

# Development Management Sub Committee

Wednesday 27 January 2016

**Application for Planning Permission 15/05092/FUL  
At 2 Montpelier Terrace, Edinburgh, EH10 4NF  
Formation of five residential flats (three studio and two 1  
bed) from existing offices (change of use).**

**Item number**

**Report number**

**Wards**

A10 - Meadows/Morningside

## Summary

---

The proposed development complies with the provisions of the Edinburgh City Local Plan. Although one flat does not comply with the minimum floorspace standard, an exception to guidance is justified in planning terms. There are no material planning considerations upon which to justify refusal.

## Links

---

[Policies and guidance for this application](#)

CRPMAR, CITH5, CITH8, CITD1, CITE6, CITR11, NSLBCA, NSBUS,

# Report

## **Application for Planning Permission 15/05092/FUL At 2 Montpelier Terrace, Edinburgh, EH10 4NF Formation of five residential flats (three studio and two 1 bed) from existing offices (change of use).**

### **Recommendations**

---

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

### **Background**

---

#### **2.1 Site description**

The application property is a series of office units on the ground floor of a four storey tenement building on the corner of Montpelier Terrace and Viewforth Terrace.

This application site is located within the Marchmont, Meadows and Bruntsfield Conservation Area.

#### **2.2 Site History**

9 November 2015 - an application for planning permission to form six flats from offices was withdrawn (application reference 15/04598/FUL).

### **Main report**

---

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

The application is for planning permission to convert five of six office units to three studio flats and two 1-bedroom flats, with associated alterations to the glazing on the front and side elevations.

Each of the flats will have the living accommodation at ground floor level with sleeping accommodation on a mezzanine floor. The proposed floor sizes are as follows:

Flat 1 - studio flat, 36 square metres (sq/m);  
Flat 2 - 1-bedroom, 52sq/m;  
Flat 3 - studio, 33sq/m;  
Flat 4 - studio, 39sq/m; and  
Flat 5 - 1-bedroom, 54sq/m.

### 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 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 loss of commercial premises is appropriate;
- b) The conversion to housing is acceptable;
- c) A satisfactory residential environment can be achieved;
- d) Housing is compatible with other nearby uses;
- e) Open space standards, amenity, and car parking standards are met;
- f) There is any adverse impact on the character and appearance of the conservation area;
- g) Public comments have been addressed; and
- h) Equalities and human rights impacts have been addressed.

#### a) Loss of commercial premises

The Edinburgh City Local Plan (ECLP) glossary defines a 'shop unit' as "premises at ground or basement level opening directly onto the street and designed primarily for shop use". The units in question are not in retail use, but they meet the definition of shop units for the purposes of this assessment.

ECLP policy Ret 11 states that planning applications for the change of use of a shop unit will be determined having regard to the following:

- a) where the unit is located within a speciality shopping street, whether the proposal would be to the detriment of its special shopping character;

- b) where the unit is located within a predominantly commercial area, whether the proposal would be compatible with the character of the area;
- c) whether the proposal would result in the loss of premises suitable for small business use;
- d) whether there is a clear justification to retain the unit in shop use to meet local needs; and
- e) where residential use is proposed, whether the development is acceptable in terms of external appearance and the standard of accommodation created.

Part a. does not apply in this case, as the property is not in a speciality shopping street, and part b. does not apply as the unit is not in a predominantly commercial area. With reference to part c., the proposal will result in the loss of premises suitable for small business use. However, the loss of these premises is justified as they are not easily adaptable for a range of business uses and are located in a predominantly residential area. They appear not to have been occupied for approximately 18 months. Part d. does not apply, as the current use is not retail. With regard to criterion e., the external appearance and standard of accommodation will be addressed in parts 3.3 c. and 3.3f. of the assessment.

#### b) Conversion to housing

ECLP policy Hou 5 supports the change of use of buildings in non-residential use to housing, provided certain criteria are satisfied. These criteria will be addressed in parts 3.3 c, d, and e.

#### c) Satisfactory residential environment

Applications for change of use from commercial to residential need to demonstrate that the quality and size of the accommodation is satisfactory. The council's Guidance for Business sets out minimum standards for flats. The relevant figures in this case are 36 square metres (sq/m) for studio flats, and 52 sq/m for 1-bedroom flats. Four of the proposed flats will meet or exceed the minimum standard. The proposed 'Flat 3', a studio flat, will measure 33sq/m. Whilst this is below the minimum standard, the proposed layout is such that the living area will benefit from the greater proportion of daylight, whilst the bedroom will receive less. Given that the living space is likely to be of an appropriate quality, and that 3sq/m is a marginal infringement of the guideline standard, an exception to guidance is justified in this case. Although all but two of the flats will be single aspect, the layouts have been designed to afford the greater proportion of sunlight to the living areas. ECLP policy Hou 5 a) will be satisfied by the proposal.

#### d) Housing compatibility with other nearby uses

The surrounding area is mainly residential and tenemental. There are some lower-rise semi-detached houses on Viewforth Terrace, but the introduction of five flats will be compatible with the character of the existing area. ECLP policy Hou 5 b) will be satisfied by the proposal.

#### e) Open space, amenity and parking standards

As the proposal is to convert existing property from one use to another, it is not possible to provide open space for the flats. However, the building meets the current Large Greenspace Standard, as it is within 800m of Bruntsfield Links and The Meadows. The proposal will not satisfy current parking standards. However, the application is for conversion of premises with no available land within the application boundary for provision of parking. Transport has no objections, subject to the addition of an informative referring to parking permits. There will be no adverse impact on road safety. There will be no overlooking or overshadowing as a result of the development. ECLP policy Hou 5 c) will be satisfied.

#### f) Impact on the character and appearance of the conservation area

The proposed external alterations are to the window and door configuration. Timber double glazing is proposed, which is appropriate for use in the historic environment. The materials comply with ECLP Policy Env 6. The current treatment does not make a particularly strong contribution to the character or appearance of the conservation area. The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal refers to timber sashes unifying the different types of housing, but the application property is not currently residential, and it does not have sash windows. The proposed design is reflective of the existing mix of pane sizes and positions, with stallrisers removed. The design concept attempts to replicate the solid to void proportions of the existing shopfront, and the use of opaque panels means that ventilation can be fitted through the openings, rather than having to create openings in the stonework on the principal elevation. This simple contemporary approach is suitable in a row of buildings in a mainly residential area.

The character and appearance of the conservation area will not be harmed by the proposal, in compliance with ECLP policy Env 6.

#### g) Public comments

##### **Material comments in objection**

- Overdevelopment. The conversion to housing has been addressed in the assessment, and found to be in accordance with the local plan - 3.3b);
- Poor design in a conservation area. This is addressed in the assessment - 3.3f);
- Small flats/unsuitability for occupation. This is addressed in the assessment - 3.3b and 3.3c);
- Loss of amenity. This is addressed in the assessment - 3.3e);
- Insufficiently detailed drawings. The drawings as submitted are sufficient to determine the application for planning permission;
- The proposal is contrary to the council's Design Guidance. The design of the proposed frontage has been addressed in the assessment - 3.3c) and 3.3f);
- The loss of office space is undesirable. This is addressed in the assessment - 3.3);
- The design statement is vague. The design of the development and its appropriateness in the conservation area are addressed in the assessment - 3.3b and 3.3f. In any case, as the proposal is for conversion of a building and not new-build, there is no statutory requirement to produce a design statement;

- The flats will not be accessible for wheelchairs. This is addressed in the assessment - 3.3h);
- There will be increased noise disturbance resulting from the properties being occupied as houses. Housing is not generally held to be a bad neighbour use, and the upper levels of the tenement are occupied as flats at the moment. Noise nuisance is controllable through other statutory mechanisms;
- Loss of fabric from the building. The building, albeit in a conservation area, is not listed. The loss of fabric has been considered in terms of its impact on the character and appearance of the conservation area as part of 3.3g);
- Impact on parking. This is addressed in the assessment - 3.3e); and
- Impact on schools. The application is for three studio flats and two 1-bedroom flats. They will not be suited to family accommodation, and are unlikely to have any significant impact on school numbers.

### **Non-material comments in objection**

- Five flats will put a strain on resources. The impact on resources such as waste collection is not a material planning consideration;
- Disruption from work if planning permission were granted. This is not a planning matter. Construction of a building being erected with planning permission may be controlled in terms of noise and hours of operation through other regulatory regimes;
- Impact on the shared garden. The drawings do not show any alteration to the shared garden. Ownership rights and use of the garden are not planning matters;
- Concern about short-term lets in future. Planning permission is being sought for use as residential flats. Any future use of those flats as short-term lets may be a breach of planning control. In the event that such a breach of planning control occurred, this would be a matter for investigation under enforcement powers;
- A percentage of the developer's profits should go towards common repairs. This is not a planning matter;
- Structural integrity. This is a matter for assessment as part of an application for a building warrant; and
- Damage by paint removal and work already carried out. Carrying out development without planning permission is not an offence. Carrying out work which is not development does not fall within the planning system's control. Damage to a building is a civil matter.

### **h) Equalities and Human Rights**

This application has been assessed and has been found to have no adverse impact in terms of equalities and human rights. Whilst the use of mezzanine floors would preclude the use of the flats by those with an ambulant disability, it would not render them unsuitable for occupation by those with other disabilities. The proposal is for conversion of a building which is not currently accessible, and it is not reasonably practicable to require that the conversion should be accessible.

## Conclusion

The proposed development complies with the provisions of the Edinburgh City Local Plan. Although one flat does not comply with the minimum floorspace standard, an exception to guidance is justified in planning terms. There are no material planning considerations upon which to justify refusal.

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. 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.
3. 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.
4. The applicant will be eligible for one residential parking permit for each property in accordance with Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category B - Newly Sub-divide or Converted).

## **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:**

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**

---

### **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**

The application was advertised on 20th November 2015. Ten representations were received, all of which were objections.

The letters of representation raised the following issues;

#### Material Representations

- Overdevelopment of the site;
- Poor design in the conservation area;
- Small flats / unsuitable for occupation;
- Loss of amenity;
- Insufficient drawings;
- Loss of fabric;
- Impact on parking; and
- Impact on schools.

#### Non-material Representations

- Strain on resources and services;
- Disruption from work if planning permission were granted;
- Impact on shared garden;
- Concern about future use for short-term letting;
- A percentage of the developer's profits should go towards common repairs;
- Adverse impact on value of property;
- Structural integrity;
- Impact on rubbish collection; and
- Damage by paint removal and work already done.

One representations simply states "I agree with X's email".

## 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 application property is in the Marchmont, Meadows & Bruntsfield Conservation Area and in the Urban Area designated in the Edinburgh City Local Plan.

**Date registered**

5 November 2015

**Drawing numbers/Scheme**

01 - 09,

Scheme 1

**John Bury**

Head of Planning & Transport  
PLACE  
City of Edinburgh Council

Contact: Mark Dunlop, Planning Officer  
E-mail:mark.dunlop@edinburgh.gov.uk Tel:0131 469 3642

**Links - Policies**

---

**Relevant Policies:**

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the well proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

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 Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

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

Policy Ret 11 (Alternative Use of Shop Units in Other Locations) sets out the factors to be taken into account in assessing the change of use of a shop unit outwith defined centres.

**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 '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.

# Appendix 1

**Application for Planning Permission 15/05092/FUL  
At 2 Montpelier Terrace, Edinburgh, EH10 4NF  
Formation of five residential flats (three studio and two 1  
bed) from existing offices (change of use).**

## **Consultations**

---

### **Planning and Transport, Development Control**

*No objection, subject to the imposition of the following informative;*

*The applicant should be advised that they will be eligible for one residential parking permit for each property in accordance with Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category B - Newly Sub-divide or Converted).*

# Location Plan

---



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