

Development Management Sub Committee

Wednesday 10 November 2021

**Application for Planning Permission 20/05307/FUL
at Flat 25 3 Western Harbour Way, Edinburgh, EH6 6LP.
Subdivide flatted dwelling to form 2x flatted dwellings.**

Item number

Report number

Wards

B13 - Leith

Summary

The proposed subdivision of the unit complies with the Local Development Plan and associated guidance. The proposal is acceptable in principle and will provide future occupiers with an acceptable level of living amenity. There are no material considerations that would outweigh this conclusion. It is recommended that the application be granted.

Links

[Policies and guidance for this application](#)

LDPP, LHOU04, LDES12, NSG, NSGD02,

Report

Application for Planning Permission 20/05307/FUL at Flat 25 3 Western Harbour Way, Edinburgh, EH6 6LP. Subdivide flatted dwelling to form 2x flatted dwellings.

Recommendations

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

Background

2.1 Site description

The application site is a duplex flatted dwelling on the sixth and seventh floor within a seven storey modern flatted development, located on the west side of Western Harbour Way. The building forms part of the larger Western Harbour residential development.

2.2 Site History

28 January 2021 - Enforcement enquiry: Interdict served for unauthorised change of use from residential to short stay commercial visitor accommodation (enforcement reference: 18/00186/ECOU).

Main report

3.1 Description of the Proposal

Planning permission is sought for the sub-division of a single flat to create two flatted dwellings and the creation of a balcony.

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 proposed subdivision is acceptable in principle;
- b) the proposal is acceptable in terms of amenity for future occupiers;
- c) any developer contributions are required and
- d) any issues raised in representations have been addressed.

a) Principle

The site is located within the Urban Area where housing is supported. LDP Policy Hou 4 (Housing Density) states that the Council will seek an appropriate density of development on each site having regard to: a) its characteristics and those of the surrounding area; b) the need to create an attractive residential environment and safeguard living conditions within the development; c) the accessibility of the site includes access to public transport; d) the need to encourage and support the provision of local facilities necessary to high quality urban living.

The proposal site is within a residential block of flats and is therefore characteristic of the area. The site benefits from good public transport links to the City Centre as well as being close to the future tramline. The proposal complies with LDP Policy Hou 4.

LDP Policy 12 (Alteration and Extensions) states that planning permission will be granted for alterations and extensions to existing buildings which: a) in their design and form, choice of materials and positioning are compatible with the character of the existing building, b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties or c) will not be detrimental to neighbourhood amenity and character. A new balcony is proposed at seventh floor level to replace an existing Juliet balcony. The proposed balcony is to be of the same design and materials as the rest of the building. Full balconies are present on every floor and the addition would be in keeping with the building. The proposal complies with LDP policy Des 12.

The site has been subject to previous enforcement action for unauthorised use as a short stay let. An interdict was served as a result, requiring operations to cease. However, it should be noted that this application must be determined solely on the planning merits of the proposal. It is not possible to have regard to any potential future use, unauthorised or otherwise, of the units.

b) Amenity of future occupiers

The Edinburgh Design Guidance requires a minimum internal floor area of 66 square metres for a two-bedroom dwelling and both proposed properties would meet this requirement with internal floor areas of approximately 75 square metres. Both properties would benefit from private balconies.

The provision of zero car parking complies with the maximum standards as contained in the Edinburgh Design Guidance. The site is highly accessible to public transport and is within walking distance to nearby amenities. The proposal will provide suitable levels of amenity for future occupiers in accordance with the Edinburgh Design Guidance.

c) Developer Contributions

The proposal would result in the addition of one extra unit. This falls below the threshold for affordable housing, education and transport and therefore no developer contributions are required.

d) Public Comments

39 letters of objection have been received. Comments have been summarised below:

Material

- Parking: this has been addressed in section 3.3b);
- Design of building: this has been addressed in section 3.3a).

Non-material

- Title deed restrictions;
- Future use as a holiday let;
- Property values;
- Antisocial behaviour;
- Health and safety risk;
- Precedent.

Conclusion

The proposed subdivision of the unit complies with the Local Development Plan and associated guidance. The proposal is acceptable in principle and will provide future occupiers with an acceptable level of living amenity. There are no material considerations that would outweigh this conclusion. It is recommended that the application be granted.

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

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:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Following statutory neighbour notification, 39 letters of representation have been received.

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**

The site is located within the Urban Area.

Date registered

7 December 2020

Drawing numbers/Scheme

01-02,

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

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

Relevant Non-Statutory Guidelines

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

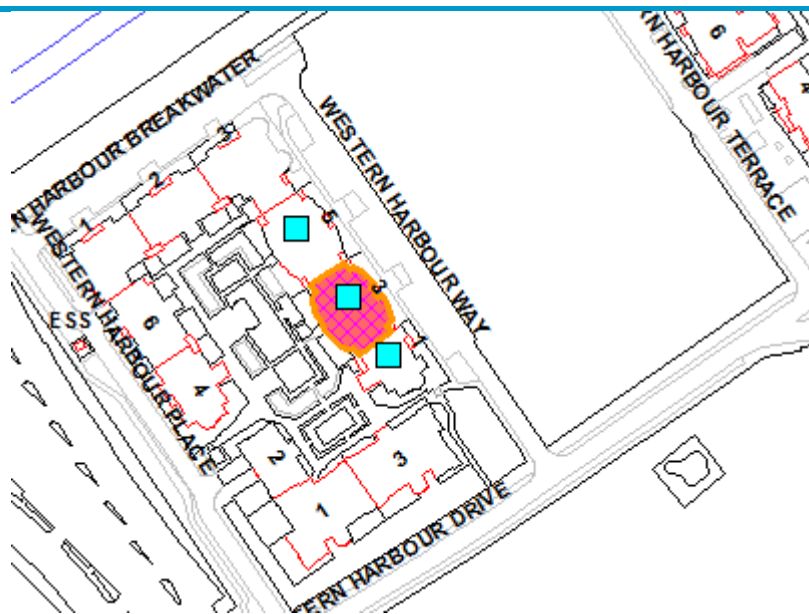
Appendix 1

**Application for Planning Permission 20/05307/FUL
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Consultations

No consultations undertaken.

Location Plan



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