

Development Management Sub Committee

Wednesday 3 June 2015

**Application for Planning Permission 15/00700/FUL
At Garage 32 Metres Southwest Of 8, Bellevue Crescent,
Edinburgh
Proposed change of use of domestic lock-up garage to form
studio office accommodation.**

Item number	7.1
Report number	
Wards	A11 - City Centre

Summary

The proposed use does not comply with ENV6 and HOU8 policies in the Edinburgh City Local Plan, and the non-statutory guidance Listed Buildings and Conservation Areas and will adversely impact on the character and amenity of the conservation area and the amenity of the predominantly residential area.

Links

[Policies and guidance for this application](#) LPC, CITE6, CITH8, CRPNEW, NSLBCA, NSP,

Report

Application for Planning Permission 15/00700/FUL At Garage 32 Metres Southwest Of 8, Bellevue Crescent, Edinburgh Proposed change of use of domestic lock-up garage to form studio office accommodation.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The site is a single lock-up garage building at the rear of No 8 Bellevue Crescent. It is accessed off an unmade lane to the rear which leads off East Scotland Street Lane. The lane is characterised by an undulating and uneven gravel track surface serving the rear gardens, parking areas and garages as well as the local tennis courts. There are three other garages at the end of the lane, one of which is currently in studio office use as approved.

The site is at the rear of No 8 Bellevue Crescent which is category A listed along with nos 1-11 Bellevue Crescent. The terrace was listed on 22 September 1965 ref: 28285.

The site is within the Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

07 June 2012 - Planning permission granted in retrospect to erect a single garage (replacing existing timber garage structure) (application reference: 12/01543/FUL).

15 August 2013 - Change of use to form residential studio flat. Refused (application reference:13/1863/FUL).

19 December 2013 - Appeal against refusal for a change of use to form residential studio flat accommodation. Dismissed (application reference:13/00091/REF).

11 June 2014 - Planning permission refused for change of use from domestic garage to office accommodation (application reference:14/1419/FUL). 20 August 2014 - Appeal to Local Review Body against refusal for proposed change of use from domestic garage to office accommodation. Decision to refuse Upheld.

5 February 2015 - Proposed change of use of domestic lockup to form studio office accommodation. Declined to determine, as it was regarded that the primacy of the local plan amenity policies of the previous refusal had not changed and taking this building and the use on its own merits, no new material issues had arisen since the last decision (application reference:15/00147/FUL).

Nearby site

8 East Scotland Street Lane (rear of 3 Bellevue Crescent) - Consent granted to change the use of a lock-up garage to studio office accommodation. Approved 27 March 2013. The report of handling indicated that there was no impact on residential amenity, the character and appearance of the conservation area, the qualities of the World Heritage Site, the setting of the listed building or road safety (application reference 12/03242/FUL).

Main report

3.1 Description Of The Proposal

The proposal is to change the use of a lock-up garage to a Class 2 studio office and does not include application for the structure which has previously been consented and subject to some enforcement action regarding its dimensions and materials, which have been resolved. The existing structure would require no further modification to allow it to be used as an office.

Applicant's Supporting Statement

There is a full document available to view on the Council's on-line service. This refers to precedent and Policies Emp1 and ENV6 of the Edinburgh City Local Plan, amongst other issues.

3.2 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?

3.3 Assessment

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

- a) the proposed use is acceptable in principle in this location;
- b) there are any amenity issues;

- c) there are any transport or highway issues;
- d) there will be any adverse impact on the character and appearance of the conservation area and the Edinburgh World Heritage Site - Northern New Town;
- e) the representations submitted have been addressed; and
- f) there are any equality or human rights issues to consider.

a) **Principle of Use**

The site is located within the Urban Area of the Edinburgh City Local Plan. Policy Hou8 states 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 use as an office is not compatible with the residential use of the area because it is an isolated office use in the midst of residential land, on a lane serving predominantly domestic uses. Commercial use in this location does not meet with Policy Hou8. It is contrary to other local plan policies and non-statutory guidance relating to the character of the conservation area and amenity, as set out below. It is not easily accessible and is not close to transport links.

The introduction of a commercial use, albeit small, in this residential area represents a non-conforming use in a predominantly residential area and is therefore not acceptable in principle. The Council declined to determine the previous application based on the primacy of this local plan policy but the agent has claimed that the presence of the studio office at 8 East Scotland Street Lane is a material consideration and so the Council has undertaken to address this point in this resubmission.

b) **Amenity**

This application is for a change of use only; the physical alterations and the impact this may have on neighbouring properties is not the subject of assessment in this application. The impact of the use on the residential area is such that this office use, together with that already approved could compound such uses in lock-up garages in this lane contrary to Policy Hou8 as the use would be inappropriate in this mainly residential area leading to more noise and disturbance in a quiet part of the conservation area, to the detriment of residential amenity. The building does not have any windows so privacy to neighbours is not a problem.

c) **Transport**

The studio flat does not have any parking provision. However, there is no minimum parking standard in this location and there is plenty of on street parking capacity in the vicinity. Transport has no objection to the proposal and there is no significant impact on road safety due to the low level of movements likely to be generated by the development; and little impact on pedestrian safety as a result.

d) **New Town Conservation Area Character Appraisal**

This document states that the essential character of the area is constituted by : *the grid hierarchy of ground streets, lanes and mews throughout the conservation area. Also by: ...formal geometric grid enclosed gardens and larger informal grid edge gardens soften the classical discipline of the buildings.* Under architectural character it states that: *the retention of mews and mews lanes, largely in their original form contributes to the character of the area.*

Where new office development has been approved in lanes within the New Town Conservation Area, this has been generally in mews lanes where residential/commercial use has already been established or is historic in character. The lane in question is not an established commercial, or residential mews development lane as found elsewhere within the New Town but is a back lane serving principally lock-up garages and the local tennis club. Office use in this location would not preserve the character of this particular lane.

It is out of character with the overall use of the lane and the wider conservation area and the pattern and distribution of uses within the Edinburgh World Heritage Site.

e) **Representations**

Material comments:

Principle - the matters of principle of development have been addressed in paragraph a) above.

Access - Access is via a substandard lane but there is no objection to the use being served by it because it is of such a small scale and will not generate much traffic.

Class 2 use - visiting members of the public. The applicant has clarified that the proposed use is Class 2. Therefore despite the use proposed as a studio office, the building could be used by the applicant for several types of financial or professional offices, including an estate agent, dentist and betting shop without further consent and to which members of the public could visit. This would be inappropriate for the residential area and amenity; and is not acceptable.

The above points are addressed in paragraph a) of the assessment above.

Scale and compatibility (Emp1) - Whilst the scale of the proposed use is small, it does not comply with the character of the local environment (Hou8). Policies EMP1 and EMP 4 are not relevant to this case given the small scale of the commercial development. The scale of the development is small but the type of use is out of place in a predominantly residential rear lane. The fact that there are some other business uses in the surrounding main streets has no direct relationship with the lane. The only exception is the already approved studio office lock-up at the end of the lane. This has been addressed in paragraph a) of the assessment above.

Precedent - The applicant states that this application is no different to that approved at the garage lock-up at the end of the lane at 8 Scotland Street Lane (12/3242/FUL).

The use has previously been refused in June 2014 and an appeal against refusal was dismissed in August of that year by the Local Review Body which was of the opinion that no material consideration had been presented in the request for a review which would lead to it to overturn the determination by the Acting Head of Planning and Building Standards.

Observing previous LRB and Scot Reporters decisions - The previous decisions on this site have been for refusal and the Council, supported by the DPEA, have been consistent in their decision to refuse both residential and commercial use of what is a garage lock-up.

Sensitivity within the Conservation Area and World Heritage Site - This is addressed in paragraph d) of the Assessment above.

Noise, traffic and privacy - this is addressed in paragraph b) and c) of the Assessment above.

Pedestrian safety - this addressed in paragraph c) of the Assessment above.

Non-material comments:

Use could be changed. This would need specific consent.

Comments about the appearance, height and setting of the building are not a material consideration in this application; nor are those referring to services such as electricity, water and sanitation.

f) Equalities - the application has been assessed and has no apparent impact in terms of equalities or human rights.

Conclusion

In conclusion, the proposed use will cumulatively and detrimentally impact on residential amenity and the character of the locality and will not preserve or enhance the character of the conservation area, which is overwhelmingly residential.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to Edinburgh City Local Plan Policy Hou 8 in respect of Inappropriate Uses in Residential Areas, as this use cumulatively and detrimentally affects the living conditions or nearby residents.
2. The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, as as the use is not appropriate within the lane as the lane is ancillary to residential use and office use will not preserve or enhance the character of the conservation area.

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

This second identical application was discussed with agent prior to submission.

8.2 Publicity summary of representations and Community Council comments

Advertised on 13 March 2015. 27 letters of objection have been received, including those from The Cockburn Association, The New Town and Broughton Community Council, the Northumberland Street Association, the Central Edinburgh New Town Association and the Drummond Civic Association, on the following grounds:-

Material comments:

- Georgian Terrace and gardens not suitable for additional office or residential units - overdevelopment and out of place. This has been addressed in paragraph a) of the Assessment in this report.
- Confirmation of Class 2 may allow inappropriate uses where members of the public can visit.
- Use contrary to Policy Emp 1 - Scale and compatibility with local environment.
- Precedent of other garage 12/3242/FUL different to this case. This has been addressed in paragraph e) of the Assessment in this report.

- Disregards sensitivity of Conservation Area and World Heritage Site. This is addressed in paragraph d) in the Assessment of this report.
- Extra noise - tranquility and privacy affected. This has been addressed in paragraph b) of the Assessment in this report.
- Extra traffic and parking/Safety of young Tennis club members walking in the lane/Insufficient access and infrastructure/services in narrow lane to support such uses. This has been addressed in paragraph e) in the Assessment in this report.

Non-material comments:

- Lack of confidence in overall planning and enforcement process.
- View of LRB and the Scottish Reporter in the most recent residential development case on this site need to be observed.
- Maybe used as a flat even if consent granted for studio office.
- Building mundane in appearance.
- Same building previously rejected.
- Setting of other buildings.
- Built higher than submitted drawings.
- No justification for individual adoption of the lane by the applicant.
- Crudely constructed glass front.
- Unclear if proper electricity, water and sanitation conform to Council regulations.

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 allocated as Urban Area in the Edinburgh City Local Plan.

Date registered

4 March 2015

Drawing numbers/Scheme

01 - 06,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Duncan Robertson, Senior Planning Officer

E-mail:d.n.robertson@edinburgh.gov.uk Tel:0131 529 3560

Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

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.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Appendix 1

Application for Planning Permission 15/00700/FUL At Garage 32 Metres Southwest Of 8, Bellevue Crescent, Edinburgh Proposed change of use of domestic lock-up garage to form studio office accommodation.

Consultations

Transport

No objections: East Scotland Street Lane is within the controlled parking zone and is subject to waiting loading restrictions during controlled times which broadly coincide with the normal office working hours therefore on street parking associated with the office will be controlled..

With regards to the loss of parking associated with the existing use as a garage it is understood that the garage has not been used for the parking of vehicles for some time therefore no vehicles will be displaced.

Environmental Assessment

The applicant proposes the change of use of a domestic garage to office accommodation. The garage is located approximately 30m to the rear of a tenement building, close to only other domestic garages and a tennis club.

Residential amenity is unlikely to be affected by this change of use; therefore, Environmental Assessment has no objection to this proposed development.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END