

# Development Management Sub Committee

Wednesday 17 March 2021

## Application for Planning Permission 20/02262/FUL at Police Box, Heriot Row, Edinburgh. Change of use of police callbox to a coffee and food sale point.

Item number

Report number

Wards

B11 - City Centre

### Summary

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The proposal complies with the relevant policies of the Edinburgh Local Development Plan. The proposal would be an appropriate use in the context of the character of the surrounding area and would preserve both the character and appearance of the New Town Conservation Area and the Outstanding Universal Value of the Edinburgh World Heritage Site. The proposal would not have an adverse impact on the unique architectural and historical character of the listed building and would be an acceptable city centre development. It would not have a detrimental impact on the amenity of the surrounding area, or raise any concerns in respect to road safety. No other considerations outweigh this conclusion.

### Links

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[Policies and guidance for this application](#)

LDPP, LEN04, LEN03, LEN06, LHOU07, LRET11, NSG, NSLBCA,

# Report

## **Application for Planning Permission 20/02262/FUL at Police Box, Heriot Row, Edinburgh. Change of use of police callbox to a coffee and food sale point.**

### **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 property is a standard Edinburgh pattern police box. The boxes were designed by the City Architect, E J MacRae in 1935.

This box stands on a cobbled street surface on the south side of Heriot Row, close to the junction with India Street, and with Queen Street Gardens to the south.

The box was listed category B on 10 August 1990 reference 45484.

This application site is located within the New Town Conservation Area.

#### **2.2 Site History**

5 August 2015 - listed building consent granted to paint the box dark green (planning reference: 15/02746/LBC)

25 November 2015 - advertisement consent granted for low-key lettering (planning reference: 15/04806/ADV)

### **Main report**

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#### **3.1 Description of the Proposal**

The application proposes the alteration and conversion of the police box into a coffee kiosk. The box would be painted dark blue, with a canopy on the north side.

The box would open on its north side onto the public road.

A conservation statement was submitted.

### 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.

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 use is acceptable in principle;
- b) the proposal will preserve the character of the listed building;
- c) the proposal will preserve the setting of the surrounding listed buildings;
- d) the proposal will preserve the character and appearance of the New Town Conservation Area;
- e) the proposal will preserve the outstanding universal value of the Old and New Towns of the Edinburgh World Heritage Site;
- f) the proposal will have a detrimental impact on the amenity of neighbouring residents;
- g) the proposal raises any issues in respect of parking and road safety and
- h) any issues raised by objectors have been addressed.

#### a) Principle

The application site is situated in the Urban Area as defined in the adopted Edinburgh Local Development Plan (LDP).

LDP policy Ret 11 considers location of food and drink establishments. Policy requires that development should not diminish the quality of the residential environment in terms of noise generation, disturbance or parking demand.

Development on this very low scale has been approved in many parts of the city, including residential areas. Conversion on such a small scale is not assessed in the same way as other class 3 uses, and ventilation is not required as there will be no cooking as such. These police box conversions typically rely on footfall rather than car based travel and the parking impacts are unlikely to be significant. As the unit is small there will be no impact on residents. Policy Ret 11 is complied with.

#### b) Character of the Listed Building

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

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

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) states that proposals to alter a listed building will be permitted where those alterations are justified; will not result in unnecessary damage to historic structures or result in a diminution of the buildings interest; and any additions would be in keeping with other parts of the building.

It is noted that there is no parallel application has been made for listed building consent, but the nature of alteration has been agreed in identical listed police boxes around the city. Historic Environment Scotland's Managing Change Use and Adaptation of Listed Buildings states.

*"For a building to stay in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect of them. This should always be considered carefully and avoid harming the building's special interest. A building's long-term future is at risk when it becomes hard to alter and adapt it when needed."*

The changes to the box are acceptable in relation to the character of the police box.

#### c) Setting of the Surrounding Listed Buildings

LDP policy Env 3 considers the setting of adjacent listed buildings.

Heriot Row comprises a series of individually listed buildings, all listed at category A and being a critically unaltered section of the Second New Town and World Heritage Site. The box sits on axis with India Street (also category A listed), and is the southward focus of that street. It therefore has an advantage of not being directly opposite any of the listed houses.

The integrity of the area is highly unique, even by Edinburgh standards. The streetscape has had little alteration since the original erection of the police box (c.1935).

This is a strong townscape and the conversion of the police box represents a small degree of change which overall does not significantly impact on the surrounding buildings. In addition, the police box is not in its original condition and has already been repainted and used for advertising purposes (see History).

Historic Environment Scotland had no objections to the impact upon setting. It is concluded that policy Env 3 is met.

#### d) Character and Appearance of the Conservation Area

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

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

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

The New Town Conservation Area Character Appraisal highlights the importance of the integrity of the Second New Town.

The impact of the structure in relation to setting is repeated in its impact on the character and appearance of the conservation area. The alteration would be visible but is limited in impact due to the very limited scale of the proposal and the similarity to its existing appearance.

The proposal complies with LDP policy Env 6.

#### e) Impact on the World Heritage Site

The Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site (EWHS) is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Statement of Outstanding Universal Value emphasises the importance of maintaining the authenticity of the Site which "*continues to retain its historic role as the administrative and cultural capital of Scotland, while remaining a vibrant economic centre.*"

LDP Policy Env 1 (World Heritage Sites) states that development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh will not be permitted.

The impact on the conservation area is paralleled in the impact on the World Heritage and is limited due to the small scale of the proposal.

The proposal will have no adverse impact on the Outstanding Universal Value of the Edinburgh World Heritage Site and complies with LDP policy Env 1.

f) Neighbouring Amenity

LDP policy Hou 7 (Inappropriate Uses in Residential Areas) states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The scale of business is limited by the overall scale of the kiosk which has no ability for a full kitchen and no capability of internal seating.

The scale of the proposal is such that it is unlikely to cause any direct noise nuisance to neighbours.

The existing nature of the street is such that if a use is reliant upon attracting additional pedestrians to the area in order to survive, the activity and frequency of those customers may impinge upon the amenity of neighbours in terms of actively encouraging them into a street into which they would otherwise not enter. However, such additional pedestrian movement is unlikely to be significant and would not be a reason for refusal.

Given that the area for customer queuing is on the carriageway not the pavement (see below), it is unlikely that a "pavement licence" could ever be granted which limits the intensification of the use.

There would be no perceived loss of amenity relating directly to the use and only minimal impact from additional pedestrians. It should be noted that there are no policies which restrict this.

The net conclusion is that the use will not breach policy Hou 7.

g) Parking and Road Safety

Although the site lies within the city centre, the local road management system prohibits through traffic westward and the street therefore has minimal vehicular traffic. At present, it also has minimal pedestrian traffic, and that which it has uses the north pavement rather than the narrow south pavement between the car parking bays and Queen Street Gardens.

Due to the limited amount of through traffic the Roads Authority raise no objection. However, the situation of the box, lying on the carriageway rather than on the pavement, is highly unusual. This layout necessitates customers standing on the operational highway for service. There is no other location in Edinburgh where this situation arises. This zone is protected by the flanking parked cars. The safety of this layout would be adversely impacted were the through route to the Moray Estate ever be reopened.

It is presumed that most customers will be pedestrians. Should customers arrive by car (or cycle) there is no reason to presume that they will stay in proximity to the site. Parking is not required for the proposal.

The proposal complies with LDP Policy Tra 2 and Tra 3.

#### h) Public Comments

##### **Material Comments - Objection**

- The use will cause disturbance - addressed in section f) of the Assessment
- The alteration is inappropriate to the area - addressed in sections d) and e) of the assessment

##### **Material Comments - Support**

- Re-use of a disused police box - addressed in b)
- New business to support the local economy - addressed in a)

##### **Non-Material Comments**

- No demand/need for such a use - this is not a material planning consideration

#### Conclusion

The proposal complies with the adopted Edinburgh Local Development Plan. The proposal is an appropriate use which is reflective of the mixed commercial/residential character of the surrounding area and which preserves both the character and appearance of the New Town Conservation Area and the Outstanding Universal Value of the Old and New Towns of the Edinburgh World Heritage Site. The proposal will not have an adverse impact on the unique architectural and historical character of the listed building and is an acceptable city centre development. It will not have a detrimental impact on the amenity of the surrounding area, or raise any concerns in respect to road safety.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997.

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.
4. Further licence may be required for use of the pavement and/or carriageway either directly or indirectly associated with the operation of the premises.
5. This permission is for planning permission only. It should be noted that listed building consent is also required for the works. Signage on the structure will be limited in scale and also requires further benefit of both listed building consent and advertisement consent.

## **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 assessed 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**

The application was advertised on 19 June 2020. 164 representations were received: 90 in support and 74 in objection.

These are addressed in section 3.3 c) of the assessment.

### **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 structure stands in the New Town Conservation Area and World Heritage Site.

### **Date registered**

9 June 2020

### **Drawing numbers/Scheme**

01-03,

Scheme 1

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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

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 Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

### **Relevant Non-Statutory Guidelines**

**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 20/02262/FUL At Police Box, Heriot Row, Edinburgh Change of use of police callbox to a coffee and food sale point.

### Consultations

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Environment Scotland

No comments on the proposal.

### Roads Authority

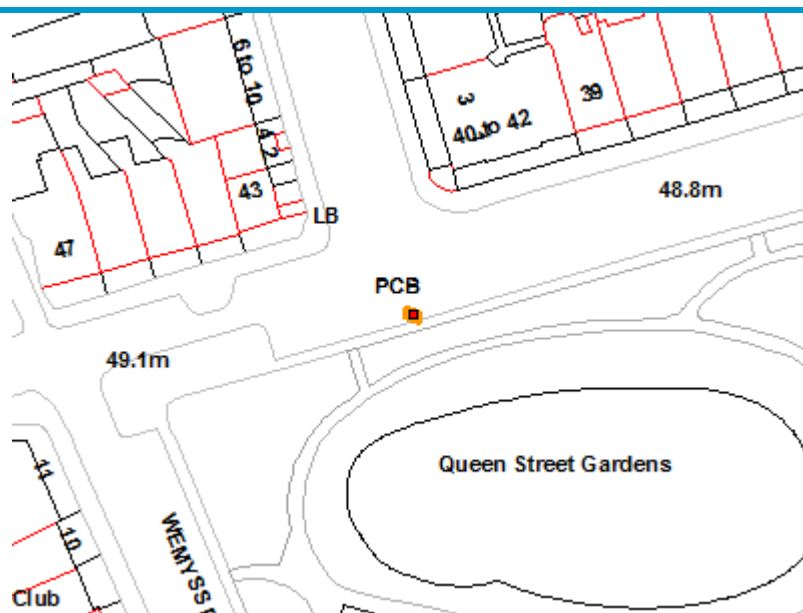
No objections to the application;

Note:

- It is considered that the proposed development will have a minimal impact in terms of vehicular traffic generation;
- The improper use of the "permit only" car parking spaces is a matter of enforcement that will be carried out by the Councils Parking and Enforcement team;

### Location Plan

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