

Development Management Sub Committee

Wednesday 13 January 2016

**Application for Planning Permission 15/03963/FUL
At 100 Hanover Street, Edinburgh, EH2 1DR
Alter and change of use to form flat from office.**

Item number	4.4
Report number	
Wards	A11 - City Centre

Summary

The proposed change of use complies with the Development Plan and the non-statutory guidance stated and will not adversely impact on the character and appearance of the conservation area, on residential amenity or upon highway safety. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#) CRPNEW, LPC, CITH5, CITH8, CITE6, CITT4, NSP,

Report

Application for Planning Permission 15/03963/FUL At 100 Hanover Street, Edinburgh, EH2 1DR Alter and change of use to form flat from office.

Recommendations

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

Background

2.1 Site description

The site is a first floor office above shops on the west side of the street. Nos. 92-102 are category B listed with 19th century shops at ground level. They were listed on 24 March 1966 ref: LB29013.

The site is in the Edinburgh World Heritage Site.
This application site is located within the New Town Conservation Area.

2.2 Site History

2 March 2015 - Listed building consent granted to remove an internal accommodation stair, granted (application number 15/00299/LBC).

Main report

3.1 Description Of The Proposal

The proposal is to change the use of a first floor office suite, served by a common stairwell from street level, into a self contained 3 bedroom flat.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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 use is acceptable in principle in this location;
- b) there are any amenity issues;
- c) the proposals will adversely impact on the character and appearance of the conservation area, or the setting of the listed building;
- d) there are any equality or human right issues to consider; and
- e) the representations have been addressed.

a) Principle of Use

The use is supported by Policy H5 of the Edinburgh City Local Plan which encourages the conversion of existing buildings in non-residential use, to housing subject to a satisfactory residential environment being created; compatibility with nearby uses; appropriate open space, amenity and car parking provision, and safeguarding vulnerable uses. The use is compatible with other uses as the unit is already residential amongst office use. There is no open space or car parking requirement for this existing top floor flat and no vulnerable uses are affected.

Housing in principle is therefore acceptable in this location.

b) Amenity

All the representations come from therapy type business uses in Neal's Yard below the property, which has experienced noise pollution during the course of the physical conversion works, but who are still concerned that noise insulation needs to be further enhanced to ensure the businesses below can operate quiet therapeutic sessions for clients without disturbance.

In order to address any noise concerns the developers have already installed a level of enhanced floor insulation which acts as a noise barrier. In their consultation response Environmental Health has requested that a Noise Impact Assessment should be submitted to assess the new flooring and insulation for noise transmission to the lower floors.

A Noise Impact Assessment has not been requested from the applicant. Any noise concern would normally be from a commercial property disturbing a residential property. The extra floor insulation has been installed to the satisfaction of Building Standards and has been devised by a competent noise consultant. In this case a residential unit is being introduced above a shop and consultation rooms of a therapy business and is a typical use of first floor properties within Hanover Street. With the addition of the enhanced floor insulation and the relationship to the retail units/ therapy rooms it is considered that there is not a conflict of use that would be detrimental to either use.

With regards to other businesses within this area concerns have been raised about the potential noise spillage from restaurants and bars. The site is located on a busy street where a number of uses co-exist and residential properties accept a level of street disturbance.

The proposed change of use to residential will not adversely impact on the amenity of surrounding residential or commercial properties and an appropriate level of residential amenity can be created.

There are no significant amenity issues.

c) Conservation Area

The ground and first floors were separated by virtue of a recent approval to remove the internal accommodation stair. The first floor is therefore now accessed by the original common stair from street level. Apart from this, there is no external change to the appearance of the building.

The proposal will not adversely impact on the character and appearance of the conservation area.

d) Human Rights

The application has been assessed and has no impact in terms of equalities or human rights.

e) Representations

Twenty seven letters of objection or comment have been received by commercial tenants of the property, Neal's Yard, below and to the rear of the site. The majority refer to noise related to construction works. The works to subdivide the property to a flat with a shop below have required the removal of a staircase and insertion of steel work, the installation of which has been considerably loud. In addition, the remodelled floor insulation works have been carried out over several months with construction workers moving about above Neal's Yard shop and consultations rooms below. It is understandable that the operators of these consultancy rooms require a peaceful environment in which to operate their business successfully. Several of the objectors cited noise from talking and walking about above them, but this must still be associated with construction works and would not be an issue once all the modified, multi-layered floor is completed and the site is occupied as a domestic flat.

In this case, it is considered that a Noise Impact Assessment is not required for the new floor as it is adequate to ameliorate against normal levels of domestic noise and it is a domestic versus commercial relationship rather than the other way around. A Building Warrant has been issued for the floor/noise amelioration works.

The representations have been addressed.

Conclusion

In conclusion, the proposed flat is acceptable in this location and will not adversely impact on the character and appearance of the conservation area, upon the amenity to surrounding commercial properties, or upon highway safety.

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. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
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.

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 meets 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

Advertised on 4 September 2015. 27 letters of representation received on the following grounds:-

Material objections and comments

- Business affected by noise from above. Insufficient sound proofing.
- noise affecting treatment of clients in therapy rooms below at Neal's Yard, 102 Hanover Street.
- may have to move business premises if further noise insulation not installed.
- despite some sound proofing having been installed, can still hear any noise louder than moderate footsteps (such as knocking, banging, radio, talking and general walking about) not just construction work.

Noise is addressed in Sec.3.3e) of the Assessment to this report, above.

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

Allocated as Central Area in the Edinburgh City Local Plan.

Date registered

27 August 2015

Drawing numbers/Scheme

01,

Scheme 1

John Bury

Head of Planning & Transport
PLACE
City of Edinburgh Council

Contact: Duncan Robertson, Senior Planning Officer
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Links - Policies

Relevant Policies:

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.

Relevant policies of the Edinburgh City Local Plan.

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

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

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

Appendix 1

Application for Planning Permission 15/03963/FUL At 100 Hanover Street, Edinburgh, EH2 1DR Alter and change of use to form flat from office.

Consultations

Transport

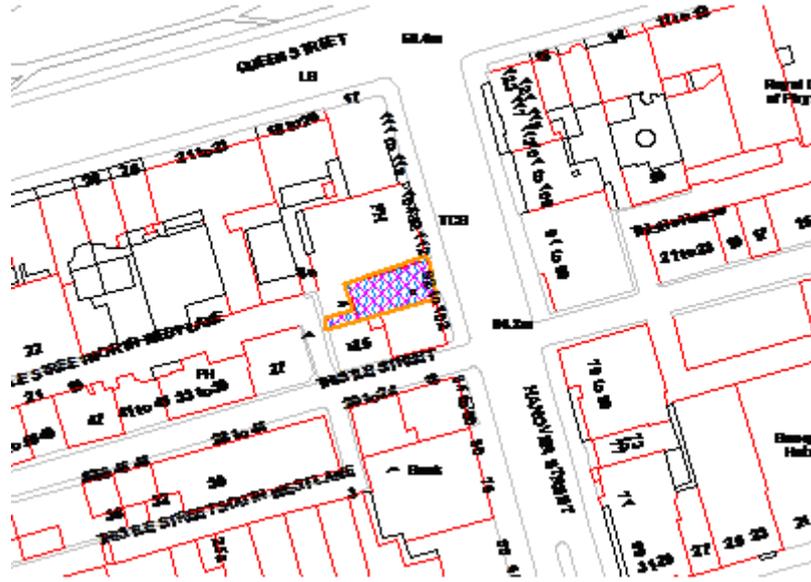
No comments received

Environmental Assessment

A NIA is still required to allow full assessment of the application, considering all surrounding noise sources. SOBA bar is diagonally below. In addition, plant may be an issues to the rear and road traffic noise to the front.

- *Mitigation should ensure that commercial noise is inaudible and plant noise meets NR25 criteria all with windows open for ventilation. Road traffic noise should meet BS8233 recommended internal noise levels and can be mitigated with windows closed.*
- *I can also confirm that the supporting information provided which advises that acoustic flooring is insufficient as there is no back up evidence to show that this has been calculated to meet the above criteria.*
- *The additional information also advises that an "existing hung ceiling system below with 2 layers plasterboard" is in situ. Clarification should be provided confirming where this is actually situated.*

Location Plan



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