

Development Management Sub-Committee Report

Wednesday 11 January 2023

**Application for Planning Permission
54 Rosslyn Crescent, Edinburgh, EH6 5AX**

Proposal: Proposed conversion of bowling club and bowling green to residential dwelling and garden.

**Item – Committee Decision
Application Number – 22/00745/FUL
Ward – B12 - Leith Walk**

Reasons for Referral to Committee

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-committee as it has received more than six material representations in objection and the recommendation is to approve planning permission.

Recommendation

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

Summary

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area.

The proposal complies with the local development plan and associated guidance. The proposal is acceptable in principle, in terms of its impact on open space and on the conservation area. The proposal will provide adequate levels of amenity for future occupiers and will not adversely impact on neighbouring residential amenity. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site comprises the former Tramways Bowling Club, including a bowling green and a single storey clubhouse. The site is located within a residential area, with neighbouring properties to the north-west, south-east, and north-east of the boundary. Private gardens of properties at Pilrig Heights are separated to the north of the site by a boundary wall and the neighbouring Pilrig Bowling Club is located at the north-east boundary.

The site is partly located within the Pilrig Conservation Area.

Description of the Proposal

The applicant proposes a change of use from a bowling green (Class 11) to residential use (Class 9) with amendments to the existing building. The existing bowling green would be private garden ground.

No extension(s) to the clubhouse building or new development within the garden area is proposed.

Supporting Information

A Design and Access Statement and a Planning Supporting Statement have been submitted. Full details can be viewed online on the Planning and Building Standards Portal.

Relevant Site History

21/00528/FUL
54 Rosslyn Crescent
Edinburgh
EH6 5AX
Change of use from leisure class 11 to residential class 9.
Refused
3 May 2021

Other Relevant Site History

No other relevant site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Archaeologist

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 22 February 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 25 February 2022.

Site Notices Date(s): 22 February 2022.

Number of Contributors: 77

Section B - Assessment

Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?
- This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):
- Do the proposals comply with the development plan?
- If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?
- If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?
- In the assessment of material considerations this report will consider:
 - the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old.
 - equalities and human rights.
 - public representations; and
 - any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the character or appearance of the conservation area.

The bowling green which would form the proposed garden ground for this proposal is not within the conservation area. The clubhouse is not listed and appears to be a later addition to the area in comparison with surrounding buildings which date from the late 1800s.

The Pilrig Conservation Area Character Appraisal notes that the Pilrig Conservation Area is characterised by its varied street pattern and terraced properties, contrasted with the green space of Pilrig Park and Rosebank Cemetery.

There would be no alteration to the pattern of development as a result of the change of use and the application proposes modest amendments to the clubhouse building. The clubhouse building is largely screened from views within the conservation area and proposed physical alterations and use of the bowling green as private garden space would not be injurious to the character or appearance of the conservation area.

Conclusion in relation to the conservation area

The proposal has regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals comply with the development plan.

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policies Env 6, Env 9, Env 16 and Env 18
- LDP Housing policies Hou 3 and Hou 5
- LDP Transport policies Tra 2 and Tra 3
- LDP Design policies Des 1, Des 5 and Des 12

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policy Env 6. The Edinburgh Design Guidance is a material consideration in the assessment of this application.

Principle

Changes of use to residential must be considered in the context of LDP Policy Hou 5 (Conversion to Housing). The LDP proposals map shows that the existing bowling green is designated as Open Space (Name: BG72 - Pilrig Bowling Green) therefore the application must also be considered in the context of LDP Policy Env 18 (Open Space Protection).

Criteria a) to d) of LDP Policy Hou 5 list the requirements that must be satisfied for a proposed change of use at this application site. Supporting floor plans demonstrate that the applicant proposes a three-bedroom property, including an open plan kitchen and lounge space with other utility spaces.

The proposed floor space of 177 sqm. would exceed the recommended area of 81 sqm. for a three-bedroom unit as specified in the Edinburgh Design Guidance (EDG). Privacy and general outlook are appropriate, whilst daylight to the property would be secured through enlarged window openings to the north-west elevation of the property and a series of rooflights that would be added to the clubhouse building's south-eastern roof area. Further rooflights would be introduced to the area of flat roof. A satisfactory residential environment would be achieved. Amenity for future residents is considered further in this assessment in Section B part c).

Criterion b) of LDP Policy Hou 5 requires housing to be compatible with surrounding uses. The area is residential in character and within the Urban Area as shown in the LDP Proposals Map. The introduction of housing to the area is compatible with surrounding uses.

Criterion c) of LDP Policy Hou 5 requires that appropriate external open space, amenity and car and cycle parking standards are met. Suitable external and garden space would be available to the rear of the property and cycle parking would be within the curtilage of the property. Car parking would be available in the local area, if necessary, in line with council policy.

Criterion d) of LDP Policy Hou 5) requires a change of use to comply other policies in the LDP including safeguarding of other important land uses. In this case the application site includes protected open space. An assessment of compliance with other relevant LDP policies is provided below in the context of LDP Policy Env 18 (Open Space Protection).

Subject to compliance with other LDP policies, the proposal complies with LDP Policy Hou 5 and is acceptable in principle.

Open Space

Local Development Plan Policy Env 18 (Open Space Protection) sets out the criteria for applications that would result in the loss of designated open space. The proposed garden ground at this application site is classified as open space in the LDP Proposals Map. The Council's Open Space Strategy is used to inform the value of open space in the context of this policy.

The application complies with criterion a) of LDP Policy Env 18, as there would be no significant impact on the quality or character of the local environment by converting a bowling green to garden space or changing the clubhouse to a residence.

The open space forms part of the 'Pilrig Bowling Green' and approximates to 50% of this open space as shown in the Council's Open Space Strategy. The Pilrig Bowling Green open space includes two bowling greens: the application site which was used as Tramways Bowling Club; and Pilrig Bowling Club, which is adjacent to the application site boundary. The proposed change of use would result in the loss of one bowling green which is currently closed to the public, as the club has been disbanded in recent years. In the context of LDP Policy Env 18 criterion b), the site is of limited leisure value at present and there is good quality open space provision in the local area at Pilrig Park, as well as the neighbouring Pilrig Bowling Green at the site's northeast boundary. The proposal complies with criterion b) of LDP Policy Env 18.

The existing bowling green would be used as garden space for the proposed residential use and no building work or extension is proposed on this space. There would be no loss to the biodiversity value of the site from a change of use from a bowling green to garden space. The proposal complies with criterion c) of LDP Policy Env 18.

The application complies with criteria a) to c) of LDP Policy Env 18; however, it must also accord with either qualifying criteria d) or e) of the policy to meet the requirements for any loss of protected open space.

Criterion d) of LDP Policy Env 18 does not apply as it would not be proportionate to request contributions to improve an existing public park or open space as Pilrig Park is approximately 215 metres away and no actions to improve the park are identified in the Open Space Strategy. The ability of the proposal to comply with the loss of protected open space is therefore contingent upon compliance with criterion e) of LDP Policy Env 18.

Criterion e) of LDP Policy Env 18 states that development must be for a *community purpose and the benefits to the local community outweigh the loss*. The applicant has submitted details of agreements with two community groups who would use the area on a weekly basis, one being a children's nursery and the other a family-orientated garden group. Although there is no mechanism to enforce such an agreement, the land is in private ownership and not open to the public. There is no reasonable ability for the Council to change the status of the land, which remains out of use to the wider public, in this context, the opportunity for some form of community benefit is available and in these very particular circumstances, the proposal partially achieves the objectives of criterion e).

The proposal complies with LDP Policy Env 18.

Conservation Area

This has been addressed above. The proposal complies with policy Env 6.

Amenity

Future Occupiers

LDP Policy Des 5 (Development Design-Amenity) requires future occupiers to have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy, or immediate outlook. Criterion a) of LDP Policy Hou 5 requires new development to create an attractive residential environment for future residents in housing development. In addition, LDP Policy Hou 3 (Private Green Space in Housing Development) requires the adequate provision of green space to meet the needs of future residents. The non-statutory EDG also offers advice regarding the amenity of future occupants and neighbours.

The proposed private external space, in the form of the former bowling green, provides an acceptable standard and quantity of open space for future residents in compliance with criterion c) of LDP Policy Hou 5 and LDP Policy Hou 3.

The EDG requires a minimum internal floor area of 81 sqm for a three-bedroom unit. The proposed internal floor space measures 177 sqm. and exceeds the recommended area for a three-bedroom unit which is acceptable.

The EDG establishes standards relating to daylighting for new dwellings. The addition of new openings would provide adequate daylight to the proposed dwelling.

Future occupants would enjoy adequate privacy despite neighbouring gable windows from number 50 Rosslyn Crescent being located at the mutual boundary beside the external garden space as planting is proposed to screen the garden.

In terms of floorspace, external amenity space, privacy, outlook, and daylight provision the proposal complies with LDP policies Des 5-criterion a), Hou 5 criterion a), Hou 3 and the Edinburgh Design Guidance.

Neighbouring Residents

LDP Policy Des 12 (Alterations and Extensions) of the LDP seeks to protect the amenity and privacy of neighbours where alterations and extensions to existing buildings are proposed.

Representations raise concern with regard to privacy for neighbouring properties. The proposed change to a residential use would alter the nature of activity at this site from a leisure club to a private residence with a rear garden.

It is likely that there would be a reduction in the number and frequency of visitors to the site based on the site's previous use as a bowling club. The use of garden space by future residents would not cause any intensification or worsening of privacy for immediate neighbours at number 50 Rosslyn Crescent, despite gable windows being located on the mutual boundary. Similarly, properties at Pilrig Heights at the foot of the proposed garden space are separated by a boundary wall and the window-to-window distance between these properties and the clubhouse building is approximately 47 metres; this is an acceptable distance in the context of privacy or overlooking. The proposal would not result in any additions that would impact 45 Rosslyn Crescent as only roof lights are proposed facing this boundary.

Overshadowing plans to consider any impact(s) for neighbouring properties are not required as there are no new structures, buildings or extensions proposed at the site.

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

Proposed amendments to the property

The proposed physical alterations are of a minor scale and involve the addition of new windows and rooflights. These are in keeping with the site and will not impact on the character of the area in compliance with LDP policies Des 1 and Des 12.

Other Matters

Transportation

Zero parking at this location complies with the Council's parking standards. Street parking is available in the local area if required and the property is capable of storing bicycles within its curtilage. As an alternative to private transport modes the property is within walking distance of the city's public transport network where bus service routes 10 and 11 operate along Pilrig Street.

The proposal complies with LDP policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking).

Protected species

The applicant proposes the introduction of several small roof lights and other alterations to the existing clubhouse building. An ecological survey has been submitted. No protected species have been found and mitigation measures have been proposed.

The proposal complies with policy Env 16.

Archaeology

Given the lack of groundworks the Council Archaeologist has no objection to the proposal.

The proposal complies with policy Env 9.

Conclusion in relation to the Development Plan

The proposal complies with the local development plan.

c) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

The application received a total of 77 comments. Of these, 46 objected, 3 were neutral and 28 were in support. A summary of the representations is provided below:

material considerations

- principle: this has been addressed above.
- overdevelopment: no new structures are proposed.
- loss of open space: this has been addressed above.
- loss of privacy: this has been addressed above.
- amenity for future occupiers: this has been addressed above.
- protected species: this has been addressed above.

non-material considerations

- future development: the proposal is assessed on the submission at hand. Any further proposals would require further planning permission.

Conclusion in relation to identified material considerations

The proposal is acceptable with regards to the above.

Overall conclusion

The proposal complies with the local development plan and associated guidance. The proposal is acceptable in principle, in terms of its impact on open space and on the conservation area. The proposal will provide adequate levels of amenity for future occupiers and will not adversely impact on neighbouring residential amenity. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

Reasons: -

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informatives

It should be noted that:

1. 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.
2. 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.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 16 February 2022

Drawing Numbers/Scheme

01-10

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Murray Couston, Planning Officer
E-mail: murray.couston@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Archaeologist

COMMENT: No objection to the proposal.

DATE: 7 March 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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