

# Development Management Sub-Committee Report

**Wednesday 6 December 2023**

**Application for Planning Permission  
12 West Savile Road, Edinburgh, EH16 5NQ.**

**Proposal: Change of use from Class 8 residential institution to Class 10 children's nursery (as amended).**

**Item – Committee Decision  
Application Number – 23/03388/FUL  
Ward – B15 - Southside/Newington**

## **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 twenty 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 proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal complies with policies 1, 7, 13, 14 and 21 of National Planning Framework 4 and policies Des 1, Des 12, Hou 7, Tra 2 and Tra 3 of the Edinburgh Local Development Plan. The proposal is in accordance with the relevant non-statutory guidance. There are no material considerations which outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site is a two-storey detached property in the Newington area of Edinburgh. The property has been in Class 8 use forming part of the Royal Blind Asylum and School since 1875. Operations ceased at the site in 2014 and the property is currently vacant.

The immediate area is predominantly residential in character with a range of guest houses and non-residential institutions in the surrounding streets.

The site is located within the Craigmillar Park Conservation Area.

### **Description of the Proposal**

The application proposes a change of use from Class 8 (residential institution) to Class 10 (children's nursery).

The proposed nursery would accommodate up to 60 children and would operate Monday - Friday between 08:00hrs and 17:35hrs.

No off-street parking is proposed. A long stay two storey cycle store provides space for six standard cycles above and four standard or two cargo bikes below. Two short stay visitor cycle sheffield stands are proposed with capacity for four standard cycles or two standard plus two cargo cycles. The existing paved area to the rear garden would be changed to an astro synthetic surface and a new 2.1m high hedge planted around the perimeter as privacy screening.

Scheme 4 amends the cycle parking provision, removes the timber privacy fencing to the rear garden and replaces this with a 2.1 high hedgerow. The site plan is also corrected to show no removal of trees.

### **Supporting Information**

The following information is submitted in support of the application:

Noise Impact Assessment.

Supporting Planning Statement.

Transport Statement.

### **Relevant Site History**

11/02027/FUL

Drever House

12 West Savile Road

Edinburgh

EH16 5NQ

Formation of a wheelchair ramp to front door.

Granted

5 August 2011

### **Other Relevant Site History**

No other relevant site planning history.

### **Pre-Application process**

There is no pre-application process history.

## Consultation Engagement

Transport Planning

Environmental Protection

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

## Publicity and Public Engagement

**Date of Neighbour Notification:** 4 August 2023

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 11 August 2023

**Site Notices Date(s):** 8 August 2023

**Number of Contributors:** 81

## 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 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 harm the character or appearance of the conservation area?**

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

- *Managing Change - Setting*

The Craigmillar Park Conservation Area Character Appraisal emphasises the predominance of high quality stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing and the use of traditional materials, and the predominant residential use.

The proposal has been amended to include a hedgerow as privacy screening to the rear garden. This will enhance the appearance of the conservation area. The other external alterations include a bike/buggy store and bin enclosure to the front garden area, and these will be screened by the existing boundary hedge to the street elevation. The timber gates proposed to the sides of the property are discreet and will not be detrimental to the character or appearance of the conservation area.

### **Conclusion in relation to the conservation area**

The proposal has regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **b) 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 7 Historic Assets and Places
- NPF4 Policy 13 Sustainable Transport
- NPF4 Policy 14 Design, Quality and Place
- NPF4 Policy 21 Play, Recreation and Sport

- LDP Design Policies Des 1 and Des 12
- LDP Housing Policy Hou 7
- LDP Transport Policies Tra 2 and Tra 3

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering the above policies.

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

### Global Climate and Nature Crises

Policy 1 of the NPF4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. This application addresses this through:

- The inclusion of cycle storage.
- The reuse of this vacant premises to meet the needs of the community.

### Conservation Area

The impact on the character and appearance of the conservation area has been assessed above in a). It is concluded that the proposal will not adversely impact on the character or appearance of the conservation area.

The proposal complies with NPF4 Policy 7.

### Principle

The proposed change of use from class 8 to class 10 is acceptable in principle. The existing class 8 use is lawful, and capable of operating with no restrictions on activities or hours of operation. The property could be used for any of the purposes within class 8.

The proposed nursery would accommodate up to 60 children and would operate Monday - Friday between 08:00hrs and 17:35hrs. The hours of operation would be restricted by condition. The proposal would provide opportunities for play and recreation for use by children, proportionate to the scale and nature of the building and its curtilage.

The proposal complies with NPF4 Policy 21.

### Neighbouring Amenity

Environmental Protection has been consulted on the proposal and recommend refusal due to the potential impact on neighbouring residential amenity.

However, the characteristics of a residential institution, providing specialist education for children of varying ages, and that of a nursery are not so dissimilar, with each use being capable of providing a range of activities for children both within and outside the building.

In addition, regard must be had to the ability of the Planning Authority to control the proposed class 10 use, through the use of a condition restricting the hours of operation; this would provide protection to neighbouring residential amenity. This is in contrast to the existing situation, where the lawful class 8 use can operate with no restrictions on its operations.

In these particular circumstances, having regards to the existing lawful use of the premises, there would not be an unacceptable impact on amenity levels of neighbours.

The proposal complies with LDP Policy Hou 7.

### Parking and Road Safety

No off-street parking is provided for the use, and any drop off and pick up from the nursery would take place within the existing street. A Transport Statement has been provided in support of the application and the application site is easily accessible by public transport. Given the ability of the premises to resume its lawful Class 8 use, with the potential resultant increase in vehicle movements, the proposal would not have an unacceptable impact on parking and road safety within the surrounding area.

Cycle storage shall be provided on site, and this complies with the standards set out in the Edinburgh Design Guidance which details a minimum of one cycle space per nine pupils at schools/nurseries. A total of fourteen standard cycle spaces will be provided or eight standard and six non standard cycles. There will be one long stay two tier store and two short stay visitor cycle Sheffield stands.

Transport has raised no objections subject to the applicant considering developing a Travel Plan.

The proposals comply with NPF4 Policy 13 and LDP Policies Tra 2 and Tra 3.

### Design

The alterations to the external areas are acceptable in terms of their design and form, choice of materials and positioning and are compatible with the character of the existing building. The hedgerow to the rear garden area is acceptable in the context of the surroundings and would not require planning permission. The other external alterations are minimal and would have no detrimental impact on neighbourhood amenity or character.

The proposal complies with NPF4 Policy 14 and LDP Policies Des 1 and Des 12.

### **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.

### **c) 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 eighty-one representations have been received including thirty six objections and forty five support comments.

A summary of the representations is provided below:

#### *material objections*

- Will result in increased traffic and car parking on surrounding streets; This has been addressed above in section b).
- Adverse impact on residential amenity through noise and disturbance; This has been addressed above in section b).
- Adverse impact on privacy of neighbours; This has been addressed above in section b).
- Increased waste; A waste strategy should be agreed between applicant and CEC's Waste Services.
- Privacy fence out of keeping with Conservation Area; This has been addressed by the amended Scheme 4.
- Privacy fence would block sunlight to neighbouring gardens; This has been addressed by the amended Scheme 4.
- Bin store and bike store out of keeping with Conservation Area; This has been addressed above in section a).
- Intensity of existing Class 8 use was very light when operational; This has been addressed above in section b).
- Inaccuracy of Noise Impact Assessment; The impact of noise on residential amenity has been considered above in section b).
- Inaccuracy of Transport Statement; The impact on road safety and parking has been considered above in section b).
- Cumulative impact from nearby nurseries in area; Each application is assessed on its own merits.

### *non-material objections*

- Adverse effects on wellbeing of neighbours; This is not a material planning consideration.
- The property should be used for residential use; The lawful use of the property is Class 8.
- Nursery owners lack responsibility; This is not a material planning consideration.

### *material support comments*

- Will contribute to education, well-being and development of children; This has been addressed above in section b).
- Will support local community; This has been addressed above in section b).
- Property has been used for a similar purpose before; This has been addressed above in section b).

### *non-material support comments*

- Nursery operator is well-regarded and established; This is not a material planning consideration.
- Will increase availability of nursery places; 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 proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal complies with policies 1, 7, 13, 14 and 21 of National Planning Framework 4 and policies Des 1, Des 12, Hou 7, Tra 2 and Tra 3 of the Edinburgh Local Development Plan. The proposal is in accordance with the relevant non-statutory guidance. There are no material considerations which 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. Hours of operation to be restricted to 0700 - 1900 hours Monday to Saturday.



## 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.

## 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.
3. The applicant should consider developing a Travel Plan including provision of a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

## Background Reading/External References

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

**Further Information - [Local Development Plan](#)**

**Date Registered: 31 July 2023**

## Drawing Numbers/Scheme

01-03, 04C, 05-06

Scheme 4

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

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## Summary of Consultation Responses

NAME: Transport Planning

COMMENT: No objections subject to the applicant considering developing a Travel Plan.

DATE: 18 August 2023

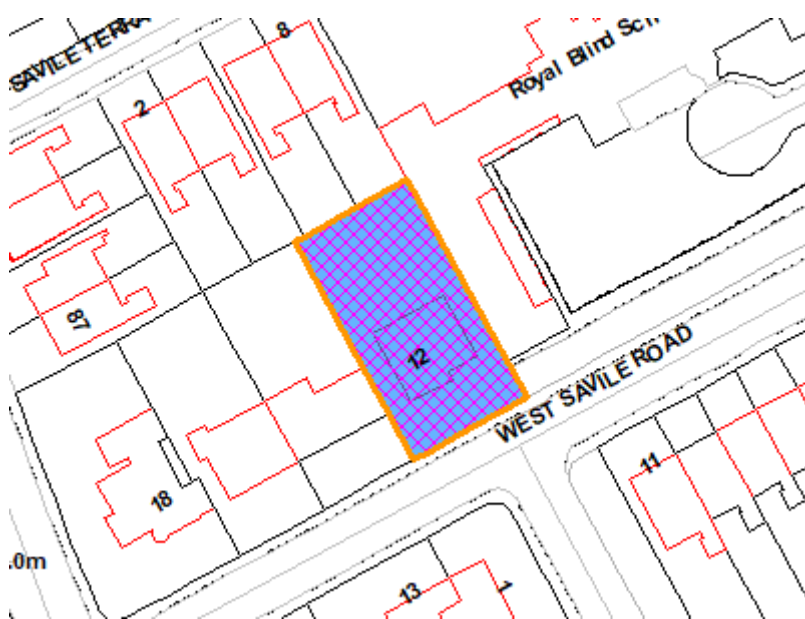
NAME: Environmental Protection

COMMENT: Environmental Protection have serious concerns about the impact this proposal will have on local residential amenity and recommend that the application is refused. However, if granted conditions should be applied.

DATE:

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

## Location Plan



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