

Development Management Sub Committee

Wednesday 11 March 2015

**Application for Planning Permission 14/04693/FUL
At 5A,5B,7B, 9 Newhaven Road, Edinburgh, EH6 5QA
Change of use: commercial space to 4 No. flats.**

Item number	4.8
Report number	
Wards	A12 - Leith Walk

Summary

Taking account of the remaining ground floor business space and the marketing information provided, the loss of the business units is considered acceptable. The proposal is a minor infringement of Edinburgh City Local Plan policy Emp 4 and the Bonnington Development Brief but would accord with policy Emp 8 in the Second Proposed Local Development Plan. Residential use as an alternative is acceptable. No other considerations outweigh this conclusion.

Links

[Policies and guidance for this application](#) LPC, CITEM3, CITEM4, CITH5, NSG, NSGD02,

Report

Application for Planning Permission 14/04693/FUL At 5A,5B,7B, 9 Newhaven Road, Edinburgh, EH6 5QA Change of use: commercial space to 4 No. flats.

Recommendations

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

Background

2.1 Site description

The application relates to two separate sections of incomplete "business units" within a wider site undergoing redevelopment of modern flats of 4 and 5 storeys. Residual units between the two sections (totalling 236sqm) are in the same state as the incomplete business units under consideration.

The units in question face on to Newhaven Road, and north-east to Elizafield, which forms part of the Bonnington Industrial Estate. They are not connected to the car-parking area nor to the public footpath on Newhaven Road, and are connected only via a small private footpath. The block stands in an elevated position relative to Newhaven Road, almost half a storey above pavement level.

2.2 Site History

2.8.2012 - Consent granted for a mixed use development of primarily residential, with an element of ground floor business uses facing Newhaven Road on a formerly wholly industrial site (Scotsman printworks) (11/02671/FUL). This comprised 127 flats (including 31 affordable) and five commercial units (494sqm in total).

Main report

3.1 Description Of The Proposal

The application proposes change of use within two separate sections of the building, each currently laid out as shell units for ground floor business use, within an otherwise residential scheme.

The use in these sections would change from business to residential, creating four further flats, two in each section. Each created flat is two bedroom: two of 63sqm, and two of 68sqm. The remainder of the ground floor units along Newhaven Road will be retained in business use: one of 118sqm, and two of 60sqm (238sqm in total).

The applicant has supplied supporting information including both enquiries to date plus local competition in the form of existing vacant business units in the area. These papers are available to view on the Planning and Building Standards online services.

Supporting information on sales interest and vacant units in the wider area were submitted with the application. These papers are available to view on the Planning and Building Standards online services.

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) residential use is acceptable;
- b) loss of the business units is acceptable;
- c) public comments are addressed: and
- d) equality and human rights issues are addressed.

a) Acceptability of Housing on Site

The site lies within the Urban Area as defined in the Edinburgh City Local Plan and within the area covered by the Bonnington Road Development Brief (August 2008).

The majority of the site is already in residential use. The principle of residential use is acceptable.

An additional four units has an impact on agreed Affordable Housing ratios, and would attract a further one unit to be for that purpose. The applicant has agreed to supply one additional affordable housing unit within the proposal. This will not be one of the four units created and will be at plot 106 of block 11. An adjustment to the existing legal agreement is required in order to address this change.

Two units lie marginally below the minimum required space standard for two bedroom flats (66sqm), as outlined in the Edinburgh Design Guidance, but the degree of infringement is both minor and acceptable.

Residential use is acceptable subject to compliance with other policy requirements.

b) Loss of Business Units

When planning permission was granted for application 11/02671/FUL, the provision of significant business space was required to accord with Edinburgh City Local Plan policy Emp 4 - Employment Sites and Premises and the Bonnington Development Brief. This was required because the site was formerly in employment use.

Policy Emp8 in the Second Proposed Local Development Plan only requires the provision of floorspace for business use on former employment sites larger than one hectare. The site to which application 11/02671/FUL relates is only 0.98 hectare. Therefore in terms of the emerging plan, there would be no requirement to provide business space on this site.

The applicant has provided information to demonstrate that attempts have been made to market the business space. They have indicated that the main difficulties relate to location, lack of parking and servicing and the format of the premises. Whilst the proposal involves the loss of 256sqm of business space, 238sqm in the form of three commercial units will be retained.

Taking account of the remaining business space, the marketing information provided and the emerging Local Development Plan, the loss of the business units is considered acceptable.

c) Public Comments

No public comments were received.

d) Equalities and Human Rights

The proposals raise no concerns in relation to equalities or human rights.

Conclusion

Taking account of the remaining ground floor business space and the marketing information provided, the loss of the business units is considered acceptable. The proposal is a minor infringement of Edinburgh City Local Plan policy Emp 4 and the Bonnington Development Brief but would accord with policy Emp 8 in the Second Proposed Local Development Plan. Residential use as an alternative is acceptable. No other considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. Prior to the issue of consent the existing legal agreement relating to affordable housing provision shall be adjusted to require one additional affordable housing unit on site.
2. 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.
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. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

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

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

None

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 site is shown as Urban Area within the Edinburgh City Local Plan. The site lies within the area covered by the Bonnington Road Development Brief. The Second Proposed Local Development Plan also shows the site as Urban Area.

Date registered

2 December 2014

Drawing numbers/Scheme

1-3,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Stephen Dickson, Senior planning officer

E-mail:stephen.dickson@edinburgh.gov.uk Tel:0131 529 3529

Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Emp 3 (Business and Industry Areas) protects identified areas for business, industrial and storage development.

Policy Emp 4 (Employment Sites and Premises) sets out criteria for development proposals affecting business & industry sites and premises.

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

Relevant Non-Statutory Guidelines

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.

Appendix 1

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Consultations

No consultations undertaken.

Location Plan



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