

**Full Planning Application
at
Bonnington Bond
Anderson Place
Edinburgh
EH6 5NP**

**Development Quality Sub-Committee
of the Planning Committee**

Proposal: Change of use from 5 no office units to form 5 no domestic dwellings
Applicant: Persimmon Homes (East Scotland) Ltd.
Reference No: 04/00359/FUL

1 Purpose of report

To recommend that the application be **REFUSED** for the following reasons;

Reasons

1. The proposal is contrary to North East Edinburgh Local Plan Policy ED4, in respect of Business Development within Defined Areas, as use as residential would prevent further job opportunities being created as intended by the Local Plan.
2. The applicants have not demonstrated an overriding lack of interest in the leases for these commercial units, and use as residential would be contrary to the mixed-use designation for this site.
3. This proposal would effectively remove the last element of employment space from this mixed use scheme, where the Council has already conceded a 'departure', in order to ensure a suitable re-use of the listed building.

2 Main report

Site description

The site is the courtyard level of the former Whisky Bond situated between Anderson Place and Breadalbane Street, off Bonnington Road. The site contains an existing nine storey brick built block, already converted to 106 flats with a car park for 125 cars.

Immediately to the north is the Water of Leith. To the west, and to the north across the river, are commercial premises. To the south and east are Bonnington Primary School and mixed residential and commercial properties.

The building is category 'B' listed. The north block is circa 1900 and built in red brick. It forms part of a substantial complex of 4- and 8-storey brick and rubble-built warehouses, former sugar refinery and maltings.

Site history

June 1989 - Outline planning permission was granted for the change of use from warehousing to mixed use, including residential, industrial, office/retail use, leisure and recreation (as amended) (482/88).

June 1989 - Planning permission granted for alteration and change of use of bonded warehouse to 26 flats and 5 office/retail units. (481/88).

April 1990 - Planning permission and listed building consent granted to convert (the south) bonded warehouse to a Business Centre with 4,500sq.m floor area and 90 parking spaces (as amended) (1853/89).

April 1991 - Planning permission granted for the change of use of bonded warehouse to business centre, including offices, wine bar and bistro (Sugar Bond) 3064/90.

October 1991 - Amendment to application 3064/90 to delete barrel vault over the bistro (Sugar Bond) (2100/91).

August 1996 - Renewal of 1991 consent for change of use from bonded warehouse to business centre including offices, wine bar and bistro (Sugar Bond) (841/96).

November 1997 - Outline consent granted for change of use of disused warehouse (Sugar Bond) to create offices, a restaurant (class 3) and flatted accommodation (748/97).

April 2002 - Planning permission granted to convert former whisky bond building to form 106 flats (additional 4 flats including 2 live/work units to existing permission for 102) (as amended) (01/4563/FUL).

September 2002 - Planning permission granted for removal of lift noise condition (02/2914/FUL).

Development

The application is to change the use of five previously approved office/shop units, ranging between 116m² and 145m² floor area to five two bedroom flats. Car parking is communal within the bond building and excess capacity is available to accommodate the parking for the extra five dwellings.

Applicants Supporting Statement

The applicant has submitted details of efforts to market the units as commercial, since August 2003, with only one written offer and one qualified offer for three of the units, leaving two still to sell. A statement by a commercial consultant is also appended. These statements can be seen in the Party Group Rooms.

Consultations

Transport

No objections, subject to the following conditions being applied: -

One car parking space and one cycle parking space must be made available for each domestic dwelling. Reason: In order to comply with the Council's parking standards.

Education

Revised Comments

It is unlikely that this development would generate additional children for Bonnington Primary School, St Mary's Leith Roman Catholic Primary Scholl and Holyrood Roman Catholic High Scholl and Trinity Academy. Accordingly, this department has no objection to this development.

Representations

The application was not advertised, but two letters of objection and one of comment have been received.

The Pilrig Residents Association objects on the grounds that the original application was granted on the basis of a mixed use development and that there has been no visible marketing effort for the office units on a scale comparable to the applicant's residential units, so no or little demand for the office units would hardly be surprising.

The planning reasons (reduce home-to-work travel demand; increase local employment opportunities) that were valid when the original application was granted are still valid and possibly even more important today.

A company interested in purchasing Units 5 and 6 object on the grounds that the development of The Bond was allowed to proceed based on the existing balance of residential and commercial units. Their business has synergies with a company based at the Sugar Bond and locating here would benefit their business.

A further company comments that they also were in negotiations over the past 5 months to purchase Unit 7, and their comments are similar to the above.

Policy

The North East Edinburgh Local Plan identifies the site as a site with potential for Economic Development for business/housing, (with consent already granted).

Relevant Policies:

Policy ED4 (BUSINESS DEVELOPMENT WITHIN DEFINED AREAS) lists acceptable uses (with qualifications) within defined 'Industry/Business' areas, and states that development proposals incompatible with their primary industry/business use will not be allowed.

Policy T10 (PRIVATE CAR PARKING) requires all new development to comply with approved car parking standards as set out in the Development Control Handbook

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

3 Conclusions and Recommendations

DETERMINING ISSUES

The determining issues are:

- Do the proposals preserve the building or its setting or any features of special architectural or historic interest which it possesses? If they do not, there is a presumption against the granting of permission. For the purposes of this issue, "preserve", in relation to a building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character;
- Do the proposals comply with the development plan?
- If the proposals do comply with the development plan, are there any compelling reasons for not approving them?
- If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

ASSESSMENT

To address the determining issues, the Committee needs to consider whether:

- a) The change of use is acceptable given the original concept and consent for mixed-use development at this level of the building.
- b) The car parking provision is acceptable
- c) The proposal will result in any loss of residential amenity or road safety.

a) The North East Local Plan identifies the site as a Development Proposal for housing/business, where planning permission has already been granted for business and housing use. Consent has previously been granted for bar/bistro use, offices and 106 flats. The principle of the main uses on the site has therefore been established and for the most part implemented. The additional uses of a restaurant, coffee shop, fitness centre, creche and shop units were intended to create a self-contained development which is both sustainable and supportive for the future residents. By consent, the creche, coffee shop and fitness centre have been superseded by extra residential units and car spaces, leaving only a restaurant and office/shop units at the courtyard level of the building. The office/shop units would disappear as a result of approving this latest application. The applicants state that they have tried to market all the units but the response has been limited. Nevertheless, notes of interest have been received for three of the units. The local plan designation is to achieve a mixed development for the Bond building. The Council has already conceded the bulk of the building to residential use with some other mixed uses units being changed by consent to residential in order to achieve a suitable re-use of the listed building. Change of use of these five remaining units to residential is not justified, where commercial interest has been shown, and is not acceptable in principle.

b) The provision of car parking originally only catered for the residential units, with the office/retail units not having any specific allocated parking spaces within the building. Communal space were agreed under a traffic management plan within the open-air car park for the offices in the main body of the site with no provision for visitors. Subsequently, the residential spaces in the body of the building were allocated on a communal basis as a result of the Car Park Management Strategy, with the penthouse flats having two tandem spaces allocated. There was also a provision of 10 disabled spaces made. It is five of these spaces which the applicant now wishes to use on an allocated basis for the new residential units. This is acceptable as there will be little use of these spaces if they are not in the public realm.

c) The five units were previously to be commercial units with extra noise insulation incorporated in the ceilings to cushion the residential units above. Conversion to residential units also will improve residential amenity, as there would be no commercial units beneath the existing flats and therefore no noise conflict caused by visitors and staff to these units within the courtyard.

Residential amenity will therefore be safeguarded. The new car parking arrangements will not cause any loss of road safety as the already approved car park access ways and geometry will not change and can handle the extra vehicles.

The conclusion is that the proposals do not comply with the development plan and non-statutory policies, but have no adverse effect on the setting of the listed buildings, and have no detrimental impact on residential amenity or road safety.

There are no other material planning considerations which outweigh this conclusion.

It is recommended that the Committee refuses this application, for the reasons stated.


Alan Henderson
Head of Planning and Strategy

Contact/Tel Duncan Robertson on 0131 529 3560 (FAX 529 3717)

Ward affected 21 -Harbour

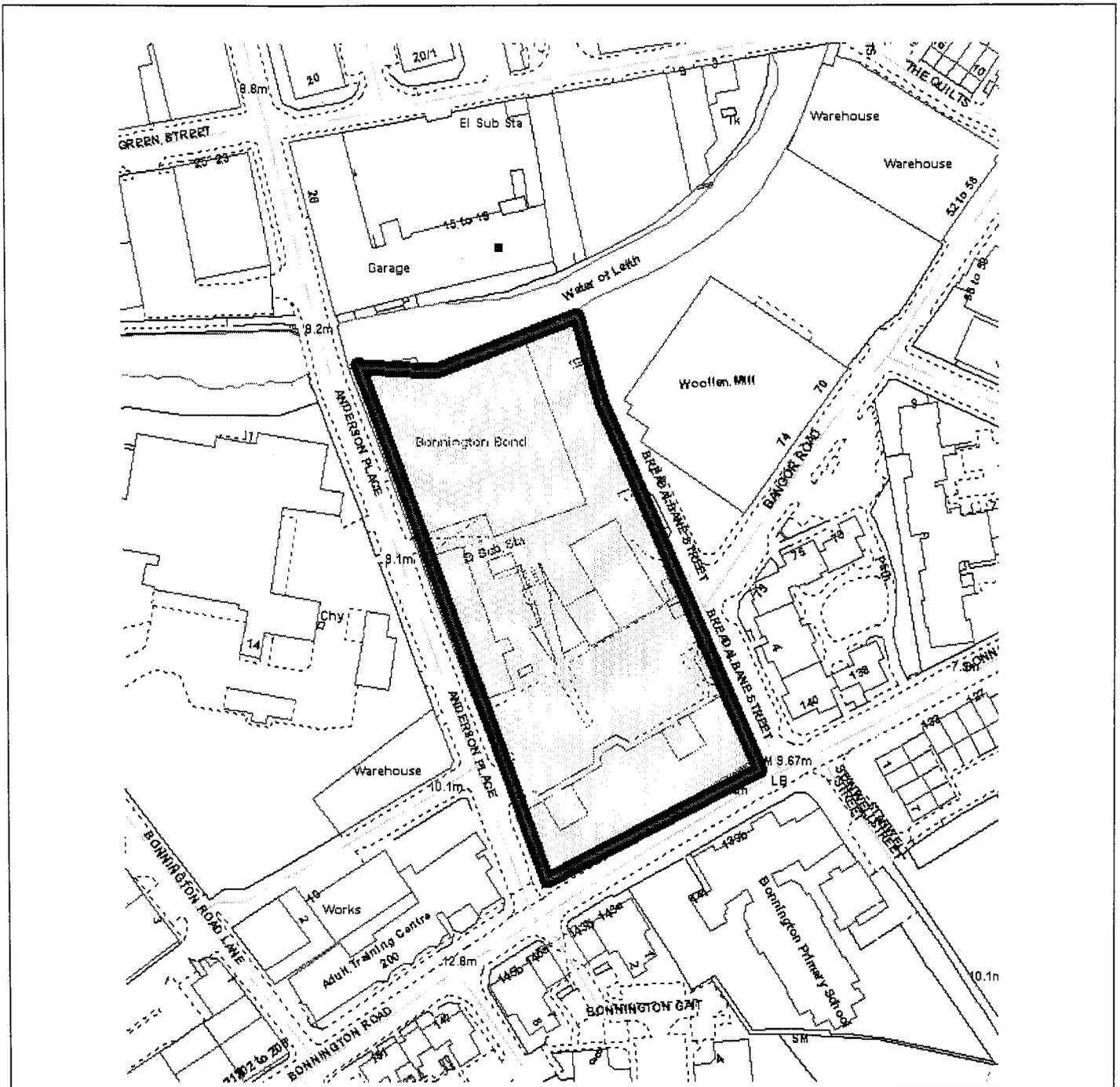
Local Plan North East Edinburgh

**Statutory Development
Plan Provision** Potential Economic Development for Business/Housing (with consent already granted) in an area of otherwise Business Use.

File A/F

Date registered 20 February 2004

**Drawing numbers/
Scheme** 01 - 05
Scheme 1



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PLANNING APPLICATION

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**THE CITY OF EDINBURGH COUNCIL
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY**