



Item no

Report no

19

**Planning Permission 10/03272/FUL  
at  
57 Melville Street  
Edinburgh**

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

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**1 Purpose of report**

To consider application 10/03272/FUL, submitted by Early Days Nursery. The application is for: **Change of use from office (class 4) to day nursery (class 10).**

It is recommended that this application be **GRANTED** subject to the conditions below.

**2 The Site and the Proposal**

**Site description**

The application property is part of a category A listed classical terrace designed by Robert Brown in 1814 and built in 1825. It was listed on 14 December 1970 Ref: 29325. It is a former town house over three storeys with attic and basement.

The building has been used for many years as the office headquarters of the Royal Town Planning Institute in Scotland. To the west, no.59 is residential and to the east, no.55 is an office. The rear garden is wedge shaped with a high stone boundary wall, forming one segment of rear garden ground,

several of which converge at the return in the terraced block with Manor Place.

This property is located within the New Town Conservation Area.

### **Site History**

August/September 2001 - Planning permission granted in retrospect for surfacing car park in tarmac and gravel (2 car spaces) (application reference : 01/2729/FUL).

### **Pre-Application Process**

Pre-application advice was given on the principle of the use, indicating that Environmental Assessment had concerns about potential noise from children in the garden affecting residential amenity.

### **Description of the Proposal**

The application is for the change of use of these offices and rear garden to a day nursery for up to 70 children.

## **3. Officer's Assessment and Recommendation**

### **Determining Issues**

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

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 these determining issues, the Committee needs to consider whether:

- a) the location is suitable in principle for this use;
- b) consent would result in loss of residential amenity for neighbouring properties; and
- c) there would be any impact on road safety.

- a) The site is in the Central Area as identified in the local plan, where mixed uses are acceptable, provided residential amenity is safeguarded. The building is on several levels with large principal rooms, ideally suited to use for different age groups, and big enough to accommodate the 70 children proposed. It also has a garden of useable size for outdoor recreation. The use of these former offices would secure the continued use of the listed building in commercial use with little alteration. The location is therefore acceptable in principle, subject to other considerations.
- b) Environmental Assessment has confirmed that it cannot support this application without conditions, on the grounds of potential noise generation from a large number of children using the rear garden, and its impact on surrounding residential properties. It states that the introduction of such noise to this quiet area is likely to lead to noise complaints. In view of this, it recommends a condition to control the number of children in the garden at any one time and hours of use of the garden between 10am and 4pm; with hours conditions for the overall use of the premises up to 6pm. If these conditions cannot be applied, it would object to the use.

The garden is part of the planning unit and restricting its use to certain hours is unenforceable where the rest of the premises overall were to be restricted to hours of operation of between 7am and 6pm.

The applicant has confirmed that up to 15 children, or one age group/room, would be in the garden at any one time, with 3 staff supervising. Placing restrictions on the number of children in the garden would be unenforceable in practice.

There is a high demand for nursery places in this locality, plenty of metered parking available for parents picking up and dropping off children, and the location is suitable for many to arrive on foot. Given the otherwise suitable location for this use in the heart of mainly commercial properties, the use of the garden during daylight hours would not be a significant issue. If the overall use is restricted to the hours of 7.30am to 6pm, it is unlikely that a loss of amenity would occur to the immediate domestic neighbour, or to the area in general, as this would be during daytime hours.

- c) In respect to highway issues, the availability of metered parking will be adequate to cater for visitors to the property and will not lead to any loss of highway safety. In terms of staff travel, it is recommended that a travel plan is sought from the applicant in order to ensure the method of travel by staff is sustainable and does not lead to unnecessary car travel and parking.

Environmental Assessment require an external and internal noise assessment to be undertaken to ensure that the garden can be used successfully without a noise problem occurring and similarly, transmission to neighbours through the walls of the property. This is considered unnecessary. There are similar former town house properties in the New Town which operate successfully as nurseries without the requirement for sound proofing or restrictions on noise. It is recommended that in this case, the comments of Environmental Services are discounted.

On balance, the use is acceptable subject to hours conditions only being imposed.

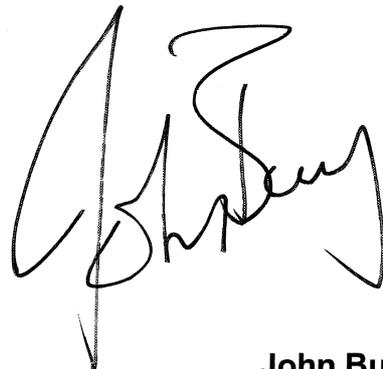
The proposals comply with the development plan and the non-statutory guidelines stated and will not adversely impact on the character of the area, on highway safety, or upon residential amenity.

There are no other material considerations which outweigh this conclusion.

It is recommended that the Committee approves this application, subject to restrictions on children numbers, hours and cooking conditions.

## **REASON FOR DECISION**

The proposals comply with the development plan and the non-statutory guidelines stated, and will not adversely impact on the area, upon residential amenity, or upon highway safety.



**John Bury**  
Head of Planning

|   |                                   |
|---|-----------------------------------|
| <b>Contact/tel</b>                          | Duncan Robertson on 0131 529 3560 |
| <b>Ward affected</b>                        | A11 - City Centre                 |
| <b>Local Plan</b>                           | Edinburgh City Local Plan         |
| <b>Statutory Development Plan Provision</b> | Central Area/Mixed Uses           |
| <b>Date registered</b>                      | 26 November 2010                  |
| <b>Drawing numbers/<br/>Scheme</b>          | 01<br>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](http://www.edinburgh.gov.uk/planning).

If you require further information about this application you should contact the following Principal Planner,  
Helen Martin on 0131 529 3517. Email: [helen.martin@edinburgh.gov.uk](mailto:helen.martin@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 [Gillian.ferrier@edinburgh.gov.uk](mailto:Gillian.ferrier@edinburgh.gov.uk) or [jack.dunn@edinburgh.gov.uk](mailto:jack.dunn@edinburgh.gov.uk)

## Appendix A



**Application Type**            Planning Permission  
**Application Address:**    57 Melville Street  
    Edinburgh

**Proposal:**                    Change of use from office (class 4) to day nursery (class 10)  
**Reference No:**              10/03272/FUL

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## Consultations, Representations and Planning Policy

### Consultations

#### Environmental Assessment

*Environmental Assessment indicate that the use of the rear garden for children playing might be a problem because the garden forms part of a square surrounded by properties that look out onto this rear area. The introduction of childrens' noise to this quiet area is likely to lead to noise complaints. In view of this, it is recommended a condition to control the number of children in the garden at any one time is applied and hours of use between 10am and 4pm, with hours conditions for the overall use of the premises up to 6pm. Any cooking may require to be vented to chimney height, depending upon what level of cooking is proposed. An acoustic report to assess the likelihood of complaints being received, internal and external operations, plus mitigation measures, should be required. If hours restrictions in the garden cannot be supported, the Department would not support this application.*

#### Transport

*No objections due to the street having existing parking restrictions, but the applicant should provide a staff travel plan to be assessed by the Dierctor of City Development prior to the use being taken up.*

#### Representations

The application was not advertised, as it is not classified under the planning Acts as a bad neighbour. No representations have been received.

***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 site is allocated as Central Area in the Edinburgh City Local Plan.

**Relevant Policies:****Relevant policies of the Edinburgh City Local Plan.**

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

**Appendix B**

**Application Type** Planning Permission  
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**Conditions/Reasons associated with the Recommendation****Recommendation**

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

**Conditions**

1. The hours of operation shall be restricted to 7.30 am to 6 pm Monday to Friday.
2. The number of children attending the premises shall not exceed 70.
3. Cooking, heating and reheating operations on the premises shall be restricted to the use of one domestic cooker, one microwave oven and one soup tureen only; no other forms of cooking, heating or reheating shall take place without the prior written approval of the planning authority.
4. Prior to the use hereby approved being implemented, the applicant shall submit a staff travel plan which shall be assessed by the Director of City Development. The contents of this travel plan shall be implemented to the satisfaction of the Director of City Development throughout the use of this building as a children's nursery.

**Reasons**

1. In order to safeguard the amenity of neighbouring residents and other occupiers.
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. To ensure staff travel to work is sustainable and minimises travel to work by car.

## **INFORMATIVES**

It should be noted that:

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

**End**

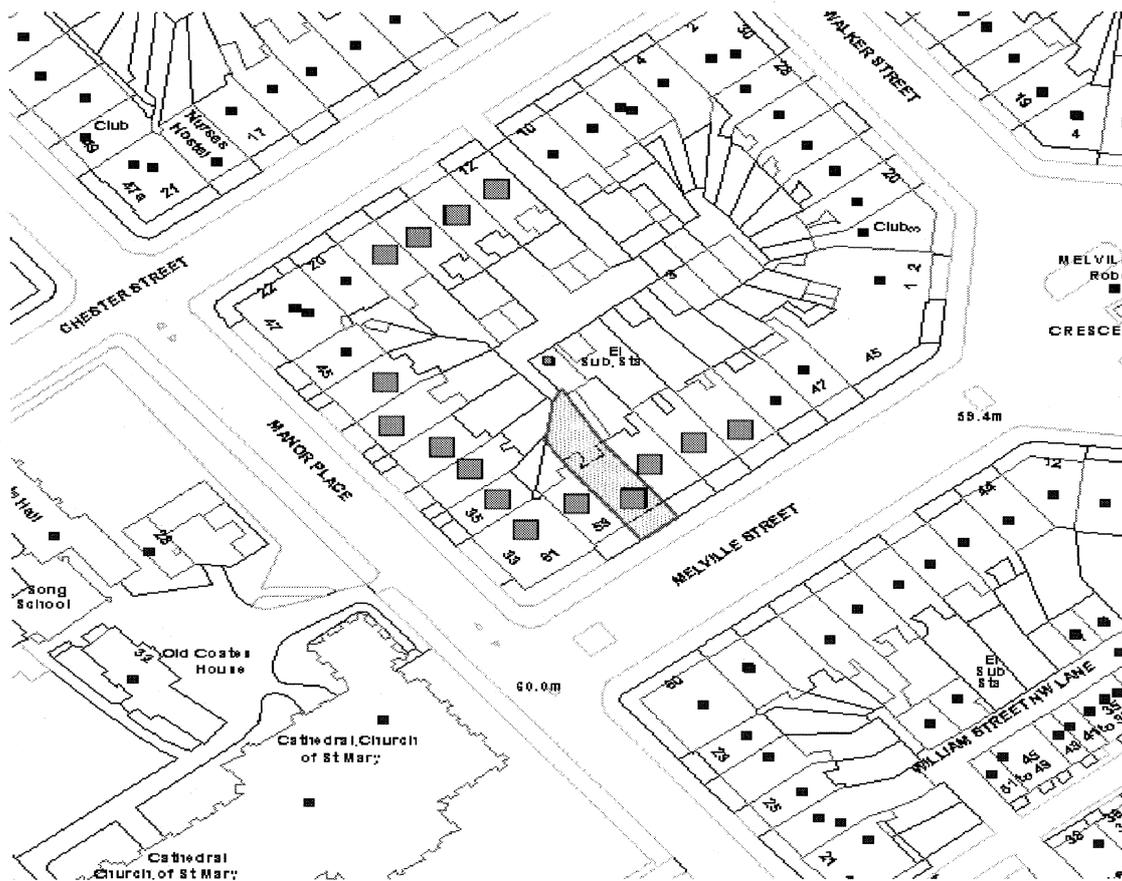
## Appendix C



**Application Type** Planning Permission

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## Location Plan

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