

Development Management Sub Committee

Wednesday 11 February 2015

**Application for Planning Permission 14/05131/FUL
At The Redgauntlet, 13 Broomhouse Market, Edinburgh
Alterations and change of use of existing public house to
form shop and two flats over.**

Item number	4.2
Report number	
Wards	A07 - Sighthill/Gorgie

Summary

The change of use to replace an existing public house with a shop and two new residential flats complies with the development plan and non-statutory guidelines. The principle of the change of use is acceptable and the proposal will not harm existing character or neighbouring amenity. The proposal is acceptable.

Links

<u>Policies and guidance for this application</u>	CITD11, CITD12, CITH5, CITH8, CITCO1, CITR5, NSGD02, NSBUS, NSHOU,
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Report

Application for Planning Permission 14/05131/FUL At The Redgauntlet, 13 Broomhouse Market, Edinburgh Alterations and change of use of existing public house to form shop and two flats over.

Recommendations

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

Background

2.1 Site description

The application site comprises a two storey detached public house and yard/parking area to the side located at the corner of Broomhouse Market and Broomhouse Grove.

Broomhouse Market is a pedestrianised street extending north west from the site towards Broomhouse Place North, and contains a mix of residential properties and community uses including a post office, a bakery, a green grocer, a convenience store and a Citizens Advice Bureau. The surrounding uses are predominantly residential.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

This proposal is for the change of use of a public house (sui generis) to a shop (use class 1) on the ground floor and two residential flats (sui generis) on the first floor.

The shop will have a gross floor area of approximately 216 square metres, which includes a sales area of approximately 143 square metres.

The two flats comprise three bedrooms each and access will be provided via a common stair from an entrance point through the yard/parking area. Flat A has an internal floor area of approximately 100 square metres, and Flat B has an internal floor area of approximately 94 square metres.

Three parking spaces will be provided for residents of the flats (one per flat and one visitor) within the existing yard to the side of the property. An existing area for customer parking will be retained to the front of the shop and an area for parking and turning will be provided within the yard. Refuse for the flats will be stored to the rear of the property and refuse for the shop will be stored internally in the loading area. No private amenity space is proposed.

External alterations comprise the creation or enlargement of new windows, the blocking up of existing openings, and a new canopy over the entrance door to the flats on the east facing elevation are also proposed. All the existing windows to the flats will be replaced with new white uPVC framed windows to match the existing windows, and new or enlarged windows will also be uPVC framed. Timber cladding will be added below the west facing high level window to block this part of the existing opening up.

The proposal includes the creation of a new shop fascia on the west and south facing elevations. Advertisement consent will be required for this element of the proposal and this has not therefore been considered as part of this proposal.

Scheme 1

Scheme 1 included a large window on the first floor west facing elevation. An amendment to this window was requested to either remove it or replace it with a high level window.

Scheme 2

The large window on the first floor west facing elevation has been replaced with a high level window as required.

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 change of use is acceptable in principle;
- b) the design is compatible with the character of the existing building and the character of the surrounding area;
- c) the proposal will have any adverse impact on neighbouring amenity;
- d) the residential accommodation provides a suitable standard of residential amenity;
- e) any impacts on equalities or human rights are acceptable; and
- f) comments raised have been addressed.

a) Principle of the change of use

The site is located in the Urban Area and there are no special designations which seek to restrict the principle of a change of use from a public house to a shop and residential flats.

Local Plan Policy Com 1 (Provision and Protection of Community Facilities) relates to large housing developments where new community facilities may be required to assist with regeneration and foster community life. This proposal is for the change of use of an existing public house, to a shop with flats.

Whilst the loss of the public house has met with substantial objection from the local community, its replacement with another community facility in the form of a shop is acceptable in planning terms as there will be no net loss in community facilities. The Planning Authority has no power to enforce the continued operation of the public house if the owner no longer wishes or is able to operate it as such.

Concern has been raised that Broomhouse Market already has too many shops. The proposed shop is small in scale, and will complement the existing range of uses in Broomhouse Market. The surrounding area is predominantly residential and it is likely that the majority of customers will be those living within easy walking distance who already visit Broomhouse Market to meet other small scale needs.

Concern has also been raised regarding the type of goods that may be sold within the shop; however this matter is not within the remit of the Planning Authority to control unless the type of goods sold would result in a material change of use from a class 1 (retail) use.

The provision of flats above the proposed shop is acceptable in principle and will be compatible with the surrounding area, which is predominately residential.

The change of use of the public house to a shop and two flats is acceptable in principle.

b) Design

The revised frontages are in keeping with the design of the existing building and will not have a detrimental impact on the character or appearance of the area. The proposal is acceptable in design terms.

c) Impact on amenity

Local Plan Policy Hou 8 (Inappropriate Uses in Residential Areas) requires that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

The surrounding area comprises a mix of residential and community uses and this proposal will be compatible with these established uses. The replacement of the existing public house with a shop and flats represents a more compatible mix of uses due to the potential for noise and disturbance usually associated with these kind of late night opening establishments. Environmental Services were consulted as part of this application and raise no objection to the proposal.

The proposal has been amended to replace a large window on the first floor west facing elevation with a high level window in order to resolve any adverse impact on the privacy of the opposing residential property. The remaining window on this elevation is acceptable with regard to its impact on the privacy of neighbouring properties due to its size and position.

As the proposal is for the conversion of an existing building, there will be no impact on the daylight, outlook or sunlight currently experienced by neighbouring properties.

d) Provision of suitable standard of residential amenity

Local Plan Policy Hou 5 (Conversion to Residential Use) states that the change of use of existing buildings in non-residential use to housing will be acceptable provided that a satisfactory residential environment can be achieved. In addition, proposals should demonstrate that housing would be compatible with nearby uses, and appropriate open space, amenity and car parking standards are met.

The proposal will be compatible with the surrounding area, which comprises a mix of residential and community uses.

The gross floor area of the living accommodation for both flats exceeds the required 81 square metres and the internal storage space to be provided is acceptable. The proposal also meets the required daylight standards, ensuring that a satisfactory residential environment can be achieved in accord with Policy Hou 5.

Policy Hou 3 seeks the provision of communal open space for new flatted or mixed housing developments. Policy Hou 5 relates specifically to the conversion of existing buildings to residential, and seeks the provision of an appropriate level of amenity space. This proposal does not include private outdoor amenity space, however it is accepted there is accessible public open space within a walkable distance of the site which could meet the needs of future residents in terms of amenity space provision. The lack of open space is acceptable when balanced against the proximity of public open spaces to the development in addition to the internal floor area of the flats exceeding non-statutory requirements.

The parking provision for the flats and shop is acceptable and Transportation raises no objection to the proposal. The refuse storage arrangements for the flats and shop are acceptable.

Policy Hou 5 also states that changes of use to residential will be acceptable provided that regard is given to other policies, including those that seek to safeguard or provide for important or vulnerable uses. It is considered that the proposal complies with other relevant policies in the Local Plan, and provides two new housing units in response to the growing demand for homes in sustainable locations.

e) Equalities and human rights impacts

The proposal is for a ground floor shop with a ramped access therefore access for disabled users is unlikely to be restricted for this element of the proposal.

The first floor flats are accessible by stair only however a stair lift could be installed if required to enable access for disabled users. On this basis it is considered that no revision to the proposal is required.

f) Comments raised have been addressed

Sixteen representations have been received which raise objection to the proposal. Two petitions have also been received containing a total of 275 signatures.

Material planning matters raised are summarised as follows:

- Loss of community facility - this has been addressed in section 3.3a).
- Proliferation of shops - this has been addressed in section 3.3a).
- Increased disturbance from increase in footfall from shop - this has been addressed in section 3.3c).

One non-material planning matter has been raised as follows:

- Type of goods sold in shop - this has been addressed in section 3.3a).

Conclusion

The change of use to replace an existing public house with a shop and two new residential flats complies with the development plan and non-statutory guidelines. The principle of the change of use is acceptable and the proposal will not harm existing character or neighbouring amenity. The proposal is 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

Conditions:-

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.
2. This consent is for planning permission only. Work must not begin until other necessary consents, eg advertisement consent, have been obtained.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth).
6. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road.
7. Any gate or gates must open inwards onto the property.
8. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012.
9. The applicant should be informed that prior to carrying out any works to form a footway crossing a Minor Roadworks consent must be applied for and secured.
10. The works to form a footway crossing must be carried out in accordance with "Development Roads - Guidelines and Specification". See pages 5, 15 & 16 of http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders.
11. Current Council parking standards in this area (Zone 3a) require a minimum of 2 parking spaces for the 2 residential units and between 2 and 4 spaces for the 196m² GFA retail. It is understood that the existing 7 parking spaces will remain.
12. If it is the applicants intention to rent the flats out as Houses of Multiple Occupation (HMO) Environmental Assessment recommends that the applicant contacts the Councils Private Tented Sector Team to ensure that the Scottish HMO standards are met.

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:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

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

Neighbour notification letters were issued on 17 December 2014.

Sixteen representations have been received which raise objection to the proposal. Two petitions have also been received containing 275 signatures.

Material planning matters raised are summarised as follows:

- Loss of community facility;
- Proliferation of shops; and
- Increased disturbance from increase in footfall from shop.

One non-material planning matter has been raised as follows:

- Type of goods sold in shop.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The property is within the Urban Area. There are no special designations on the site.

Date registered

16 December 2014

Drawing numbers/Scheme

01, 02, 03, 07, 08, 09,

Scheme 2

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Acting Head of Planning and Building Standards

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Links - Policies

Relevant Policies:

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

Policy Des 12 (Shopfronts) sets criteria for assessing shopfront alterations and/or advertising proposals.

Policy Hou 5 (Conversion to Housing) sets criteria for assessing the change of use to residential.

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.

Policy Com1 (Community Facilities) sets requirements for the provision of community facilities associated with large scale residential development, and the protection of existing community facilities.

Policy Ret 5 (Out of Centre Retail Development) identifies the circumstances in which out-of-centre retail development will be permitted.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

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.

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Appendix 1

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Consultations

Transportation

I have no objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);*
- 2. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;*
- 3. Any gate or gates must open inwards onto the property;*
- 4. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;*
- 5. The applicant should be informed that prior to carrying out any works to form a footway crossing a Minor Roadworks consent must be applied for and secured;*
- 6. The works to form a footway crossing must be carried out in accordance with "Development Roads - Guidelines and Specification". See pages 5, 15 & 16 of http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders.*

Note:

Current Council parking standards in this area (Zone 3a) require a minimum of 2 parking spaces for the 2 residential units and between 2 and 4 spaces for the 196m² GFA retail. It is understood that the existing 7 parking spaces will remain.

Environmental Assessment

The applicant proposes converting an existing public house in ground floor class 1 with residential above. The proposed flats will both be three bed flats. All accommodation will include kitchen and living space and toilet and shower facilities. If it is the applicants intention to rent the flats out as Houses of Multiple Occupation (HMO) Environmental Assessment recommends that the applicant contacts the Councils Private Tented Sector Team to ensure that the Scottish HMO standards are met.

Environmental Assessment offers no objection to this proposed development.

Location Plan



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