

Development Management Sub-Committee Report

Wednesday 2 March 2022

**Application for Planning Permission
59 Belford Road, Edinburgh, EH4 3UE.**

Proposal: Change of use from commercial to residential.

**Item – Other Item at Committee
Application Number – 21/06632/FUL
Ward – B05 - Inverleith**

Reasons for Referral to Committee

This application has been referred to the Development Management Sub-Committee because eleven letters of representation in objection to the proposals have been received. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposals will preserve the special character and appearance of the Dean Conservation Area, in compliance with the Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and are in accordance with the development plan in terms of use, residential amenity and sustainability. There are no material considerations which indicate that the proposals should be refused. Therefore, the proposals are acceptable.

SECTION A – Application Background

Site Description

The application relates to a vacant commercial unit measuring 185 square metres in area on the ground floor of an unlisted, two storey and attic, sandstone Edwardian building known as Douglas House. The adjoining 1980's building to the east is known as Belford House.

These buildings were last in office use and this commercial unit has planning permission for class 1 (retail), class 2 (financial, professional and other services) and/or class 4 (business) use as part of the main permission for change of use and redevelopment of the site for residential use. Strip out works in Douglas House are underway and demolition on site has commenced.

The surrounding area is predominantly residential, comprising properties of varying ages and scales, including traditional tenements, mews properties, modern townhouses and flats.

The site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the Dean Conservation Area.

Description Of The Proposal

The application is for change of use from commercial to a two-bedroom residential flat. No external alterations are proposed.

Supporting Information

A statement has been submitted in justification of the proposed change of use.

Relevant Site History

14/04512/FUL

Demolition of Belford House + redevelopment of site for residential development + class 1 (retail), class 2 (financial, professional + other services) and/or class 4 (business) use (inc. change of use, conversion + extension to Douglas House) + other associated works (as amended July 2015)

Granted

30 May 2017

14/04512/VARY

Demolition of Belford House + redevelopment of site for residential development + class 1 (retail), class 2 (financial, professional + other services) and/or class 4 (business) use (inc. change of use, conversion + extension to Douglas House) + other associated works (as amended July 2015)

VARIED

22 June 2021

14/04512/VAR2

Non-Material Variation.

VARIED

6 January 2022

Other Relevant Site History

No other relevant site history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 5 January 2022

Renotification: Not Applicable

Date of Press Publication: 14 January 2022

Date of Site Notice: 11 January 2022

Number of Contributors: 11

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?**

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."

The following HES guidance is relevant in the determination of this application:

- Managing Change: Guidance on Conservation Areas

The Dean Conservation Area Character Appraisal emphasises the *"...distinctive village character of the streetscape within Dean Village, the heritage of high quality buildings, the limited range of building materials, the predominance of residential uses, and the importance of the Water of Leith and its corridor."*

The proposed residential use is in keeping with the predominantly residential character of the conservation area. The approved commercial uses are not part of the essential character of this part of the Dean Village, so the loss of these uses will have no adverse impact on the character of the conservation area.

No external alterations are proposed, so the development will have no effect on the appearance of the conservation area.

Conclusion in relation to the conservation area

With reference to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area.

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 Housing policies Hou 1, Hou 3 and Hou 5
- LDP Retail policy Ret 10
- LDP Employment policy Emp 10
- LDP Environment policy Env 6
- LDP Design policies Des 1, Des 3, Des 5 and Des 6
- LDP Transport policies Tra 2 and Tra 3

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of policies Hou 3, Des 5 and Tra 3.

The non-statutory 'Listed Buildings and Conservation Area Guidance' is a material consideration that is relevant when considering policy Env 6.

Principle of development

The site lies within an Urban Area as defined in the Edinburgh Local Development Plan (LDP).

Policy Hou 1 gives priority to the delivery of the housing land supply on suitable sites within the urban area provided proposals are compatible with other policies in the plan. Given the surrounding residential character, this is a suitable site for housing. The premises is located within easy walking distance of local services on Drumsheugh Place and the Haymarket area and within a short distance of local bus stops. Other modes of public transport, including tram and rail links are within walking distance. No car parking is proposed which will further encourage the use of sustainable transport modes.

The change of use of existing buildings in non-residential use to housing is supported by Policy Hou 3, with caveats on the impact on important or vulnerable uses, amenity and car and cycle parking. The proposed residential use will achieve a satisfactory residential environment within a predominantly residential area and meet the Council's car and cycle parking standards.

The loss of the consented retail use outwith a defined shopping centre is permitted under the criteria of Policy Ret 10. Although this premises is suitable for small business use, it has been difficult to let as has been the case for units of a similar size in similar type developments. This situation has been exacerbated during the pandemic and there is no indication that the unit will become more commercially viable, given that similar units have been vacant for several years.

There is no clear justification to retain the unit in shop use to meet local needs, given the proximity of other shops, including metro supermarkets and convenience stores in the Haymarket/Shandwick Place, within approximately ten minutes' walking distance. The nearest bus stops are less than five minutes' walk away on Belford Road (no. 13 Edinburgh Coach Lines), so shopping on foot is feasible. These distances are compatible with the Council's '20 Minute Neighbourhoods' in terms of travel time by walking, cycling or using public transport.

There has been no success with securing tenancy for office use either. The loss of the existing office use complies with Policy Emp 9 as the proposed residential use will contribute to sustaining employment uses within the immediate vicinity and wider area.

The development is therefore acceptable in principle.

Impact on the character and appearance of the conservation area

LDP Policy Env 6 (Conservation Areas - Development) supports development within a conservation area which preserves or enhances the special character and appearance of the conservation area and is consistent with the relevant character appraisal.

The proposal has been assessed on its effects on the character and appearance of the Dean Conservation Area in section a) which concludes that proposals preserve the character of the conservation area and have no impact on the appearance of the conservation area, in compliance with LDP Policy Env 6.

Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site 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.*"

The proposed development will not threaten this authenticity and will cause no harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site, in compliance with Edinburgh Local Development Plan Policy Env 1.

Sense of place, design and sustainability

LDP Policy Des 1 provides that the design of a development should be based on an overall concept which draws upon the positive characteristics of the surrounding area, to create or reinforce a sense of place, security and vitality. The proposed scheme will contribute to a sense of place by reinforcing the new residential use for the site and providing an appropriate standard of accommodation in an accessible location.

The flat created will be within an existing historic building, taking advantage of its dual aspect and views over the Dean Village and beyond to the north and west. This is in keeping with LDP Policy Des 3 which supports development where it is demonstrated that the existing characteristics and features worthy of retention on the site and in the surrounding area have been identified and incorporated in the design.

The proposed use is compatible with the surrounding area and the site is well located for pedestrian and cycle access to the city centre and recreational areas, including the Water of Leith Walkway. The development will therefore contribute to the city's supply of housing in sustainable locations.

Residential amenity

The proposed two-bedroom flat will contribute to the appropriate mix within the wider residential development, in compliance with LDP Policy Hou 2 in terms of the provision of a mix of house types and sizes.

LDP Policy Des 5 seeks to ensure that the amenity of neighbouring residents is not adversely affected by development and that future occupiers of residential properties have acceptable levels of amenity.

The proposed residential use is compatible with the predominantly residential character of this area and will not lead to an unacceptable loss of amenity for any residential properties in the vicinity. There are no existing residences with windows directly facing those of the new flat.

The proposed flat is dual aspect with internal floor area and daylighting levels meeting the requirements of the Edinburgh Design Guidance. Privacy can be achieved with internal blinds or curtains and properties with ground floor windows directly onto the street are not uncommon in Edinburgh.

Whilst no private outdoor amenity space will be provided, future occupiers of the flat will have access to the communal open space above the lower-level car park which forms part of the main residential development. In addition, the site is close to the Water of Leith with access to the walkway via a footbridge off Sunbury Mews and within close walking distance of the grounds of the Modern Art Gallery which satisfy the local and large greenspace standards in the Council's Open Space Strategy.

Parking and infrastructure

The scheme has been assessed against policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking). Any parking provision should comply with the standards set out in the Edinburgh Design Guidance and incorporated within the scheme.

No car parking spaces are proposed which complies with the Council's 2017 parking standards in Zone 2. To meet the cycle parking standards, this development is required to provide a minimum of two cycle parking spaces in a secure and under cover location. These are provided within the communal cycle store of the main development.

No infrastructure contributions are required for this proposed residential unit.

Conclusion in relation to the Development Plan

Overall, the proposals comply with the Local Development Plan and with particular respect to the acceptability of residential use and the impact on the character and amenity of the area.

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 in particular with regard to the principles for sustainable land use.

Emerging policy context

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

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, 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

material considerations

- Is it acceptable to apply for a change of use for something not yet built or put into use?
This is the correct planning process to address a proposed change of use, even if a change of use granted in a previous planning permission has not been taken up. The proposed development cannot be processed as a non-material variation as the change of use is material.
- Need three dimensional images or elevations to properly assess the proposals. Existing and proposed floorplans are sufficient to assess this change of use application which affects part of an existing building and proposes no external alterations.
- A property opposite the development was not notified of the development. The property in question (3 Sunbury Street) was notified of this application on 5th January 2022 and the list of notified neighbours is available to view on the planning portal.
- Loss of this commercial unit would be detrimental to the local population and elderly, less mobile people in particular.
- Getting to other shops involves car journeys or a long walk.
- Loss of a shop is detrimental to sustainability and local employment.
- These points have been addressed in section b) above under "Principle of development".
- The property created here will have very little privacy given the large street-level windows.
- This has been addressed in section b) above under "Residential amenity".

non-material considerations

There are no non-material comments.

Conclusion in relation to identified material considerations

The proposals are in compliance with the other material considerations that have been identified above and the material objections raised do not outweigh the recommendation to grant planning permission.

Overall conclusion

The proposals will preserve the special character and appearance of the Dean Conservation Area, in compliance with the Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and are in accordance with the development plan in terms of use, residential amenity and sustainability. There are no material considerations which indicate that the proposals should be refused. Therefore, the proposals are acceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Informatives

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.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 5 January 2022

Drawing Numbers/Scheme

01-03

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

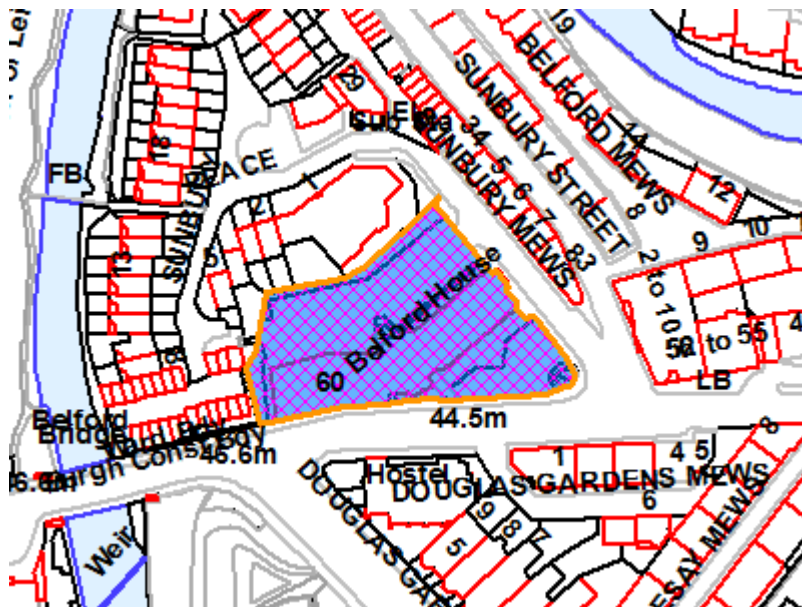
Contact: Clare Macdonald, Senior Planning Officer
E-mail: clare.macdonald@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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