

# Development Management Sub Committee

Wednesday 23 September 2015

**Application for Planning Permission 15/00097/FUL  
At 1F1, 1F2, 1F3, 1F4, 1F5, 1F6, 105 Hanover Street,  
Edinburgh  
Change of use from office to residential flat.**

<b>Item number</b>	4.2
<b>Report number</b>	
<b>Wards</b>	A11 - City Centre

## Summary

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The proposal does not comply with the local plan as it is contrary to Edinburgh City Local Plan policy Hou 5. A satisfactory residential environment cannot be achieved due to significant noise impact from surrounding businesses and adjacent road detrimentally affecting residential amenity. The applicant failed to submit a Noise Impact Assessment or any other information that shows noise from neighbouring properties, including licensed premises, would be acceptable and could be satisfactorily mitigated; therefore a satisfactory residential environment cannot be guaranteed.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LPC, CITE1, CITE4, CITE6, CITH1, CITH5, NSG, NSBUS, NSGD02,
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# Report

## **Application for Planning Permission 15/00097/FUL At 1F1, 1F2, 1F3, 1F4, 1F5, 1F6, 105 Hanover Street, Edinburgh Change of use from office to residential flat.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is the entire first floor of a 3-storey with basement and attic, category B listed tenement building (Ref: 29003) within the World Heritage Site. The tenemental block is comprised of both commercial and residential uses. Directly below is a restaurant and offices, diagonally beneath is a late-night licensed bar and entertainment venue, on both side of the property are offices, and residential is above. 105 Hanover Street is accessed from the street by a small set of steps and a secure entrance.

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

#### **2.2 Site History**

There is no relevant planning history for this floor.

2F, 105 Hanover Street (the above floor) was granted planning permission to convert from office to residential flat on 10.10.2014 (Ref: 15/03235/FUL).

### **Main report**

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#### **3.1 Description Of The Proposal**

The proposal is to change the use of the first floor of the property from offices to residential use. The flat proposes to have 3 bedrooms and a study, with an internal area of approximately 180 square metres. There are no external alterations proposed and internal alterations are confined to the minor upgrading of existing WCs to form a shower room and bathroom. There are no structural alterations proposed and all existing architectural features are being retained and unaltered.

#### **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 consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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 proposal is acceptable in principle;
- b) the proposal is of an acceptable scale, form and design and shall not detrimentally impact on the character and appearance of the listed building or conservation area;
- c) a satisfactory residential environment for future occupiers can be achieved;
- d) the proposal will not result in an unreasonable loss of neighbouring amenity;
- e) there are any transport or parking issues;
- f) any impacts on human rights or equalities are acceptable; and
- g) any public comments have been addressed.

#### **a) Principle**

The site is within the Central Area, as defined by the Edinburgh City Local Plan, in which residential development is supported in principle subject to compliance with other policies of the plan. The proposal will not result in a loss of ground floor commercial uses and the surrounding upper floor properties are a mixture of offices and residential.

#### **b) Scale, Form and Design**

The external appearance of the building will remain unchanged and there are no significant internal alterations proposed. As such there would be no adverse impact on the character and appearance of the listed building or conservation area arising from the proposed development.

### c) Residential Amenity for Future Occupiers

At 180 square metres, the internal floor area of the flat will be more than double 81 square metres, which is the minimum floor area required for a three bedroom dwelling, as set out in the non-statutory guidance. The property has 6 moderately sized windows at the front as well as 3 identical windows on the rear along with a double window. These will provide adequate daylight to the property. Although no private open space is provided, the site is considered to be acceptable as it is not feasible to provide private open space on the site. The site is only 30 metres away from Queen Street Gardens.

The site is surrounded by numerous commercial uses, such as a restaurant and offices directly below, adjacent offices, and a late night licensed bar/entertainment venue diagonally beneath. Environmental Services requested a Noise Impact Assessment to be carried out and submitted in order to consider noise impact on the property and potential mitigation methods if necessary. The applicant failed to submit the Noise Impact Assessment and subsequently Environmental Services has stated that it is unable to support the application and recommended that planning permission is refused.

Due to the noise impact from surrounding businesses, including the late night licensed bar, as well as road traffic noise and ventilation/air handling plant to the rear, and in the absence of the Noise Impact Assessment, there is considered to be likely significant detrimental impact on the residential amenity of future occupiers of this proposed residential flat. The proposal is therefore contrary to ECLP policy Hou 5-Conversion to Housing, as a satisfactory residential environment cannot be achieved and the residential use would not be compatible with nearby uses.

### d) Neighbouring Amenity

The proposals will have no impact on daylight, sunlight, noise or privacy of neighbouring properties.

### e) Transport and Parking

The application is well located for public transport and will have no impact on road safety. Transport Planning was consulted and raised no objections to the proposals. Furthermore, the proposed residential property would be eligible for a single parking permit.

### f) Human Rights and Equalities

This application was assessed in terms of potential impacts on human rights and equalities; none were identified.

### g) Public Comments

No public comments were received in relation to this application and there are no other material considerations which outweigh this outcome.

## Conclusion

The proposed change of use from office to residential use is contrary to policy ECLP Hou 5. No Noise Impact Assessment or other information has been submitted that shows the effects of neighbouring noise would be acceptable or could be adequately mitigated. The applicant has failed to demonstrate that an appropriate level of residential environment can be created for future occupants of the property. It is therefore recommended that this application be refused planning permission.

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

### **3.4 Conditions/reasons/informatives**

#### **Reason for Refusal:-**

1. The proposal is contrary to Edinburgh City Local Plan Policy Hou 5 in respect of Conversion to Housing, as a satisfactory residential environment cannot be achieved and housing is not compatible with nearby uses due to the noise impact from surrounding businesses and road traffic.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **7.1 The sustainability impact has been assessed as follows:**

This application meets the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

## 8.2 Publicity summary of representations and Community Council comments

The application was advertised on the 23 January 2015 in the Edinburgh Evening News. No representations were received.

### Background reading/external references

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- 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**

Edinburgh City Local Plan - Central Area.  
The site is also within the New Town Conservation Area and World Heritage Site.

### **Date registered**

13 January 2015

### **Drawing numbers/Scheme**

01-02,

## **David R. Leslie**

Acting Head of Planning and Building Standards

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## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Edinburgh City Local Plan.**

Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its settings.

Policy Env 4 (Listed Buildings – Alterations & Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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

Policy Hou 1 (Housing Development) supports housing on appropriate sites in the urban area, and on specific sites identified in the Plan.

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

## **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.

**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

## **Application for Planning Permission 15/00097/FUL At 1F1, 1F2, 1F3, 1F4, 1F5, 1F6, 105 Hanover Street, Edinburgh Change of use from office to residential flat.**

### **Consultations**

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#### ENVIRONMENTAL ASSESSMENT

Environmental Assessment raises concerns regarding potential environmental impacts relating to this application. In particular, a number of noise sources are located nearby which may impact adversely on the amenity and health of future residential occupiers of the proposed development.

To the front of the proposed development lies Hanover Street, which is a heavily trafficked road. A late-night, licensed entertainment venue is also located diagonally beneath the proposed development, to the north. The licensed entertainment venue has been the source of noise complaints to the Council in the past. Therefore, there is a risk of direct noise transmission into the proposed development through the building structure, particularly during the noise sensitive late evening and night-time periods. There are also various pieces of commercial ventilation and air handling plant located to the rear of the proposed development, some of which may operate into the late evening and night-time periods.

Previous experience indicates that noise mitigation measures may be required to ensure an acceptable standard of internal living amenity; therefore a noise impact assessment report has been requested.

To date, the applicant has not submitted a noise impact assessment. In its absence, we cannot assess the degree to which the above described potential noise sources may impact the proposed development, or any mitigation which might be necessary.

In the absence of a noise impact assessment report we are unable to support the application and recommend refusal.

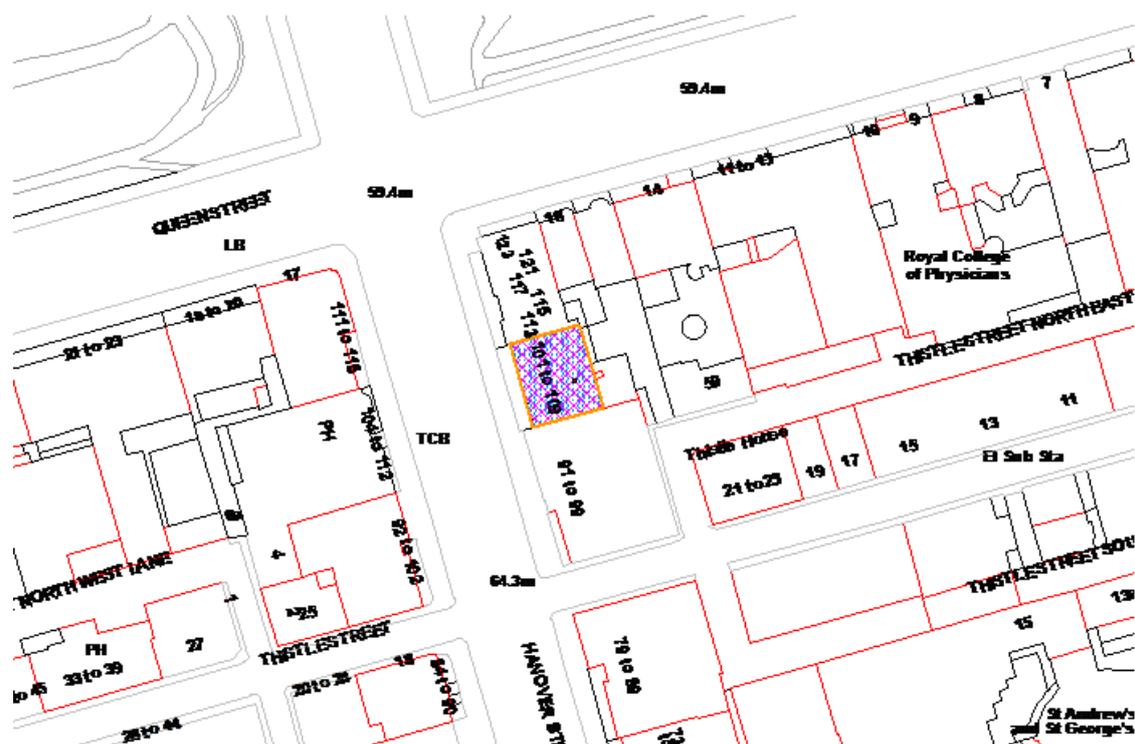
#### TRANSPORT

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

Where a former residential property is being converted back to residential use from some other use class there are restrictions regarding the eligibility for residents in the new properties obtaining on-street parking permits (as detailed in the report of 4 June 2013 to the Council's Transport & Environment committee [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_77\\_-\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility))

In this case it would appear that that the resident would be eligible for a single permit.

## Location Plan



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