

**Full Planning Application  
at  
5 Hillside Crescent  
Edinburgh  
EH7 5DY**

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

**Proposal:** creation of a day services centre for adults with learning disabilities  
**Applicant:** Garvald Centre Edinburgh.  
**Reference No:** 04/01307/FUL

**1 Purpose of report**

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

**Reasons**

1. The proposal is contrary to Central Edinburgh Local Plan Policy CS3 (Community Services - general), CS5 (Community Facilities - special provision) and H11(Housing Amenity) as the proposed use, being unable to secure a dedicated parking bay timeously, will result in increased parking and traffic congestion that would be contrary to the best interests of Road safety.

## **2 Main report**

### **Site description**

The site is a three storey and basement stone-built terraced property on the north side of Hillside Crescent in close proximity to its junction with Brunswick Street. On either side of the site, to the east and west are a number of mixed uses including residential and commercial (office use). To the south is London Road and to the north are commercial/industrial workshop units (Windsor Street Lane). However the existing property that abuts the application site (9 Windsor Street Lane) is a residential flatted property at first floor level with ground floor garage.

The application property is listed Category A and located within the New Town Conservation Area.

### **Site history**

Alterations to building - granted 04/04/90

Erect a ramp for the disabled (as amended) - granted 20/01/94 (ref:- 93/01226/FUL)

Erection of garage workshop (as amended) - granted 20/01/94 (ref :- 93/01805/FUL)

Change of use from office to form dwellinghouse - granted 30/08/00 (ref:- 00/02249/FUL)

Change of use from office to guest house - granted 20/08/02 (ref:- 02/01619/FUL)

Alternations associated with creation of day centre - application pending (ref:- 04/01307/LBC)

### **Development**

This proposal is for the formation of a day services centre for adults with learning disabilities. The applicant (Garvald Centre Edinburgh) propose to relocate their present operation of craft and educational workshops owing to the fact that their present site at Horne Terrace does not provide accessible accommodation for their service users.

The proposed accommodation is as follows:-

Basement:- Therapy/meeting room, ceramics workshop, circulation areas, storage, office and toilet

Ground Floor - Canteen, kitchen, main entrance hall and disabled WC/shower

First Floor - Reception/admin, stained glass workshop, painting, store, photocopy room, circulation areas and toilet

Second Floor - Meeting room, weaving rooms (x2) ,storage education room, disabled WC/shower and circulation areas.

## **Consultations**

### **Environmental and Consumer Services**

This Department has no objection to the above application, subject to the following conditions:

The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from normal operations within the application premises is audible in any neighbouring living apartment.

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

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

The design, installation and operation of any ventilation associated with the kilns shall be such that the combined noise from the ventilation complies with NR20 when measured within any nearby loving apartment, and no structure borne vibration is perceptible within any nearby living apartment.

### **Transport Planning (Development Control)**

The application should be refused.

This site is at the edge of the controlled parking zone and therefore there is no available parking at most times of the day or night. There is no kerbside space available at the front door of the development and this would result in double parking which would be detrimental to patients visiting the centre and other road users.

## **Representations**

The application was advertised on 30 April 2004. No objections have been received. One letter and e-mail expressing support for the proposal have been received from Nigel Griffiths MP and Mr Robert Walley (member of the Garvald Board). Councillor Kerr has also requested that in the event that refusal is recommended, this application is the Development Quality Sub-Committee for consideration.

## **Policy**

### **Central Edinburgh Local Plan - Housing and Compatible Uses**

#### Relevant Policies:

Policy CD2 (LISTED BUILDINGS) sets out criteria for assessing proposals affecting listed buildings and seeks to safeguard their character and setting.

Policy CD3 (LISTED BUILDINGS - USES) establishes a presumption (with stated qualifications) in favour of retaining a listed building in (or restoring it to) its original use.

Policy CD4 (CONSERVATION AREAS) requires that developments in a conservation area retain all features which contribute to the area's character and appearance.

Policy CD17 (MATERIALS) sets out requirements for materials in new developments and seeks a greater use of stone, roofing slate and other traditional materials in appropriate cases.

Policy CD19 (BUILDING ALTERATIONS) sets out requirements for the design, form, materials and positioning of alterations and extensions.

Policy CD20 (WINDOW ALTERATIONS) sets out different levels of control for window alterations for listed buildings, non listed buildings in conservation areas and non listed buildings in defined areas of window control.

Policy H11 (HOUSING AMENITY) establishes a presumption against new development and changes of use likely to introduce increased levels of traffic or activity to the detriment of residential amenity or to the reasonable prospects of further residential development where this is an objective of the Local Plan.

Policy CS3 (COMMUNITY SERVICES - GENERAL) supports, and sets out criteria for assessing, development for a non residential medical or educational purpose, including the provision of childcare facilities to satisfy wider commercial demand.

Policy CS5 (COMMUNITY FACILITIES - SPECIAL PROVISION) encourages the provision of community and cultural centres catering for the needs of particular population groups on suitable sites and in compatible surroundings.

Non-statutory guidelines 'ALTERATIONS TO LISTED BUILDINGS' provide general guidance for assessing proposals for both internal and external alterations.

Non-statutory guidelines 'DAYLIGHTING, PRIVACY AND SUNLIGHT' set criteria for assessing proposals in relation to these issues.

Non-statutory guidelines on 'WINDOW ALTERATIONS' supplement local plan conservation and design policies, providing additional guidance on window alterations.

Policy CD5 (CONSERVATION AREAS - REDEVELOPMENT) sets out the criteria against which new development in conservation areas will be assessed, and seeks to preserve or enhance their character and appearance.

### **3 Conclusions and Recommendations**

#### **DETERMINING ISSUES**

The determining issues are;

- do the proposals preserve or enhance the character or appearance of the conservation area? there being a strong presumption against the granting of planning permission if this is not the case;
- do the proposals preserve the listed building or its setting or any features of special or historic interest? there being a strong presumption against granting permission if they do not;
- do the proposals preserve the building or its setting or any features of special architectural or historic interest? 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 use is acceptable
- b. the proposal will have an adverse impact, in visual terms, upon the character and appearance of the listed building and the New Town Conservation Area
- c. there will be any adverse effect on the residential amenity of neighbouring properties

d. there will be any traffic or road safety implications

a. The premises are located within an area that is identified in the local plan as Housing and Compatible Uses. In this location there is an emphasis on safeguarding the existing residential character and amenity of neighbouring residents. In addition to existing neighbouring residential uses the application property is adjacent to existing commercial uses (i.e. offices) with long established small workshop units abutting the rear of the site. Education, Health and Other Community Services Policies CS3 and CS5 support the proposal on suitable sites which are accessible and will not affect residential amenity.

In this particular case, the site is well located adjacent to a main arterial road leading to and from the city centre (London Road) well served by public transport. The premises are currently vacant and were last in use as an office. This proposal will not result in the loss of a residential use. Therefore, in principle the proposal is generally acceptable.

b. The character of the conservation area is summarised in the local plan as follows;- *A planned urban concept of European significance, the New Town has an overriding character of Georgian formality. The First New Town, built to James Craig's 1767 plan, has experienced significant redevelopment, while the Second, Third and Fourth New Towns, which were laid out on estates to the north, east and west retain most of their original buildings. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area therefore lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves. Many of the New Town's buildings are listed category 'A' of national importance and the area contains some of the city's finest interiors.*

In terms of external changes to the building fabric, there are no extensions proposed. The changes proposed include an access ramp at the entrance and general refurbishment works to the external building fabric that includes roof repairs/new roof hatch, window refurbishment, stone cleaning and rainwater goods refurbishment. The building is listed Category A and is the subject of a concurrent listed building application (ref:04/01307/FUL). These proposed alterations can be addressed as part of the listed building application. As no other substantial alterations are proposed to the external appearance and curtilage, it is not considered that the proposal will adversely affect the appearance or character of the listed building or the New Town Conservation Area.

c. Environmental and Consumer Services have considered the proposal and have no objections subject to conditions being attached that address the issue of noise attenuation and ventilation. No objections have been received from neighbours.

d. This particular location experiences significant on street parking difficulties resulting in frequent double parking. Transportation officials have recommended refusal, as there is no dedicated parking area

available at the front door. This would necessitate patients having to be dropped off at the corners of the street and this would also apply to any service related deliveries.

The area is currently the subject of a Traffic Regulation Order to extend the Central Parking Zone. This is at present being advertised and is scheduled for public inquiry in January 2005. No formal amendments such as the provision of a designated loading/unloading-parking bay are permissible until the conclusion of this procedure.

Transport has investigated the possibility of a temporary solution on London Road nearby. However, such a solution would be likely to be in excess of a year. There is concern that this temporary solution would represent an unacceptable precedent. Transport has concluded that the only solution is to secure a dedicated parking space. This solution would have support. This solution however cannot be instigated until the conclusion of the current Traffic Regulation Order associated with the extension of the Central Parking Zone.

In conclusion, the proposal would have no detrimental impact upon the character and appearance of the listed building and New Town conservation area or existing neighbours. In principle the proposal would appear to be compatible with the area. However, with the applicant being unable to secure a dedicated Parking space the proposal would lead to an increase in on street parking and double parking resulting in inappropriate traffic congestion that would be contrary to the best interests of Road Safety. This concern would also result in a loss of amenity to existing neighbours.

It is recommended that the Committee refuse this application, for the reason stated.

**FURTHER ASSESSMENT**

This application was considered at the Development Quality Sub Committee on 25 August 2004. The committee indicated that it is of a mind to support this application and the application was continued to enable both planning and transport officials to investigate and recommend an appropriate solution regarding the parking arrangements to serve the proposed development.

Transport officials have now reconsidered the issue of dropping off/picking up as a temporary solution until such a time that a Traffic Regulation Order can be promoted for Hillside Crescent to provide for disabled parking.

The applicant had suggested the use of existing pay parking spaces on London Road. However, legislation does not permit these spaces being allocated for individual use. Any other options for using London Road are limited as they could only be made available after 9.30 am and before 4pm in line with the legislation governing bus corridors in the city. The applicant has advised that these timings would be problematic, as it does not dovetail with their present operating hours.

Transport considers that the best option would be to allow dropping off/picking up on the street corner of Brunswick Street and Hillside Crescent. The regulations that are in force at this location permit dropping off at all times and this would also meet the applicant's schedules. The double yellow lines in place are for road safety reasons and it should be noted that this would also require the understanding and goodwill of drivers using the designated parking bays opposite.

The applicant has been notified of this suggestion and has confirmed this is acceptable subject to that this is acceptable with traffic wardens and the police. Transport has confirmed that traffic wardens will be made aware of this temporary solution.

In the longer term, transport officials consider that it will be possible to promote a traffic regulation order on Hillside Crescent for disabled parking. The applicant is aware that these spaces can be used by any blue badge holder and cannot be exclusively kept for the centre.

The above arrangements address the issue to a degree, but it would not be appropriate to make them a condition.

Conditions which should be attached to any consent are attached below following consultation with Environmental and Consumer Services.

1) The development hereby permitted shall be commenced no later than five years from the date of this consent.

2) The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from normal operations within the application premises is audible in any neighbouring living apartment.

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

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

5) The design, installation and operation of any ventilation associated with the kilns shall be such that the combined noise from the ventilation complies with NR20 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment

6) The dropping off/picking up of clients associated with the development shall take place only at the corner of Brunswick Street/Hillside Crescent, and only until such time as disabled parking provision is made on Hillside Crescent.

Reasons:-

- 1) In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
- 2) In order to safeguard the amenity of neighbouring residents and other occupiers.
- 3) In order to safeguard the amenity of neighbouring residents and other occupiers.
- 4) In order to safeguard the amenity of neighbouring residents and other occupiers.
- 5) In order to safeguard the amenity of neighbouring residents and other occupiers.
- 6) In the interests of road safety.



**Alan Henderson**  
Head of Planning and Strategy

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**Ward affected** 20 -Calton

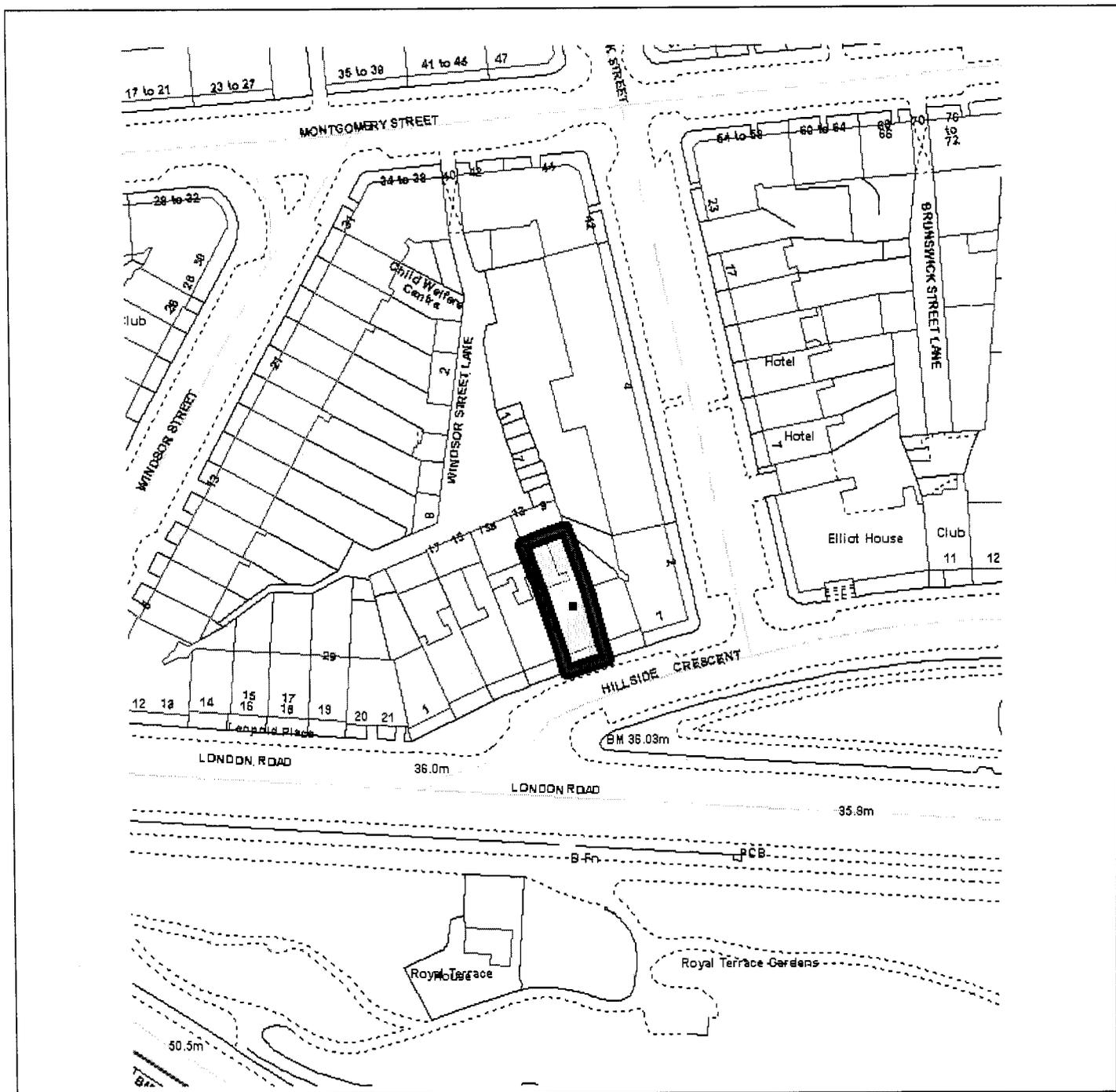
**Local Plan** Central Edinburgh

**Statutory Development  
Plan Provision** Housing and Compatible Uses

**File**

**Date registered** 21 April 2004

**Drawing numbers/  
Scheme** S1: 01-10  
Scheme 1



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# **PLANNING APPLICATION**

<b>Address</b>	<b>5 Hillside Crescent, Edinburgh, EH7 5DY</b>		
<b>Proposal</b>	<b>creation of a day services centre for adults with learning disabilities</b>		
<b>Application number:</b>	<b>04/01307/FUL</b>	<b>WARD</b>	<b>20- Calton</b>
<b>THE CITY OF EDINBURGH COUNCIL</b>			
<b>THE CITY DEVELOPMENT DEPARTMENT- PLANNING &amp; STRATEGY</b>			