

Development Management Sub Committee

Wednesday 28 January 2015

**Application for Planning Permission 14/04447/FUL
At 24 Featherhall Avenue, Edinburgh, EH12 7UN
Alterations to a nursery school and erection of a storage unit
(in retrospect).**

Item number	4.4
Report number	
Wards	A06 - Corstorphine/Murrayfield

Summary

The proposal complies with the development plan and non-statutory guidance. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#) LPC, CITD11, NSG, NSBUS,

Report

Application for Planning Permission 14/04447/FUL At 24 Featherhall Avenue, Edinburgh, EH12 7UN Alterations to a nursery school and erection of a storage unit (in retrospect).

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site is a two storey building with an existing balcony on the south elevation and vehicular access is located to the north of the building. The current use of the building is a children's nursery. The surrounding area is predominantly residential with a doctor's surgery and glazing company within the vicinity.

The application site lies immediately out with Corstorphine Conservation Area.

2.2 Site History

16 May 2013 - Permission granted for change of use from existing car showroom with office and living accommodation to private day-care nursery. Proposal included alterations and extension to existing bungalow and workshop/garage and associated landscaping works (as amended) (reference: 12/04583/FUL).

27 August 2014 - Enforcement enquiry lodged regarding erection of storage unit on area of car parking (reference: 14/00552/EOPDEV).

Main report

3.1 Description Of The Proposal

The application is in part retrospect and proposes the erection of a storage cabinet and use of a balcony as a play area for children.

The storage unit has been erected in the northern corner of the site and is located in one of previously allocated staff parking bays. The storage unit is comprised of green and grey metal sheeting and is approximately 9.76sqm and measures 3m width, 3.8m in length and 2.3m in height.

3.2 Determining Issues

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?

3.3 Assessment

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

- a) the proposals will harm the character and appearance of the area or that of the adjacent conservation area;
- b) the proposals harm neighbouring amenity;
- c) the proposals raise road safety concerns; and
- d) any representations that raise material considerations are addressed.

a) Character and Appearance

The proposal is located 10m outside of the Corstorphine Conservation Area boundary. The Corstorphine Conservation Area Character Appraisal states "*There are further green amenity areas around the Parish Church, fronting the houses at Featherhall Avenue and on the south side of Ladywell Avenue*". The proposal does not encroach upon the green spaces in Featherhall Avenue and will therefore not harm the character and appearance of the conservation area.

The existing mixed use character of the area will therefore not be harmed by the addition of a storage unit or external children's play area. The storage unit has been installed and is not visible from the conservation area.

b) Amenity

A number of representations have been received, raising concerns that the use of the balcony would lead to an increase in noise disturbance. The terms of the planning permission, under which the nursery operates, allows the whole building and associated outdoor areas to be used for children to play. According to the planning permission the proposed use of the balcony as a children's play area does not require planning consent. Any conditions or restrictions imposed upon planning applications must meet the six tests identified in Planning Conditions Circular 4/1998. Restricting areas in which children can play would not meet the six tests and the Planning Authority therefore do not have the powers to do so.

The storage cabinet is located in the northern corner of the site. The neighbouring property is built up on the boundary and the storage cabinet will therefore not impact on sunlight, daylight or privacy to neighbouring properties.

The proposals would not have a detrimental impact on neighbouring amenity.

c) Road Safety

The storage unit has been erected on one of the allocated staff parking bays and a number of representations were submitted raising concerns that the loss of this car parking space would lead to an increase in on street parking pressures and congestion. However the applicant has demonstrated that three staff car parking bays can still be accommodated on site. Therefore there will not be a loss of staff car parking bays available on site as a result of the storage unit. Transport Planning has no objections to the proposal.

The proposals would not have a detrimental impact on road safety.

d) Material Considerations

Ten letters of objection were received for the application.

The following material considerations were raised:

- The unit is located on an area designated as staff car parking spaces on the approved plans for the building, addressed in 3.3c).
- The use of the space for the storage unit instead of parking increases on-street parking and congestion problems, addressed in 3.3c).
- Road safety concerns for residents and pedestrians, addressed in 3.3c).

Corstorphine Community Council

The Community Council raised the following material comments:

- Reduction of staff parking increases on-street parking congestion due to narrow road layout and other uses operating in the area, addressed in 3.3c).

Non-Material Considerations

- Original application objected to the use of the balcony as a child's play area because of the detrimental impact on residential amenity):
- Doubt that the law permits children playing on a balcony. This is not a material consideration as planning does not take into account laws other than those that relate to Planning matters.
- Featherhall Avenue should be made a one-way street. This is not a material consideration as the application considers the alterations to the nursery and storage unit only.
- Original application should never have been approved by Council as they do not consider residents or constituents. This is not a material consideration as the service the Council provides to the public is not a consideration in this application.
- Parking congestions restrict the residents' right to their property. This is not a material consideration as the road is publicly owned and rights are not a planning matter.
- The use of a balcony as a child's play area will harm neighbouring amenity due to excess noise.

Conclusion

The development has sufficient staff parking bays. The use of the balcony for children to play is part of the established use of the nursery and will not harm residential amenity.

The proposals are acceptable.

There are no material considerations which outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

10 letters of objection were received for the application.

The following material considerations were raised:

Material considerations

- The unit is located on an area designated as staff car parking spaces on the approved plans for the building.
- The use of the space for the storage unit instead of parking increases on-street parking and congestion problems.
- Road safety concerns for residents and pedestrians.

The following non-material considerations were raised:

Non-Material Considerations

- Doubt that the law permits children playing on a balcony. This is not a material consideration as planning does not take into account laws other than those that relate to Planning matters.
- Featherhall Avenue should be made a one-way street. This is not a material consideration as the application considers the alterations to the nursery and storage unit only.
- Original application should never have been approved by Council as they do not consider residents or constituents. This is not a material consideration as the service the Council provides to the public is not a consideration in this application.
- Parking congestions restrict the residents' right to their property. This is not a material consideration as the road is publicly owned and rights are not a planning matter.
- The use of a balcony as a child's play area will harm neighbouring amenity due to excess noise.

Corstorphine Community Council

- Reduction of staff parking increases on-street parking congestion due to narrow road layout and other commercial businesses operating in the area.
- Original application objected to the use of the balcony as a child's play area because of the detrimental impact on residential amenity.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

**Statutory Development
Plan Provision**

The application site is an unlisted building with the general Urban Area as defined in the Edinburgh City Local Plan.

Date registered

28 October 2014

Drawing numbers/Scheme

01, 02A, 03,

Scheme 1

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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Des 11 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Appendix 1

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Consultations

TRANSPORT

Further to my memorandum of 13 November 2014, I confirm that I have objection to the proposed application.

Note: it appears that the site can accommodate 3 vehicles.

ENVIRONMENTAL ASSESSMENT

Environmental Assessment will not be able to support this application for the reasons previously set out when consulted on the 12/04583/FUL planning application. The first floor drawing indicates that the applicant proposes to use the outside terrace area for children's play. This will lead to noise complaints.

Location Plan



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