

Full Planning Application 05/01465/FUL
at
318 Gilmerton Road
Edinburgh
EH17 7PR

Development Quality Sub-Committee
of the Planning Committee

1 Purpose of report

To consider application 05/01465/FUL, submitted by B + P Nettleton. The application is for: **Change of use to complementary health clinic**

It is recommended that this application be **REFUSED**

2 The Site and the Proposal

Site description

The property is a purpose-built, ground floor flat at the south end of a two-storey terrace of early 20th century date. The building is stone faced, with a gabled slate roof, and has an added side garage with driveway. The front garden and nearer half of the back garden form part of the curtilage of the property. The upper flat has a separate front door and access to the back half of the rear garden.

The application premises comprises two bays, separated by a main front door, and contains with four sizeable rooms and wide hallway.

Adjoining the property to the south are a pair of two-storey Victorian villas, one used as a guest house and the other as a medical practice. Both have paved front gardens for 4-5 vehicles. Further to the south is the entrance to Liberton High School with a parking lay-by.

Gilmerton Road is a classified road (A772).

Site history

Application Site

No relevant history.

Other Sites

3 October 1984 - Planning permission was granted for the change of use of 320 Gilmerton Road from a dwellinghouse to care home (84/01547/FUL).

3 May 2000 - Planning permission was granted for the change of use of 320 Gilmerton Road from nursing home to guest house with a substantial, five-roomed rear extension and front car parking (00/01096/FUL).

Description of the Proposal

It is proposed to use the ground-floor flat as a health clinic for complementary medicine. It would have four consultancy/treatment rooms and operate from 8 am until 7 pm, Mondays to Fridays, and occasionally until 9 pm.

The applicant has submitted a supporting statement making the following points:

- i) The flat has the ideal layout, with a central hall for reception and waiting, and four large rooms with excellent ambiance and easy access for disabled users.
- ii) It is located close to two medical practices and the Royal Infirmary. There are no similar facilities in this relatively deprived area.
- iii) The practice will beneficially unite sole practitioners and provide training and opportunities for new graduates.
- iv) The use will create no more nuisance than the current student occupiers and will not involve noisy activities.
- iv) The property is in the applicant's ownership. Selling and re-siting is not financially feasible.
- vi) Non-residential uses have been accepted at 320 and 322 Gilmerton Road, 1 Claverhouse Drive and Kirkgate. They operate without causing nuisance.

3 Officer's Assessment and Recommendations

DETERMINING ISSUES

The determining issues are:

- 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 proposal is acceptable in principle,
- b) The loss of residential accommodation is justifiable,
- c) Residential amenities are affected and d) parking provision is satisfactory.

a) The replacement South East Edinburgh Local Plan is due for adoption as the statutory development plan in August 2005 and its policies are therefore more relevant than the SEELP (1992) which will be imminently superseded.

Proposed policy H13 (Community Facilities) supports the principle of the use, subject to amenity considerations only, with preferred locations being close to existing local centres. However, the locational requirements of the current proposal in relation to the new Edinburgh Royal Infirmary and local health services are ideal from the applicant's point of view and will assist in recruiting and training staff, providing complementary therapies and filling a service gap in a 'deprived' area.

The internal layout, with potential central reception area and four large consultancy/treatment rooms, the relaxing ambience and ready access are also well suited to the applicant's purposes.

Alternative sites such as the applicant's home (still in family use, with only one suitable room potentially available) or a nearby shop or commercial unit (too small, poorly laid out and lacking the appropriate character) have been rejected by the applicant, as have the financial implications of finding alternative premises.

Subject to other policy considerations, the proposal is acceptable in principle.

b) Local Plan policy H3 (Housing Retention) and related non-statutory guidelines on the Loss of Residential Use state that there is a presumption

against the loss of residential accommodation without replacement. Exceptions can be made in the case of guest houses and care homes or partial use for day nurseries. Policy H13 (Community Facilities) also suggests that flexibility should be used in the application of other policies, such as H3, in relation to uses such as surgeries and health centres. The loss of this residential unit from the city's housing stock, for the health care purpose proposed, is not therefore at odds with this policy.

c) Policy H5 in the SEELP (1992) and proposed SEELP policies H6 (Amenity) and H13 (Community Facilities) seek to protect residential amenities. Guest House and Day Nursery guidelines, for example, also state that there is a presumption against these uses in flatted accommodation.

In the present case, in relation to internal noise transmission, the mainly weekday use and 'subdued' character of the treatments and counselling are not expected to be seriously invasive. However, due to the scale of the activity, it may create more background disturbance than a normal residential use, depending on the sound insulation characteristics of the property. Environmental Services has recommended that safeguarding conditions regarding noise transmission be applied to any consent.

There will also be some general disturbance associated with the use, with perhaps some 50+ comings and goings per day. Although Environmental Services has not objected to the proposal, this activity would also lead to some loss of amenity for the upper flat.

The flatted unit is not an ideal location in terms of neighbouring amenities, although the side neighbours have written in support of the proposal. A bungalow would possibly be more appropriate in terms of meeting the applicant's accommodation brief while having less impact on neighbouring amenities.

d) While the location is busy in terms of parking for school, guest house and surgery uses, the applicant has a side drive and garage and is intending to pave the front garden to enable 2 cars to be parked on the site. This accords with parking guidelines. The applicant also considers that most clients are likely to be local and arrive on foot.

In Conclusion, there is policy support for the provision of community facilities, even involving the loss of residential accommodation, and it is a good location and ideal accommodation for the purposes proposed. However, the use of a flatted unit will give rise to an unacceptable loss of amenity for neighbouring residents and more appropriate premises are likely to be available.

It is recommended that the Committee refuses this application on amenity grounds.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Ian Smith on 0131 529 3555 (FAX 529 3706)
Ward affected	56 - Gilmerton
Local Plan	South East Edinburgh
Statutory Development Plan Provision	Mainly Residential
Date registered	13 May 2005
Drawing numbers/ Scheme	01 Scheme 1

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Control Portal : www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner, Graham Dixon on 0131 529 3519. Email: graham.dixon@edinburgh.gov.uk.

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail blair.ritchie@edinburgh.gov.uk or sarah.bogunovic@edinburgh.gov.uk

Application Type

Application Address:

Proposal:

Reference No: 05/01465/FUL

Consultations, Representations and Planning Policy

Consultations

Environmental Services

No objection subject to the following conditions:

All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring residential premises.

The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment and no structure borne vibration is perceptible within any nearby living apartment.

Representations

Neighbours were notified on 1 May 2005.

The resident of the upper flat (no.316) has strongly objected to the proposal on the following grounds:

- i) It will create additional traffic and parking requirements at an already congested location, next to a school drop-off point, guest house and medical practice.
- ii) The four-room consultancy will generate a considerable increase in activity with a consequent loss of amenity and security.
- iii) Alternative commercial premises are available in Glenvarloch Crescent, or at 2 Lasswade Road which is already used by two health-related businesses. Alternatively, the applicant could consider using her own large home.
- iv) Title deeds prohibit business use.

The applicant has provided letters of support from the medical practices at 322 Gilmerton Road and Inchpark, from the adjoining guest house proprietor at 320

Gilmerton Road, and from the two adjoining households at 312 and 314 Gilmerton Road.

Councillor Gilmore has also expressed an interest in this case.

Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.

Planning Policy

The property is in a Mainly Residential area in the South East Edinburgh Local Plan (1992). Residential character and amenities are to be safeguarded.

In the replacement South East Edinburgh Local Plan (approved for adoption April 2005), the property is within the designated Urban area. Relevant policies are H3 (Housing Retention), H6 (Residential Amenity), H13 (Community Facilities) and T9 (Parking).

Relevant Policies:

Policy H5 presumes against the establishment or extension of a non-residential use likely to lead to an unacceptable loss of amenity through increased traffic, unsightliness or noise.

Non-statutory guidelines 'LOSS OF RESIDENTIAL USE' provide a policy context for considering proposals for the change of use of properties in residential use.

Non-statutory guidelines on 'PARKING IN FRONT GARDENS' supplement local plan policies on conservation, design and residential amenity, and provide guidance on the location and design of front garden parking.

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

Application Type

Application Address:

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Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **REFUSED**

Reasons

1. The proposal is contrary to South East Edinburgh Local Plan Policy H5, in respect of Residential Amenity, as the proposal will lead to an unacceptable loss of amenity for neighbouring flatted properties.
2. The proposal is contrary to proposed South East Edinburgh Local Plan policies in respect of Protection of Amenity (H6) and H13 (Community Facilities) as the health care use of a flatted unit will have an unacceptable impact on neighbouring amenities.

End

