

Development Management Sub Committee

10,00am, Wednesday 8 March 2017

**Application for Planning Permission 16/06279/FUL
At 2, 4- 5 Trinity Crescent, Edinburgh, EH5 3ED
Change of use from shop units to create 4 one bedroom
flatted dwellinghouses and alterations to front elevation (as
amended)**

Item number	4.2
Report number	
Wards	A04 - Forth

Summary

Loss of the existing retail function is acceptable in this location and residential use is acceptable in principle. Whilst one minor infringement of guidelines arises in relation to the floor-size of one unit this is acceptable given the overall mix of flat sizes and amenity and the constraints of the existing building. No other considerations outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LRET10, LHOU05, LEN04, LEN06, NSG, NSLBCA, NSGD02,
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Report

Application for Planning Permission 16/06279/FUL At 2, 4- 5 Trinity Crescent, Edinburgh, EH5 3ED Change of use from shop units to create 4 one bedroom flatted dwellinghouses and alterations to front elevation (as amended)

Recommendations

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

Background

2.1 Site description

The property occupies the ground floor and basement levels of a four storey curved tenement at the west end of Trinity Crescent, adjacent to a traffic light controlled junction, managing traffic flow around a sharp S-bend to the immediate west, leading to Lower Granton Road. The tenement was listed category B on 14 December 1970 (reference: 29831).

One of the main sewage pump stations stands diagonally opposite.

This application site is located within the Trinity Conservation Area.

2.2 Site History

26 January 2017 - parallel application for listed building consent received (application number: 17/00282/LBC).

Main report

3.1 Description Of The Proposal

The application proposes change of use and subdivision of an existing amalgamated retail unit (originally three or four separate shops) to create four residential properties over ground floor and basement. Due to high ceiling levels some units will have a further mezzanine level at ground floor.

Units created are:

- Flat 1 - one bedroom flat at ground floor of 47 square metres.
- Flat 2 - one bedroom flat at ground and basement floors of 90 square metres.
- Flat 3 - one bedroom flat at ground and basement floors of 77 square metres.
- Flat 4 - one bedroom basement flat of 57 square metres.

The scheme was amended to retain horizontal elements within the fenestration which are part of the original design.

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) loss of retail use is acceptable in principle;
- b) residential use is acceptable in principle;
- c) alterations impact on the character or appearance of the conservation area;
- d) alterations impact on the character of the listed building;
- e) the amenity of the units will be adequate;
- f) parking is considered;
- g) public comments have been addressed; and
- h) equality and human rights issues are considered.

a) Loss of Retail

Policy Ret10 of the adopted Edinburgh Local Development Plan (LDP) looks at loss of retail use outwith defined centres and has five criteria:

Criteria a) and b) are not applicable;

Criteria c) relates to units suitable for small business use - this is effectively applicable to every retail unit in the city. There is not a strong demand for commercial use in this area;

Criteria d) considers whether the retail use is essential to local need - the unit is vacant and does not serve any local need; and

Criteria e) relates to external appearance. This is considered in section c) below.

In summary, the loss of the retail unit is not critical in this location and is acceptable.

b) Principle of Residential Use

Local development plan policy Hou 5 considers residential conversions.

The property lies within a predominantly residential area and residential use is acceptable in principle subject to other policy requirements being met.

The number of units is proportionate to the existing property size as a whole and is acceptable.

The provision of a variety of flatted properties complements the existing area.

c) Alterations are Acceptable in their Impact on the Conservation Area

Local Development Plan policy Env 6 considers impact upon the conservation area.

The existing shopfront has been extensively remodelled and fails to blend with the upper part of the building.

The use of acoustic double glazing will not have any major impact upon appearance. The majority of windows are already blanked out and the net impact on glazing is one of creating a more open appearance. This is more in keeping with the original building appearance.

This proposal will partially restore the original appearance of the ground floor (removing fascias etc.) to the benefit of the wider area, and is therefore acceptable.

d) Impact on the Listed Building

Local Development Plan policy Env 4 considers impact on the character of the listed building.

The internal alterations and reworking of the facade have an acceptable impact on the character of the listed building.

A separate application for listed building consent has been requested.

e) Amenity of Proposed Units

Local Development Plan policy Hou 5 read in conjunction with the Edinburgh Design Guidance consider amenity of the proposed units.

All units are dual aspect except for unit 4 which is single aspect but south-facing into the rear common ground.

Units to the front benefit from a panoramic view across the Firth of Forth.

Units 2, 3 and 4 accord with the Council's guidance on space standards. Unit 1 lies below the standard for a one bedroom flat by just under 5 square metres. This unit was originally a narrow, separate shop. Reconfiguration to increase this unit in size would be complex and of little material benefit given the physical separation between original shop units. The proposed flat could equally be made compliant by creating a studio flat rather than a one bedroom flat. This would then exceed the guideline in size by 11 square metres. However, removal of the separating wall to the bedroom to achieve this would serve little practical purpose in this instance. The minor infringement of policy is acceptable in this context.

The supporting statement states that all units will have access via the common stair to the existing shared rear green. Rights to access the rear green are disputed, and this is a legal matter between owners. It is noted that shop conversions rarely have access to open space, and should it happen that access to the rear green is not possible, this would not be a reason to refuse the application.

All units will have adequate amenity.

f) Parking

Lack of off-street parking is a feature common to all properties within the block and in the wider area. The existing retail property equally has no existing parking provision and absence of parking is not a reason to resist the proposal.

g) Public Comments

Reasons for objection were:

Material Comments

- overdevelopment - addressed in section 3.3 b) of the assessment.
- lack of parking - addressed in section 3.3 f) of the assessment.
- alterations are not appropriate - addressed in sections 3.3 c) and d) of the assessment.

Non-material Comments

- Rights of access to and from the common stair and potential use of the common green. These are legal issues and are not planning concerns.
- Impact on bin collections. This is not a planning concern.

- Internal layout impacts on daylight. As long as all apartments have adequate daylight (which they do) the layout is not a planning concern.

Community Council

No comments received.

h) Equalities and Human Rights

The proposal does not raise any equalities or human rights issues.

Conclusion

Loss of the existing retail function is acceptable in this location and residential use is acceptable in principle. Whilst one minor infringement of guidelines arises in relation to the floor-size of one unit this is acceptable given the overall mix of flat sizes and amenity and the constraints of the existing building. No other considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Details of the removals of existing shop frontage and works to the exterior shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reasons:-

1. In order to enable the Head of Planning to consider this/these matter/s in detail.

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.

4. This application relates to a flatted building. This planning permission does not affect the legal rights of any other parties with an interest in the building. In that respect, the permission does not confer the right to carry out the works without appropriate authority.
5. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.

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

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 13 January 2017.

Nine representations were received: one in support, eight in objection. A full assessment of the representations can be found in section 3.3 g) of the Assessment.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)

- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The property lies in the Trinity Conservation Area as shown in the Local Development Plan (LDP).

Date registered

20 December 2016

Drawing numbers/Scheme

1,2,3,4a,

Scheme 2

David R. Leslie

Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer
E-mail:stephen.dickson@edinburgh.gov.uk Tel:0131 529 3529

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Ret 10 (Alternative Use of Shop Units in Other Locations) sets out the criteria for assessing the change of use of a shop unit outwith defined centres.

LDP Policy Hou 5 (Conversion to Housing) sets out the criteria for change of use of existing buildings to housing.

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

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

Relevant Non-Statutory Guidelines

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 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

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Consultations

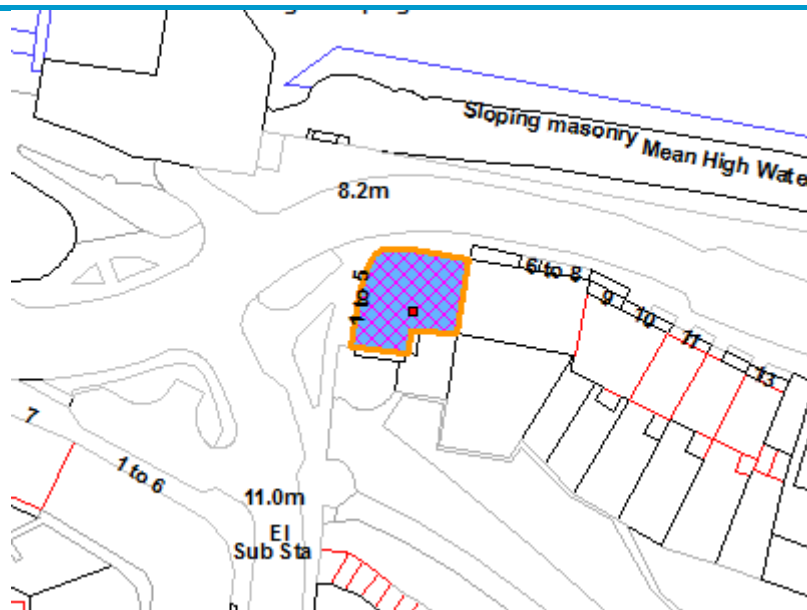
Environmental Protection

No objections.

Roads Authority

No objections.

Location Plan



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