

**Full Planning Application 05/02502/FUL
at
2 Hermitage Terrace
Edinburgh
EH10 4RP**

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

1 Purpose of report

To consider application 05/02502/FUL, submitted by Mr + Mrs Cunningham.
The application is for: **Change of opening times**

It is recommended that this application be **GRANTED** subject to the conditions in Appendix B.

2 The Site and the Proposal

Site description

The site is a two storey and attic terraced house which is currently partly in use as a nursery. It is surrounded by residential properties of a similar style and nature. The site lies adjacent to Morningside Road. The property is listed category B and is located within the Morningside Conservation Area.

Site history

97/01751/FUL. Operate day nursery in part of dwellinghouse. APPROVED
15.10.1997

98/00012/FUL. Erect non-illuminated signboard. Permitted Development.

98/02851/FUL. For continued use of day nursery in dwellinghouse with an increase from 10 to 25 children. APPROVED 13.01.1999

00/00011/FUL. Continued use of part of the dwellinghouse for day nursery for 25 children. APPROVED 09.03.2000

00/03489/FUL. Continued use of part of the dwellinghouse for day nursery with an increase from 25 to 29 children. APPROVED 15.02.2001

02/03023/FUL. New gates and reduction in width of opening. APPROVED 27.09.2002

03/0378/FUL. Remove existing dormer window to front elevation and form new dormer and window railings. APPROVED 08.01.2004

Description of the Proposal

The application is for a change in operating times for a children's nursery at 2 Hermitage Drive. This entails the proposed increase in hours of operation from 8am-6pm to a new time of 7.30am-6.15pm.

3 Officer's Assessment and Recommendations

DETERMINING ISSUES

The determining issues are:

- Do the proposals preserve or enhance the character and appearance of the conservation area? There being a strong presumption against the granting of planning permission of this is not the case;
- 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) Will there be any adverse effect upon neighbouring residential amenity and
- b) The proposal be detrimental to the character and appearance of the conservation area and the listed building.

a) Extending the hours of operation from 7.30am to 6.15pm would increase the time available for parents to drop off children to the nursery. As there is no increase in the number of children attending the nursery, the volume of traffic will not increase or exceed existing levels. Environmental and Consumer Services have confirmed that they have no objection to the proposed increase in hours subject to a condition which restricts access to the garden before 8am. A condition to this effect is attached. Therefore, there will be no adverse impact on residential amenity.

Environmental and Consumer Services also recommend that the number of children be restricted to ten to ensure that neighbouring residential amenity is protected. This condition already exists on the previous extant permission.

b) As this is already an existing use and regarding the fact that there is no intensification of this use, there will be no detrimental impact on the character and appearance of the conservation area or the listed building.

In conclusion, the extension of opening times is acceptable. There will be no adverse impact on residential amenity or the character and appearance of the conservation area.

It is recommended that the committee approves this application subject to a condition which restricts the use of the garden from 8am onwards.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Chris Cornell on 0131 529 3665
Ward affected	46 - North Morningside/Grange
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Housing and Compatible Uses
Date registered	1 August 2005
Drawing numbers/ 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, Ian Dryden on 0131 529 3464. Email: ian.dryden@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

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Consultations, Representations and Planning Policy

Consultations

Environmental Consumer Services

This department offers no objections subject to the following condition being attached to the consent:

No children should be allowed access to the garden before 8am.

Representations

One letter of objection was received, raising the following issues:

- It is not appropriate for noise levels to be increases from 7.30am in a residential area
- Traffic congestion earlier in the day

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 within the Central Edinburgh Local Plan Housing and Compatible Uses land use designation

Relevant Policies:

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.

Non-statutory guidelines on 'PRIVATE DAY NURSERIES' supplement local plan policies on community services and provide policy guidance in areas where local plans do not contain appropriate policies; they provide guidance on when planning permission is required and set criteria for assessing proposals.

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Conditions/Reasons associated with the Recommendation

Recommendation

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

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. No children are to be allowed access to the garden before 8am

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.

End

