

Development Management Sub-Committee Report

Wednesday 16 March 2022

**Application for Planning Permission
Police Box, Charterhall Road, Edinburgh.**

Proposal: Change of use of police call box to point of sale for food and drink.

**Item – Committee Decision
Application Number – 21/04957/FUL
Ward – B15 - Southside/Newington**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because 12 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 Council's Development Management Sub-Committee.

Recommendation

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

Summary

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 not have an adverse impact on the unique architectural and historical character of the listed building or its setting. It would not have a detrimental impact on the amenity of the surrounding area or raise any concerns in respect to road safety. The development will not detract from the Special Landscape Area and there will be no significant impact on ecology. There are no other material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application relates to a former police box occupying a prominent position on the northern boundary of Hermitage of Braids Park, close to the entrance to Blackford Pond. The Police Box is located on the south side of Charterhall Road, close to the junction with Oswald Road.

It forms one of a series of similar boxes designed by the City Architect Ebenezer James McRae in the 1930s.

Several of the police boxes have been sold to the public in recent years. This forms one of a series of applications bringing the boxes into new uses.

The Police Box was listed category B on 16 May 2007, LB Ref 50880.

Adjacent listed building

This police box is in close proximity to the B listed, single storey L-plan Blackhall Lodge, built circa 1895. The lodge house lies to the west of the site and is in residential use.

The lodge house was listed on the 1 January 2003, LB Ref 26994.

Description of the Proposal

The application proposes the alteration and conversion of the police box to a coffee kiosk. Alterations include repainting of the police box from blue to a black colour scheme, creation of an opening section on the frontage (as per the alterations rolled out on similar police box conversions) and addition of a small detachable canopy over the service hatch.

The associated application for Listed Building Consent (21/04958/LBC) is still under consideration. It is anticipated this will be determined under delegated powers.

Supporting Information

The agent has submitted a supporting statement.

Relevant Site History

21/04958/LBC

Alterations to Police Call Box, to facilitate use for food and drink sales including exterior painting, forming a removable panel, cutting entrance door, installing removable counter and retractable awning and replacing solid panels with glazing.

Other Relevant Site History

No other relevant site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Transportation

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 4 October 2021

Renotification: Not Applicable

Date of Press Publication: 8 October 2021

Date of Site Notice: Not Applicable

Number of Contributors: 12

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?
- 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 listed building and its setting?

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

- *Managing Change - External Features* sets out the principles that apply and how they should inform planning policies. The statutory requirement is that the character of the listed structure is retained.
- *Managing Change - Use and Adaptation of Listed Buildings* For a building to stay in use over the long term, change will be necessary. This reflects changes over time in how buildings are used and what is expected of them. This should always be considered carefully and avoid harming the building's special interest.
- *Managing Change - Setting* sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas.

The small scale of the structure renders it more vulnerable to a change in character even with minor alterations. It is noted that the alterations reflect those accepted on several listed police boxes in other parts of the city.

The box will retain much of its existing form and character when closed at night, retaining the solidity of the distinctive cast iron structure. The alterations make use of the existing envelope and no extension to the structure is proposed. The police box kiosk will have a more active appearance during operational hours. Signage elements have been limited to menu boards which will be removed when the premises is closed. The proposed change of paint colour from blue to black is considered acceptable.

The proposed works are modest in scale and will not harm the character of the listed building or that of the nearby Category B listed lodge house.

Conclusion in relation to the listed building and its setting

In relation to the listed building and its setting, the proposals would not harm the listed building and its setting and accord with Section 59 of the Planning (Listed Buildings and Conservation Areas) Scotland Act 1997 and relevant HES guidance.

b) The proposals comply with the development plan?

The development plan comprises the Strategic and Local Development Plans. The relevant policies to be considered are:

- LDP Environment policy Env 3, Env 4, Env 10, Env 11, Env 15, Env 18
- LDP Shopping and Leisure policy Ret 11
- LDP Housing policy Hou 7
- LDP Design policy Des 6
- LDP Transport policy Tra 2, Tra 3

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 3 and Env 4. The non-statutory 'Guidance for Businesses' is a material consideration that is relevant when considering policies Ret 11 and Hou 7.

Impact of the listed building and its setting

This has been assessed in section a) and the proposals comply with development plan policies Env 3 and Env 4 and the non-statutory guidance.

Greenbelt

Local Development Plan policy Env 10 (Development in the Green Belt) sets out criteria where development in the Green Belt will be permitted, provided it does not detract from the landscape quality and/or rural character of the area.

Policy Env 10 permits development only if one of the policy's specified criteria can be met and it would not detract from the landscape quality of the area. In this case the Category B listed police box satisfies the policy criteria b) because it is 'for the change of use of an existing building, provided the building is of architectural merit or a valuable element in the landscape'. The proposed change of use does not involve any extension to the existing structure or change to the landscape setting provided by Blackford Pond, so the second component of the policy is also readily satisfied.

The Guidance for Countryside and Green Belt refers to appropriate uses in a countryside location where there is a requirement for the land resource and it is compatible with an agricultural or natural setting.

Policy Env 11 (Special Landscape Area) states that planning permission will not be granted for development which would have a significant adverse impact on the special character or qualities of the Special Landscape Areas on the Proposals Map.

Policy Env 18 (Open Space Protection) states that proposals involving the loss of open space will not be permitted unless it is demonstrated that: a) there will be no significant impact on the quality or character of the local environment and b) the open space is a small part of a larger area of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area; and c) the loss would be detrimental to the wider network including its continuity or biodiversity value and either d) there will be a benefit in allowing the development in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space or e) the development is for a community purpose and will provide a facility for the local community.

The use is an appropriate use of the land subject to any associated works being of a scale and design that do not detract from the character and quality of the area.

The wider Special Landscape Area encompassing the surrounding open space will remain unchanged and, therefore will not experience a detrimental impact from the proposal. The change of use of the small area will not detract from the continuity or biodiversity value of the area nor from the existing open space. The open space itself will not be lost but used differently and there will be a benefit for local residents wishing to use the space. Although the proposal is for a commercial development, it will provide a facility for the local community.

In this context, the location is appropriate for the proposed small scale use and the development does not detract from the landscape quality or character of the Green Belt. It complies with criterion b) of policy Env 10. The proposal will not have a significant adverse impact on the special character or qualities of the Special Landscape Area or on the open space. The proposal complies with criteria a) to e) of policy Env 18.

The proposal complies with LDP policies Env 10, Env 11, Env 15 and Env 18.

Amenity

Development on this very low scale has been approved in many parts of the city, including residential areas. The 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.

Due to the limited scale, the use is assessed as class 1 retail, rather than class 3 and is assessed on this basis, as were previous applications for police box conversions. The supporting information outlines the small-scale operation proposed.

Environmental Protection has advised that it has no objections to the application, due to the small-scale of the operations. The closest residential property on Charterhall Road is located around 19m to the southeast of the proposed development. The applicant has advised that due to space constraints, only a restricted amount of cooking and reheating of food will be carried out at the site in addition to the sale of drinks.

The proposals have been assessed in terms of amenity and no impacts were identified. Any activities taking place within the premises which may generate unsatisfactory noise level to the detriment of residential amenity could be controlled through statutory nuisance provisions.

The development will not impact on neighbouring residential amenity, complying with LDP Policy Hou 7 and Ret 11 and Council Guidance for Businesses.

Sustainability

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Transportation

LDP policy Tra 2 (Private Car Parking) states permission will be granted for development which complies and does not exceed the Council's guidance on parking.

LDP policy Tra 3 (Private Cycle Parking) states permission will be granted for development which complies and does not exceed the Council's guidance on cycle parking and storage.

The Roads Authority has advised that it has no objections to the application and that parking and the arrangements proposed are satisfactory.

No car parking is proposed and free parking is available on street. However, the use and scale of the development is not anticipated to generate any significant increase in car journeys or impact on the surrounding road network.

No cycle parking is proposed. However, there is adequate space for suitable cycle provision to be accommodated nearby.

The proposal therefore complies with policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

Overall, the proposals comply 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 SPP introduces a presumption in favour of development that contributes to sustainable development and sets out 13 principles to guide policy and decisions: the following are relevant:

- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment

The proposal complies with the relevant sustainability principles of SPP.

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

The application was advertised on 22 September 2021 and 12 comments were received. Of these 8 were objections, 3 were letters of support and 1 was a general comment.

A summary of the representations is provided below:

material considerations

- parking and traffic, assessed in section b)

non-material considerations

- increase in litter, waste will attract vermin - there is a requirement for the business operator to have a trade waste contract for the disposal of waste from the business. It is understood that the operator has other premises nearby and intends to manage the waste arising from the proposed unit along with trade waste from their main premises. In terms of litter, the operator may provide additional litter bin for customers to use. Should littering be of found to be of concern when the unit is operational it could be brought to the attention of the Council's street enforcement team.

- lack of toilet facilities, in this respect an employer would require to make arrangements for welfare facilities for their employees. It is understood that there is a café with toilets at the other end of Blackford Park and toilets within the Hermitage of Braid.

support

- good use of disused police box, the property has been vacant for a number of years.

Conclusion in relation to identified material considerations

The material conclusions in respect of the material considerations do not outweigh the conclusion reached in relation to the development plan.

d) Overall conclusion

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 not have an adverse impact on the unique architectural and historical character of the listed building or its setting. It would not have a detrimental impact on the amenity of the surrounding area or raise any concerns in respect to road safety. The development will not detract from the Special Landscape Area and there will be no significant impact on ecology. There are no other material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

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. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.
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.
4. 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: 22 September 2021

Drawing Numbers/Scheme

1-3

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Diana Garrett, Planning officer
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Appendix 1

Summary of Consultation Responses

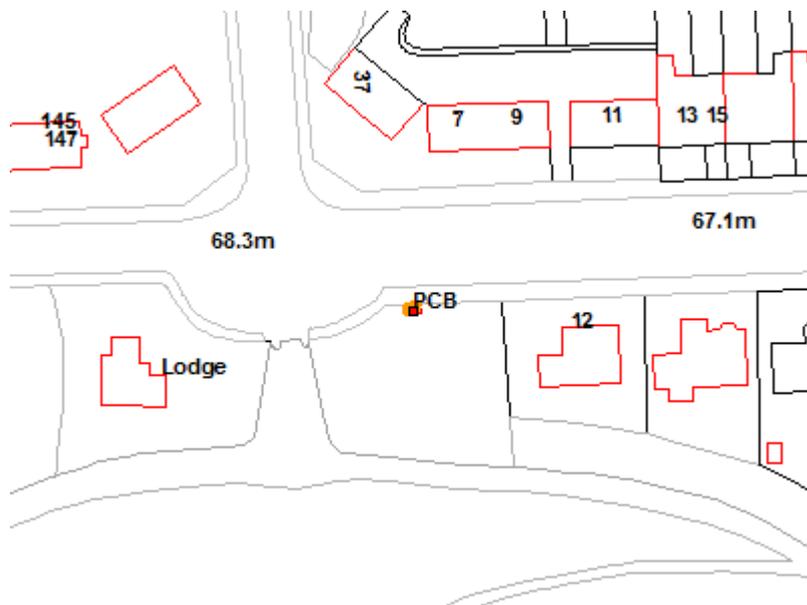
NAME: Transportation
COMMENT: No objections.
DATE: 22 February 2022

NAME: Environmental Protection
COMMENT: Environmental Protection does not object to the proposed development but would recommend that a condition concerning cooking operations is attached.

DATE: 18 January 2022

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

Location Plan



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