negligible and appropriate.

The proposal will not have a detrimental impact on the setting of the listed buildings or the character and appearance of the surrounding area. The proposal complies with the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and LDP policies Env 3 and Des 1.

#### d) Transport and Road Safety

The proposal does not include any parking provision on site. Under the parking standards in the Edinburgh Design Guidance (EDG) there is no minimum parking requirement for a class 7 use in this location.

The Roads Authority was consulted on the proposal and raised no objection to the proposal.

The proposal does not raise any issues in respect of parking or road safety and complies with LDP policy Tra 2.

#### e) Flood Prevention

The site is located within an area which is identified on SEPA's flood maps as being at risk of fluvial flooding, owing to the proximity of the Water of Leith. Consequently, the Council's Flood Prevention Section has requested a flood risk assessment (FRA) in order to determine the risk to the proposed development, and it has advised that without the submission of such an assessment it objects to the application.

It is not considered that an FRA is necessary in the specific circumstances of this application. The proposal is not seeking to establish residential development in which individuals will reside on a permanent basis but is designed to provide temporary accommodation during night time hours. In addition, the premises will remain staffed with volunteers who will be able to ensure that the building can be evacuated safely should a flooding emergency which requires evacuation occur.

As such, the proposal represents a justified infringement of LDP policy Env 21. The potential flood risk to the proposal is considered acceptable in the specific context of the application having regard to the nature of the proposed use.

#### f) Representations

##### **Objection Comments**

- Proposal will cause anti-social behaviour and will have a detrimental impact on the amenity of neighbouring residents - addressed in section 3.3 (b)
- Principle of the proposal is not acceptable - addressed in section 3.3 (a)
- No information as to how the premises will be managed - addressed in section 3.3 (b)
- Local area has been subject to an increase in student accommodation - addressed in section 3.3 (a)

## **Non-Material Considerations**

- Security and safety of neighbouring residents - this is a matter for Police Scotland if it involves criminal acts;
- Use of Council Tax to fund the proposed use - this is not a planning consideration;
- Proposed site is located close to primary schools - this is not relevant to the proposed use as a hostel;
- Impact of the proposal on private property prices - this is not a planning consideration;
- Fire safety issues - these matters are covered separately under the building regulations, and;
- The Council should be constructing more affordable housing - this is not relevant to the proposed use as a hostel.

## **Support Comments**

- Proposal is acceptable in principle - addressed in section 3.3 (a);
- Proposal is an important community service which provides support to vulnerable individuals - addressed in section 3.3 (a);
- Proposal will not cause anti-social behaviour to neighbouring residents - addressed in section 3.3 (b), and;
- Proposal will not have any adverse impact on transport or parking - addressed in section 3.3 (d).

## **Non-Material Considerations**

- Improved security features on neighbouring residential properties would prevent anti-social behaviour issues.

## **Conclusion**

In conclusion, the proposal is an acceptable use in principle which will not have a detrimental impact on the living conditions of neighbouring residents. The proposal does not raise any issues in respect of its impact on the character and appearance of the surrounding area, the setting of the listed building or transport and parking issues. The potential flood risk to the development is considered acceptable in the specific context of the proposed use for which permission is sought. The proposal complies with policies Hou 10, Hou 7, Env 3, Des 1 and Tra 2 of the adopted Edinburgh Local Development Plan (LDP) and the Edinburgh Design Guidance (EDG). A justified infringement of policy Env 21 is acceptable in the context of this application.

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

### **3.4 Conditions/reasons/informatives**

#### **Informatives**

It should be noted that:

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

#### **Financial impact**

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##### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

#### **Risk, Policy, compliance and governance impact**

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

#### **Equalities impact**

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##### **6.1 The equalities impact has been assessed as follows:**

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

#### **Sustainability impact**

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##### **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**

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##### **8.1 Pre-Application Process**

There is no pre-application process history.

## 8.2 Publicity summary of representations and Community Council comments

Twenty letters of objection and 27 letters of support were submitted in respect of the proposal. A full summary of the matters raised in these representations can be found in section 3.3 of the main report.

### **Background reading/external references**

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- To view details of the application, go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development****Plan Provision**

The site is located in the urban area in the adopted Edinburgh Local Development Plan (LDP).

**Date registered**

11 June 2019

**Drawing numbers/Scheme**

01 - 05,

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: James Allanson, Planning Officer

E-mail:james.allanson@edinburgh.gov.uk Tel:0131 529 3946

**Links - Policies**

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**Relevant Policies:****Relevant policies of the Local Development Plan.**

LDP Policy Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

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 Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

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

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

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.

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

# Appendix 1

## **Application for Planning Permission 19/02812/FUL At 539 Gorgie Road, Edinburgh, EH11 3AR Proposed change of use - proposed change of use from Class 10: non-residential institutions to Class 7: Hotels and Hostels.**

### **Consultations**

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#### Roads Authority

*No objections to the application.*

#### Environmental Protection

*The church building is located on a busy junction with a tyre and exhaust centre to the east, and residential uses located to the south and further mixed use residential under construction to the west.*

*The applicant has now completed a trial of 32-week period for the night shelter for winter 2018-19 to house a shelter and sanitary facilities (18/03751/FUL). This application wants permanent change of use for use as a shelter. The trial term for the temporary permission was for one-year only. Environmental Protection have received no complaints from neighbours during this trial period. Although it is noted that there is potential for new residential development to be in the vacant plot to the west.*

*The applicant has advised that smoking will only be permitted in a small authorised external space within the courtyard and facing north onto Gorgie Road.*

*Due to the very temporary nature of the previous proposal Environmental Protection offered no objection. This was on the understanding that if this was to be proposed as a permanent change of use then Environmental Protection would require much more detailed supporting material.*

*The applicant has advised that this proposed development will only use the shelter for 32 weeks over the winter in a similar manner to the pilot period. The operator will provide daily transport from the city centre to its facilities. Three trips at 9pm, 9.30pm and 11pm if the shelter is not already full. Food will be served between 9.30pm and 10.30pm. The night shelter operates a light out policy between 11pm and 6.30am. The operator supervises the facilities to ensure that the residents are welcomed and managed. Breakfast is provided in the morning between 6.30am and 7am. The night shelter closes at 7am each morning and three minibuses will transfer guests back into the city centre.*

*On balance Environmental Protection would have no objections if a condition was attached to any consent limiting the use of the shelter for 32-week period based on specific dates. If this is not possible then Environmental Protection will require further details on the proposed cooking and a supporting noise impact assessment to ensure that the neighbouring amenity can be protected on a year-round basis.*

*Therefore, Environmental Protection offer no objection subject to the 32-week use aspect being conditioned by an appropriately worded condition.*

*Should you wish to discuss the above, please do not hesitate to contact me on 0131 469 5160.*

### Flood Prevention

*Thank you for the further clarifications.*

*Without a Flood Risk Assessment, Flood Prevention would object to the application.*

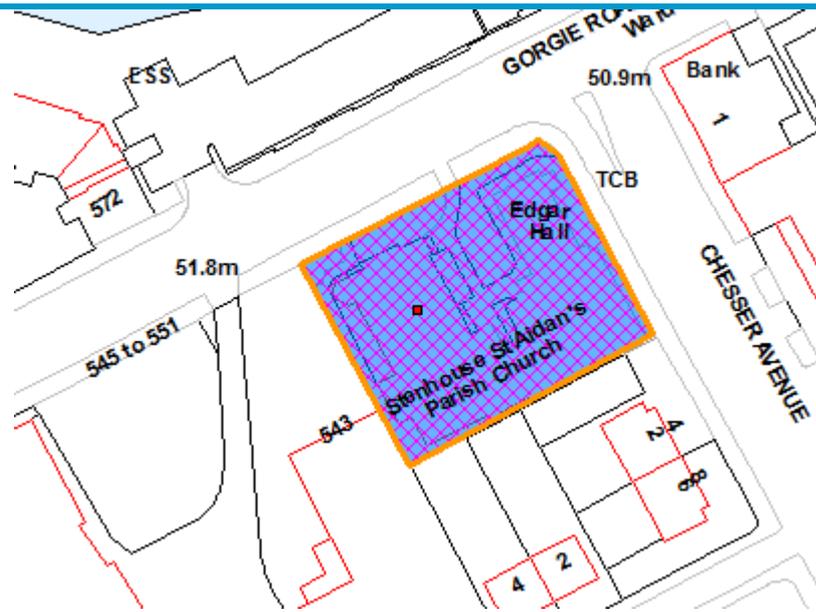
*The new building proposed is a sanitary block and would likely be considered a Least Vulnerable Use under SEPA Flood Risk and Land Use Vulnerability Guidance. The change of use of the church hall into a night shelter hostel would however be classified as a Highly Vulnerable Use.*

*Guidance notes that if such properties are shown to be within or adjacent to medium risk of flooding (annual probability of flooding greater than 0.5% a year), they are generally not suitable for development unless the redevelopment of an existing building is to an equal or less vulnerable use to the existing use. That is the case here unfortunately. We therefore recommend a flood risk assessment is provided to determine the risk to the site.*

*To reiterate, although flooding is a material consideration it may not be the overriding factor to be considered by the Planning Authority.*

## Location Plan

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