

**Full Planning Application 05/03694/FUL**  
**at**  
**9 Featherhall Avenue**  
**Edinburgh**  
**EH12 7TG**

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

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**1 Purpose of report**

To consider application 05/03694/FUL, submitted by Mr Dzierzek. The application is for: **Rescind planning condition 6 (Occupied by persons under 55 years of age)**

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

**2 The Site and the Proposal**

**Site description**

The site comprises a flatted block to the east of Featherhall Avenue. It is accessed off a driveway from Featherhall Avenue. There are 11 units.

**Site history**

1963 Planning permission was granted for the change of use to retail and wholesale uses.

June 1988 Planning permission was granted for a hire centre subject to a number of conditions. (2436/87)

September 1988 Enforcement action was authorised concerning the breach of conditions concerning operation of the hire centre for domestic tools and equipment.

Appeal dated April 1990 against the issue of the above enforcement notice was sustained and the enforcement notice was quashed.

November 1991 Enforcement action was authorised for the use of the premises as a bodycare centre.

May 1992 Report to the Procurator Fiscal agreed concerning the unauthorised use of the premises as bodycare/ fitness centre. The Fiscal did not pursue action, but the unauthorised use did cease.

January 2001 Planning permission was refused for the erection of a flatted development for the elderly due to it not being in sympathy with its surroundings, and due to overlooking and overshadowing. (00/01948/FUL)

July 2001 The above application was allowed on appeal. This was subject to a number of conditions including implementation of entrance details, car parking spaces, cycle parking spaces, and obscure glass in 4 windows facing east.

The occupation of the development was also restricted to people over the age of 55 to justify the low number of parking spaces provided.

February 2004 Planning permission was granted for the erection of porches and conservatories at the site.(03/04399/FUL)

June 2004 Planning permission was refused for alterations to the flatted block to erect front glazed roof housing for access to the stair due to it not making a positive contribution to the overall quality of the environment. (04/00987/FUL)

## **Description of the Proposal**

The proposal is to remove condition no.6 of planning approval 00/01948/FUL. This condition limited the occupancy of the premises to persons aged 55 and over.

The applicant has proposed the addition of 2 extra parking spaces from the previous allowed scheme providing a total of 8 spaces. The current parking requirement for unrestricted residential development in this area would be a minimum of 11 spaces.

A supporting statement has been submitted with the application. This is summarised as follows:

1. Difficulty in selling flats;
2. The parking provision.

### 3 Officer's Assessment and Recommendations

#### DETERMINING ISSUES

The determining issues are:

- 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 these determining issues the Committee needs to consider whether the removal of the condition 6 of the previous planning consent would be detrimental to the amenity of the site or the area in general.

The Reporter placed condition 6 on the planning approval due to the reduced parking provided for this site. Even with the additional 2 spaces, there would be a shortfall in car parking provision for general housing.

The site is close to main public transport routes. However, the area close to the site is heavily parked on street. To allow this application would result in an adverse increase in pressure for on street parking. The Draft West Edinburgh Local plan states that provision for parking must continue to be based on a minimum standard, reflecting the levels of car ownership that may be expected from the kind of housing proposed. This is necessary to avoid adding to pressures for on-street, kerbside parking in existing residential areas.

It continues that the Council accepts and seeks to promote the concept of 'car free' or 'car reduced' housing in suitable locations which are accessible by a significant level of public transport and by foot for essential services. Transport advise however, that due to the high demand for on street parking in this area any overspill onto adjoining streets could not be supported.

The applicant's difficulties in selling/ letting the units is noted. However, it does not justify a relaxation of the parking requirement in this instance.

Transport also advise that the scheme as submitted would not work in practice as the bays provided are too small to accommodate a vehicle.

In conclusion, the proposal would fail to provide a suitable level of parking for the site and is contrary to adopted local plan and the draft local plan policies, and would result in an adverse increase of on street parking. There are no other material considerations which outweigh this conclusion.

It is recommended that Committee refuses this application for the reasons relating to parking.

*Alan Henderson*

**Alan Henderson**  
Head of Planning and Strategy

<b>Contact/tel</b>	Karen Robertson on 0131 529 3990 (FAX 529 3716)
<b>Ward affected</b>	24 - South East Corstorphine
<b>Local Plan</b>	North West Edinburgh Local Plan
<b>Statutory Development Plan Provision</b>	Mainly Residential
<b>Date registered</b>	3 November 2005
<b>Drawing numbers/ Scheme</b>	1,2 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](http://www.edinburgh.gov.uk/planning).

If you require further information about this application you should contact the following Principal Planner,

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 [gavin.king@edinburgh.gov.uk](mailto:gavin.king@edinburgh.gov.uk) or [sarah.bogunovic@edinburgh.gov.uk](mailto:sarah.bogunovic@edinburgh.gov.uk)

**Application Type** Full Planning Application  
**Application Address:** 9 Featherhall Avenue  
Edinburgh  
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**Proposal:** Rescind planning condition 6 (Occupied by persons under 55 years of age)  
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## Consultations, Representations and Planning Policy

### Consultations

#### Transport

*Transport advise that the application be refused. The reduction on parking was agreed on the basis of the occupants being aged 55 and over. The request to rescind condition 6 and to sell the properties on the open market would be acceptable provided 100% parking was provided for the whole development on a communal basis. Any reduction on parking could not be supported by transportation, as any overspill onto the adjoining streets could not be accommodated due to the high demand for on street parking in this area. The submitted 75% parking layout would not work in practice, as the provided bays are too small to accommodate a vehicle.*

#### Representations

Letters have been received from Councillor Wheeler, and 6 neighbours. Points raised are as follows:

1. Other planning applications applied for variations.
2. Over 55's do not cause general disturbance and noise.
3. Currently inadequate parking for flats. 2 parking spaces available (no disabled parking space or bike rack). When all the rubbish is removed there could be 5 possibly 6 spaces. Proposed application would result in 11 flats requiring 1 or 2 spaces. On street parking would have to be relied upon.
4. Regulations are 0.5 space per dwelling for people over 55; 1.5 spaces per dwelling for no age restriction.
5. No justification for reversal of planning decision made on appeal.

6. Occupier of the development chose the property as it was marketed as a retirement flat. Removal of the condition would lead to increased noise and traffic, to the detriment of amenity and health.

7. The remainder of the flats have been marketed without reference to the age restriction.

8. The developer has regularly let or permitted occupancy of the flats as to what appear to be 'holiday letting' to families under the age of 55 years. There are also 2 tradesmen under the age of 55 years occupying flats within the development. We are not aware of any enforcement action being taken.

***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**

North West Edinburgh Local Plan

The site is in an area for mainly residential purposes.

Draft West Edinburgh Local Plan

The site is in an area defined as Urban Area.

### Relevant Policies:

#### North West Edinburgh Local Plan

Policy E5 states that new buildings, in terms of design, materials and landscaping, should make a positive contribution to the overall quality of the environment and regard should be had to their setting and neighbouring development.

Policy T4 states that adequate provision for car parking must be made by developers in all new development in conformity with the Council's adopted standards.

#### Draft West Edinburgh Local Plan

Policy DQ11 Alterations and extensions, where acceptable in principle, should be subservient and relate clearly to the original building. they should be of a suitable scale to the existing building and space around it.

Policy T8 requires that private car parking provision conforms with the Council's adopted parking standards and should be sited and designed to minimise its visual impact and effect on neighbouring properties and to take account of community safety.

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

## Appendix B



**Application Type** Full Planning Application  
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### Conditions/Reasons associated with the Recommendation

#### Recommendation

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

#### Reasons

1. The proposed development would provide insufficient and substandard on site parking contrary to North West Edinburgh Local Plan policy T4, Draft West Edinburgh Local Plan policy T8, and the Councils non statutory guidelines on Parking resulting in an adverse increase in on street parking.

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End

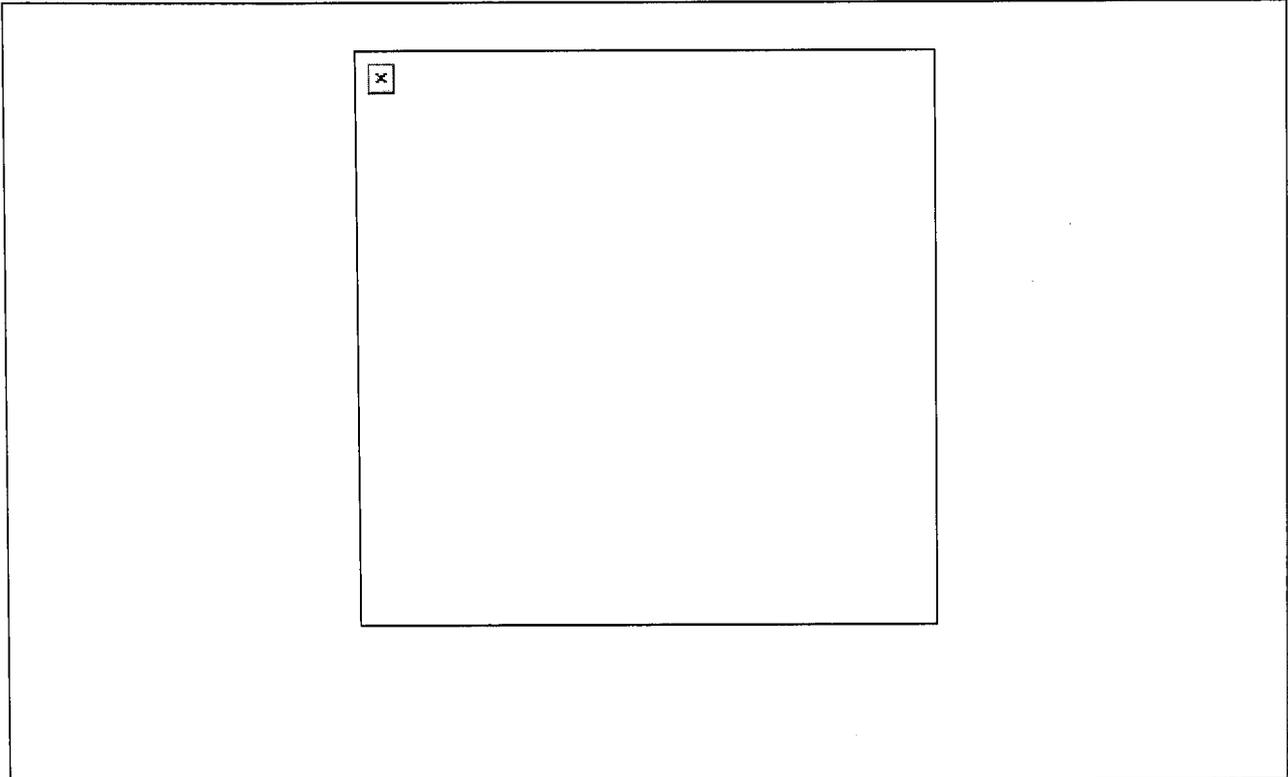
**Application Type** Full Planning Application

**Proposal:** Rescind planning condition 6 (Occupied by persons under 55 years of age)

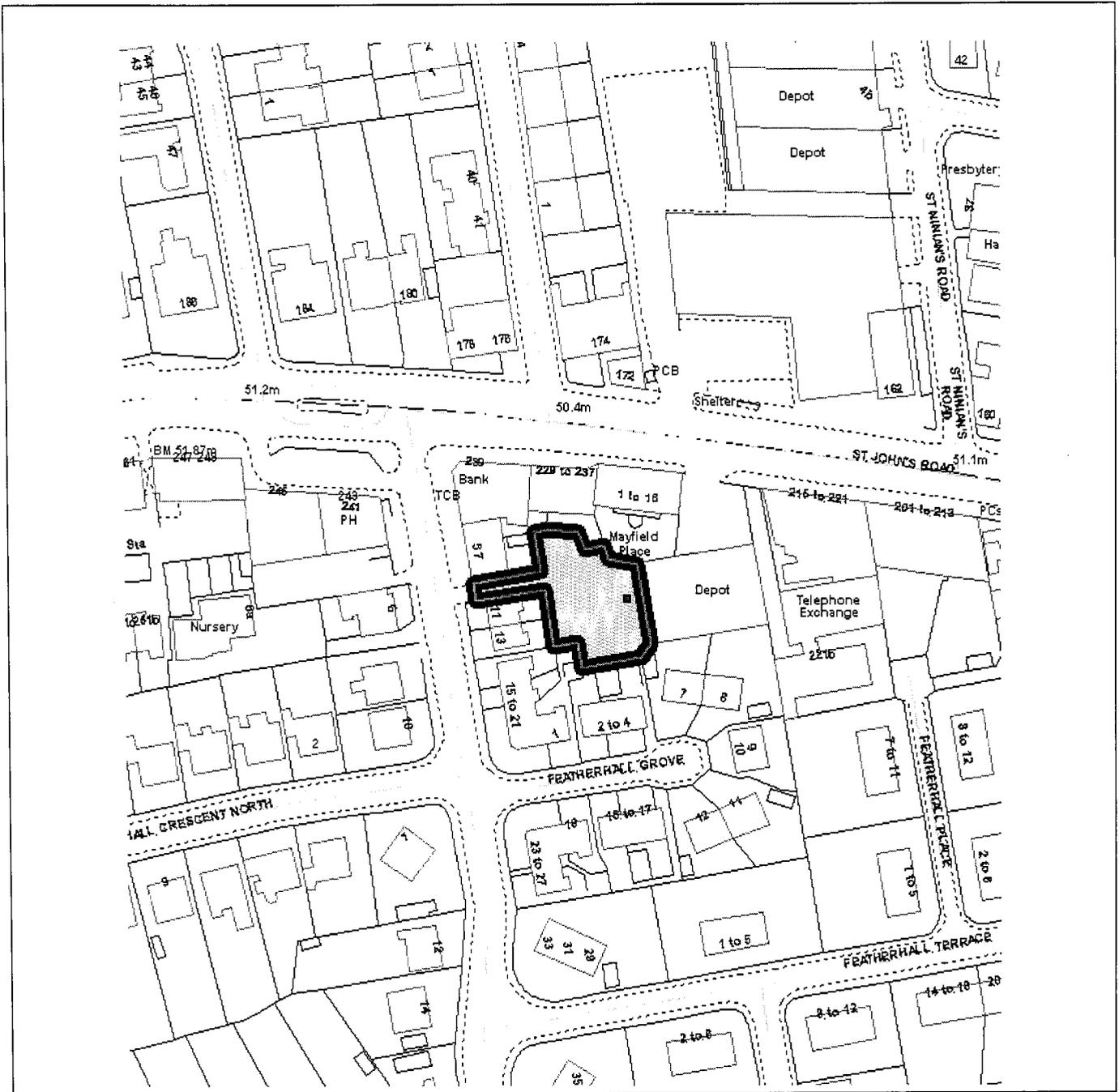
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## Location Plan



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# **PLANNING APPLICATION**

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<b>Proposal</b>	<b>Rescind planning condition 6 (Occupied by persons under 55 years of age)</b>		
<b>Application number:</b>	<b>05/03694/FUL</b>	<b>WARD</b>	<b>24- South East Corstorphine</b>
<b>THE CITY OF EDINBURGH COUNCIL THE CITY DEVELOPMENT DEPARTMENT- PLANNING &amp; STRATEGY</b>			