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Decision date: 15 December 2023

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013

Change of Use of part retail unit to form dwelling
At 1 - 2 Wolseley Terrace Edinburgh EH8 7AB

Application No: 23/04946/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 26 September 2023, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Reason for Refusal:-

1. The proposal is contrary to the NPF 4 Policy 16 and LDP Policy Hou 5, as a satisfactory level of amenity cannot be achieved.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-05, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal does not comply with the relevant policies contained within National Planning Framework 4 and the Edinburgh Local Development Plan, as the proposal does not demonstrate that a satisfactory level of amenity can be achieved for the occupiers. There are no other material considerations which outweigh this conclusion.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Weronika Myslowiecka directly at weronika.myslowiecka@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

**Application for Planning Permission
1 - 2 Wolseley Terrace, Edinburgh, EH8 7AB**

Proposal: Change of Use of part retail unit to form dwelling

**Item – Local Delegated Decision
Application Number – 23/04946/FUL
Ward – B14 - Craigentiny/Duddingston**

Recommendation

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

Summary

The proposal does not comply with the relevant policies contained within National Planning Framework 4 and the Edinburgh Local Development Plan, as the proposal does not demonstrate that a satisfactory level of amenity can be achieved for the occupiers. There are no other material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a retail unit located on a corner plot on the south side of Wolseley Terrace, with Wolseley Crescent junction west of the site.

The unit forms part of a traditional five storey tenement building. The site was a shop, with access to the upper floor level located within the main shop.

A single storey flat roof extension is located to the rear of this unit, with a footprint of 24 square metres and 2.7 metres high positioned above 500mm raised steps. The rear extension has a rooflight measuring approximately 1.8 square metres.

The site is within Jock's Lodge Local Centre, with residential uses located to the south of the site.

Description Of The Proposal

The application is for a change of use of part of the retail unit to form a dwelling.

The existing shop door will be blocked and an ATM installed and new shop entrance created.

A previously blocked up window will be re-instated and the existing roof light on the flat roof will be replaced, with a glass door re-instated to the rear.

Relevant Site History

18/02628/FUL

1 - 2 Wolseley Terrace

Edinburgh

EH8 7AB

Installation of an ATM in the shop front, (in retrospect).

Granted

7 August 2018

14/04763/FUL

1 - 2 Wolseley Terrace

Edinburgh

EH8 7AB

Sub-divide existing shop premises to form a smaller shop and a one apartment flat.

Refused

16 January 2015

Other Relevant Site History

N/A

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 13 October 2023

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 0

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 Policies 1 and 27
- LDP Policy Hou 5
- LDP Ret Policy 10

The 'Edinburgh Design Guidance' is a material consideration in the assessment of this application.

Principle of Development

The site is located within a shopping centre (Jocks Lodge) therefore LDP Policy Ret 10 of the Edinburgh Local Plan applies. Policy Ret 10 states that in these circumstances, the change of use of a shop unit to a non-shop unit will be permitted provided that a) it will not result in four or more consecutive non-shop uses, and b) the proposed use is for an appropriate commercial or community use which would complement the character of the centre and would not be detrimental to its vitality and viability.

The proposed sub-division of the existing unit will not result in the loss of a shop use on this street as the shop use is to be retained to the front of the unit. The commercial use will therefore be retained. The proposal complies with LDP Policy Ret 10 and the use is acceptable in principle, subject to compliance with other policies in the Local Plan.

The proposal aligns with the objectives of NPF Policy 27 which promotes city centre and town centre living.

LDP Policy Hou 5 states planning permission will be granted for the change of use of existing buildings in non-residential use to housing, provided:

- a) a satisfactory residential environment can be achieved;
- b) housing would be compatible with nearby uses;
- c) appropriate open space, amenity and car and cycle parking standards are met; and
- d) the change of use is acceptable having regard to other policies in this plan including those that seek to safeguard or provide for important or vulnerable uses.

In this instance, whilst parking standards are met and the use is compatible from nearby uses, a satisfactory environment cannot be achieved, as detailed in the relevant sections below. The proposal therefore is contrary to the objectives of LDP Policy Hou 5.

The proposal would have a neutral impact on global climate and nature crises. The proposal complies with NPF 4 Policy 1.

Occupier Amenity

The size of accommodation meets the threshold for a one-bedroom dwelling, necessary to ensure a minimum level of amenity to future occupants, as specified in the Council's 'Edinburgh Design Guidance'.

The property will have one rooflight above the corridor leading between the kitchen and livingroom, and will have one window in the bedroom immediately adjacent to the pavement and a rear glass door. No information has been provided to demonstrate that the proposal would meet the minimum level of natural daylight to achieve adequate occupier amenity. As such, the proposal fails to comply with Edinburgh Design Guidance and the objectives of LDP Policy Hou 5.

There will be limited outlook from the property due to the single aspect arrangement and limited windows.

Drawings are unclear if the proposal includes any provision of open space. However, it would appear that there is a rear shared garden that the occupier would have access to. Furthermore, the site is situated within 400m of Holyrood Park, and the lack of on site provision or limited access is acceptable given the accessibility to quality greenspace in this regard.

Overall, the proposal is contrary to LDP Policy Hou 5 and the objectives of the Edinburgh Design Guidance, as it does not demonstrate that a satisfactory level of amenity can be achieved for occupiers.

Neighbouring Residential Amenity

No loss of daylighting, privacy or overshadowing issues will occur as a result of the proposal. The property is situated within a building with other residential properties.

The proposal will not have a detrimental impact on residential neighbouring amenity and is compatible with surrounding uses, in compliance with LDP Policy Hou 5.

Parking and Road Safety

The proposal does not propose any car parking onsite which is in line with the Councils parking standards.

The proposal will have no adverse impact on parking and road safety, in compliance with Hou 5.

Conclusion in relation to the Development Plan

The proposal does not comply with National Planning Framework 4 and the Edinburgh Local Development Plan, as the proposal fails to demonstrate it can achieve a satisfactory level of amenity.

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 on the Proposed City Plan 2030 and its supporting documents. These documents have now been submitted 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 City Plan 2030 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

No representations have been submitted.

Conclusion in relation to identified material considerations

The proposals do not raise any issues in relation to other material considerations identified.

Overall conclusion

The proposal does not comply with the relevant policies contained within NPF 4 and the LDP, as the proposal does not demonstrate that a satisfactory level of amenity can be achieved for occupiers. There are no other material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The proposal is contrary to the NPF 4 Policy 16 and LDP Policy Hou 5, as a satisfactory level of amenity cannot be achieved.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 26 September 2023

Drawing Numbers/Scheme

01-05

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Weronika Myslowiecka, Planning Officer
E-mail: weronika.myslowiecka@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Appendix 2

Application Certification Record

Case Officer

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: Weronika Myslowiecka

Date: 11 December 2023

Authorising Officer

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Alan Moonie

Date: 15 December 2023