

Development Management Sub-Committee Report

Wednesday 26 April 2023

**Application for Planning Permission
6 Bankhead Crossway South, Edinburgh, EH11 4EZ**

Proposal: Change of Use from warehouse to a swimming pool to train babies and children

**Item – Committee Decision
Application Number – 22/05278/FUL
Ward – B07 - Sighthill/Gorgie**

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 20 material representations in support and the recommendation is to refuse planning permission.

Recommendation

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

Summary

The application for development is unacceptable as it is contrary to the relevant policies within National Planning Framework 4 and the Edinburgh Local Development Plan, as it would undermine the provision of business and industry units, to the detriment of the economy of the city. The proposal would have no adverse effect on the character of the area or on neighbouring residential amenity. A total of 26 representations were received in support of the application, specifically in relation to the use being beneficial, and some weight has been given to these comments. However, these comments do not outweigh the provisions of the development plan and there are no other material planning considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a large warehouse that is situated within a defined Business and Industry area of the city, to the north of Calder Road and the east of the City Bypass. The surrounding area is characterised by large business and industry commercial units.

Description Of The Proposal

The proposal is for a change of use from a Class 4 (administration office) to a Class 11 (swimming pool) to include additional windows and signage.

Relevant Site History

No relevant site history.

Other Relevant Site History

There is no other relevant planning history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Roads Authority.

Economic Development

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 1 November 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 26

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

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:

- 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 comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 Sustainable Place - Policy 1
- NPF4 Liveable Places - Policy 21
- NPF4 Business and industry - Policy 26
- LDP Design Policies Des 1, Des 5 and Des 12.
- LDP Entertainment and Leisure Developments - Other Locations Policy Ret 8.
- LDP Employment Policy Emp 8.
- LDP Transport Policies Tra 2 and Tra 3.

Principle

The units within the area primarily operate within business or industrial uses (Use Class 4 and Class 5), which is reflected in the development plan allocation for the area. These areas are designated as Business and Industry areas as they are strategically important to the economy of the city, the type of employment they provide for and the access to infrastructure that the areas are served by.

Policy Emp 8 Business and Industry Areas states that proposals in these strategically designated areas that are not within a Business and/or Industry use would be unacceptable. NPF 4 Policy 26 reinforces this by stating that other employment uses in such areas will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.

It is recognised that the proposed use would have significant benefits and would underpin other policies, particularly those contained with NPF 4 that promote healthy living and wellbeing. This is reflected in the number of representations that are supportive of the development. However, it also has to be recognised that the proposal would undermine the effective supply of large scale industrial units that have been located in specific areas, identified as being appropriate for such uses.

It would dilute the effectiveness of the supply of these units, would prejudice the primary function(s) of the specifically designated area and would have the potential to create pressure to develop alternative business and industry units in other, less appropriate locations.

The proposal is contrary to NPF4 Policy 26 and LDP Policy Emp 8 as it would result in the loss of a business and industry unit of significant size (approximately 750 sqm) by virtue of the use not being a Class 4 or Class 5.

Policy Ret 8 sets out the criteria for assessing proposals for entertainment and leisure developments in other locations, such as commercial centres, local centres and elsewhere in the urban area. Key considerations include accessibility by public transport, design quality and impact on the character of the area and local residents.

The supporting statement highlights that it is anticipated that most journeys to the site would be made by private vehicles. Although there are some public transport options nearby, the reliance on the private vehicle would be contrary to Policy Ret 8 in that one of the key considerations for the site, public transport, has not been addressed.

In terms of NPF4 Policy 1, the proposal would have a neutral impact.

The proposal would be unacceptable as it is contrary to NPF4 Policy 26 and LDP policies Emp 8 Business and Industry Areas and Ret 8 Entertainment and Leisure Developments - Other Locations.

Scale, Form and Design

The proposed external alterations would not constitute development under Section 26 of The Town and Country Planning Act (Scotland) 1997.

Amenity

The proposal was assessed in terms of amenity.

Environmental Protection was consulted in relation to the proposal and no concerns were raised.

The proposal would not have a detrimental impact in relation to amenity.

This complies with NPF4 Policy 14c) and LDP Policy Des 5 Amenity.

Roads Authority

The Roads Authority was consulted in relation to the proposal and raised no objections to the proposal providing their recommended conditions were attached. These are detailed below:

1. Cycle parking for seven cycles to be provided, to comply with the Councils standards (refer cycle parking factsheet C7);
2. Two motorcycle parking spaces to be provided;
3. Electric vehicle charging points to be provided for two of the car parking spaces;
4. Two of the car parking spaces to be designated for accessible users.

Please see the consultations section for further detail.

This would comply with Tra 2 Private Car Parking and Tra 3 Private Cycle Parking.

Conclusion in relation to the Development Plan

The proposal is contrary to NPF 4 Policy 26c), LDP Policies Emp 8 Business and Industry Areas and Ret 8 Entertainment and Leisure Developments, as it would erode the provision of business and industry units, to the detriment of the local economy and there would be a reliance on the site being accessed by private vehicles.

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

The following material planning considerations have been identified:

Emerging policy context

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.

Age is a protected characteristic and while the facility would provide a service primarily directed at young children, there is no way of controlling this through Planning and the benefits of the use would not outweigh the considerations above.

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

Twenty six comments were received, which are all in support of the proposal.

The main theme of the representations is focused on the proposed use being beneficial and welcomed within the surrounding area.

Conclusion in relation to identified material considerations

The potential benefits of the proposal do not outweigh the longer-term negative impact that the loss of allocated space for business and industry floorspace within the city.

Overall conclusion

The application for development is unacceptable as it is contrary to the relevant policies within National Planning Framework 4 and the Edinburgh Local Development Plan, as it would undermine the provision of business and industry units, to the detriment of the economy of the city. The proposal would have no adverse effect on the character of the area or on neighbouring residential amenity. A total of 26 representations were received in support of the application, specifically in relation to the use being beneficial, and some weight has been given to these comments. However, these comments do not outweigh the provisions of the development plan and there are no other material planning considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons:

1. The proposal is contrary to the Local Development Plan Policy Emp 8 in respect of Business and Industry Areas, as it would result in the loss of a significant Business and Industry unit.
2. The proposal would be contrary to Policy Ret 8 (Entertainment and Leisure Developments - Other Locations) as all potential City Centre, or town centre options have not been thoroughly assessed and discounted and the supporting

statement recognises that the site is not easily accessible by public transport and is likely to generate journeys which are primarily car-borne.

3. The proposal would be contrary to NPF 4 Policy 26 (Productive Places), as it would result in the loss of business and industry floorspace, to the detriment of the city's economy.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 18 October 2022

Drawing Numbers/Scheme

01-05

Scheme 2

David Givan
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PLACE
The City of Edinburgh Council

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Appendix 1

Summary of Consultation Responses

NAME: Roads Authority.

COMMENT: No objections providing the below conditions are attached:

1. Cycle parking for seven cycles to be provided, to comply with the Councils standards (refer cycle parking factsheet C7);
2. Two motorcycle parking spaces to be provided;
3. Electric vehicle charging points to be provided for two of the car parking spaces;
4. Two of the car parking spaces to be designated for accessible users.
5. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles.

The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard BS 8300-2:2018 as approved.

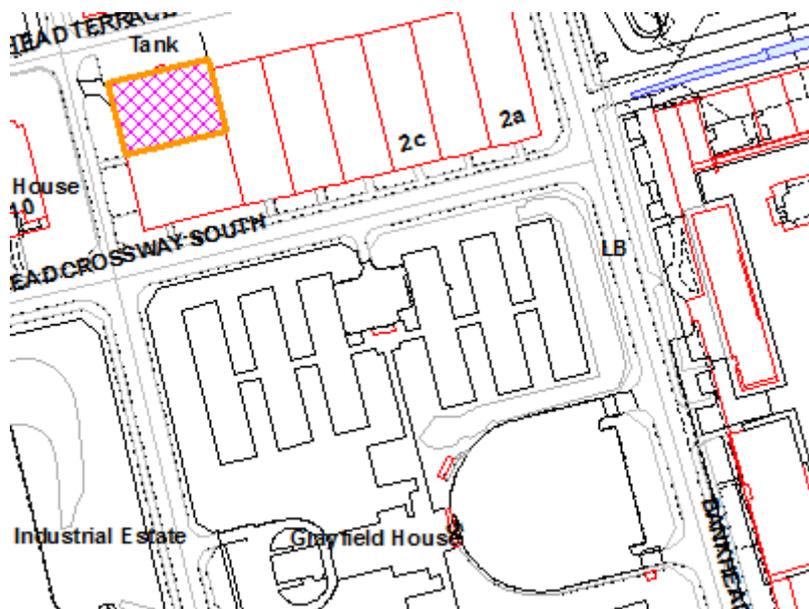
Note - The total number of car parking spaces within the site exceeds the parking standards, however given that this is an existing car park, transport have no objections to this subject to the motorcycle and cycle parking as stated being provided.
DATE: 2 December 2022

NAME: Economic Development
COMMENT: There is a persistent shortage of industrial space in Edinburgh and significant space is being lost to the redevelopment of existing industrial estates. It is therefore important that the Business and Industry Areas identified in the LDP/City Plan are protected for this use. Changes of use to leisure or other uses will place further pressure on the supply.
DATE: 23 March 2023

NAME: Environmental Protection
COMMENT: No comments.
DATE: 15 December 2022

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

Location Plan



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