

Development Management Sub-Committee Report

Wednesday 9 August 2023

**Application for Planning Permission
27 Dunedin Street, Edinburgh, EH7 4JG**

Proposal: Change of use of existing building from van and car hire depot (Sui Generis) to gym (Class 11).

**Item – Committee Decision
Application Number – 23/01088/FUL
Ward – B12 - Leith Walk**

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 six material objections and the recommendation is to grant planning permission.

Recommendation

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

Summary

The proposals comply with National Planning Framework 4, the Edinburgh Local Development Plan and the non-statutory Guidance for Businesses and Edinburgh Design Guidance. The proposal is acceptable in principle and would not have a detrimental impact on residential amenity. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site comprises a terraced warehouse unit on the south side of Dunedin Street within the Bonnington area of Edinburgh, approximately 1.5 miles to the north of the City Centre.

Dunedin Street is part of a wider, mixed use area which contains a range of industrial, office and commercial uses. This includes car hire depots, builders merchants, offices, art studios, language centres, social clubs and workshops. The area also contains a number of existing class 11 leisure uses, including the Alien Bloc indoor climbing centre in the directly adjacent units.

To the south of the application site there is a six storey residential tenement which faces onto Broughton Road and there are a number of other residential uses in the surrounding streets. The surrounding area also contains a mix of retail units and a range of cafes, bars and restaurants.

Description Of The Proposal

The application proposes change of use of the existing premises from van and car hire depot (Sui Generis) to gym (Class 11).

The property itself is an end terraced warehouse unit, comprising a modern steel portal framed unit with brick walls and profile metal cladding above, enclosing a single space of 281 sqm at a height of 5.6 metres at apex under a pitched roof with translucent light panels. There is a concrete yard to the front of the property which provides parking space for six vehicles. A condition has been attached to ensure compliance with minimum cycle parking provision.

Supporting Information

- Supporting statement.
- Marketing brochure.

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant site planning history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 20 March 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 532

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 policies to be considered are:

- NPF4 Policy 1 Global Climate and Nature Crises
- NPF4 Policy 13 Sustainable Transport
- NPF4 Policy 21 Play, Recreation and Sport
- LDP Employment Policy Emp 9
- LDP Housing Policy Hou 7
- LDP Transport Policies Tra 2 and Tra 3

The non-statutory Guidance for Businesses is a material consideration that is relevant when considering the above policies.

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering the above policies.

Principle

The application proposes the change of use of van and car hire depot to a gym. Dunedin Street is part of a wider, mixed use area which contains a range of industrial, office and commercial uses. Residential properties are situated to the south and commercial and industrial premises are situated across Dunedin Street to the north and west. The area also contains a number of existing class 11 premises.

The site is not located within a Business and Industry Area and the proposed change of use to Class 11 (gym) is acceptable in this location which is essentially mixed in character. The proposal complies with NPF4 Policy 21 in that it would provide new facilities for sport. The proposal complies with LDP Policy Emp 9 in that it would contribute to the comprehensive regeneration and improvement of the wider area and will not prejudice or inhibit the activities of any nearby employment use.

The proposal has a neutral impact in terms of NPF4 Policy 1 and complies with NPF4 Policy 21 and LDP Policy Emp 9.

Amenity

Whilst there are residential properties in the tenement to the south of the application site, the area is essentially mixed in character and the change of use would not have a materially detrimental effect on the living conditions of nearby residents. The class 11 (gym) use is compatible with the character of the area and it is not considered that there will be an unacceptable increase in noise, disturbance, on-street activity or anti-social behaviour to the detriment of living conditions for nearby residents.

Environmental Protection have been consulted and raise no objections subject to conditions.

The proposal complies with LDP Policy Hou 7.

Parking and Road Safety

The proposal complies with NPF4 Policy 13 in that the proposed development will be accessible by a range of sustainable public transport modes. There will be no changes to the existing parking provision, the unit has six existing car parking spaces and these will be retained for use by staff. There is a requirement for one cycle parking space per 20sqm for leisure/gym uses and a condition has been attached to that effect.

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

Conclusion in relation to the Development Plan

The proposals comply with the relevant policies within NPF4 and the LDP and are in accordance with the relevant non-statutory guidance.

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.

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

A total of five hundred and thirty two representations were received including two hundred and eighty objections and two hundred and fifty two support comments.

The majority of the representations relate to competition with another gym.

A summary of the representations is provided below:

material objections

- Negative impact on neighbouring residential amenity through increase in noise and disturbance; This has been addressed above in a).
- Negative impact on local small businesses in the area; This has been addressed above in a).
- Disruption to residents through increased parking issues; This has been addressed above in a).

non-material objections

- Space is being let out to a rival gym which will displace existing gym; This is not a material planning consideration.

material support comments

- Will improve health and wellbeing; This has been addressed above in a).
- Will improve amenity of local community; This has been addressed above in a).
- Will contribute to local economy and support local businesses; This has been addressed above in a).
- In keeping with surrounding businesses; This has been addressed above in a).

non-material support comments

- Dedication of owners/new gym providers; This is not a material planning consideration.

Conclusion in relation to identified material considerations

None of the identified material considerations outweigh the proposals compliance with the Development Plan.

Overall conclusion

The proposals comply with National Planning Framework 4, the Edinburgh Local Development Plan and the non-statutory Guidance for Businesses and Edinburgh Design Guidance. The proposal is acceptable in principle and would not have a detrimental impact on residential amenity. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. The premises is restricted to a gymnasium within Use Class 11 of The Town and Country Planning (Use Classes) (Scotland) Order 1997. No other use within Class 11 is permitted without prior written permission of the Planning Authority.
3. A minimum of one cycle parking space per 20sqm shall be provided.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. To comply with the standards set out in Council guidance.

Informatives

It should be noted that:

1. 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.
2. 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: 14 March 2023

Drawing Numbers/Scheme

01

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stephanie Fraser, Assistant Planning Officer
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Appendix 1

Summary of Consultation Responses

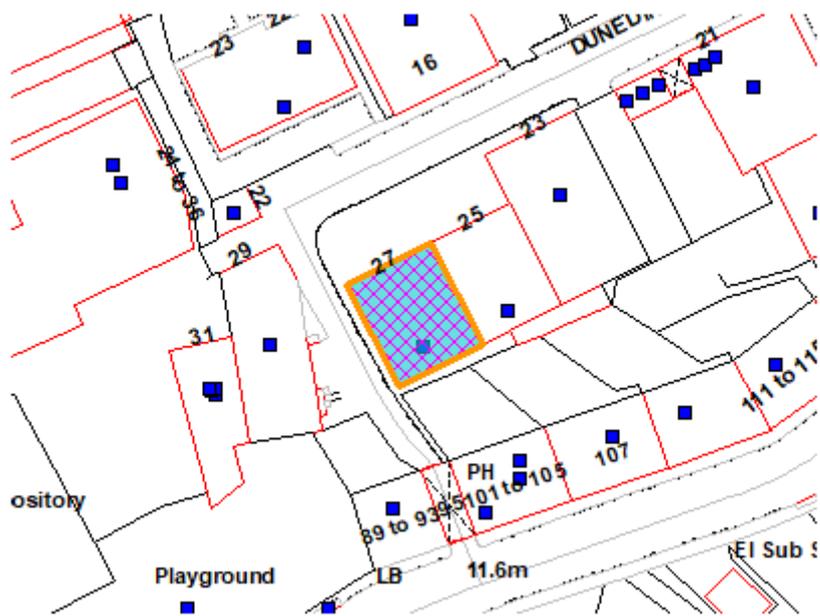
NAME: Environmental Protection

COMMENT: No objections subject to conditions.

DATE:

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

Location Plan



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