

Development Management Sub Committee

Wednesday 19 April 2017

Application for Planning Permission 16/05812/FUL At Communal Facility, Larchfield Neuk, Balerno Alterations to a former communal Lounge within a sheltered housing development in residential use to create a 2 bedroom single storey dwelling

Item number	4.14
Report number	
Wards	A02 - Pentland Hills

Summary

The application site is situated within an established residential neighbourhood within the designated Urban Area. The proposal is in keeping with the character of the area and will create an appropriate living environment. There is no unacceptable impact on the amenity of the adjacent residents. The proposal accords with the development plan and non-statutory guidance. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#) LDPP, LHOU05, NSG, NSGD02,

Report

Application for Planning Permission 16/05812/FUL At Communal Facility, Larchfield Neuk, Balerno Alterations to a former communal Lounge within a sheltered housing development in residential use to create a 2 bedroom single storey dwelling

Recommendations

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

Background

2.1 Site description

The application site is located within a complex of 36 sheltered housing properties at Larchfield Neuk, Balerno. The wider housing complex is located on the north side of Johnsburn Road near to the roundabout with the junction of Main St/ Bridge Road.

The property is the end unit within a terrace of sheltered housing properties. A small car park is located to the north of the site. There is a communal area of landscaping which surrounds the property.

2.2 Site History

June 1984 - Planning permission granted for the erection of thirty-six sheltered houses plus warden's house and eighteen dwellinghouses. A condition was attached to the permission requiring a legal agreement stating "the use of the four blocks of terraced dwellinghouses and residential flats shall be occupied as sheltered housing in accordance with the agreement under the Town and Country Planning Act with the local authority". (Planning Application 33/84).

Main report

3.1 Description Of The Proposal

Planning permission is sought for the change of use of the communal lounge within the sheltered housing complex to a residential unit.

The proposed residential unit would have 2 bedrooms and a lounge/ kitchen. The floor area of the proposed apartment would be 87 square metres.

No dedicated parking or private garden would be provided. No physical alterations are proposed to the premises.

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 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 principle of the use is acceptable in this location;
- b) the proposed amenity for the occupiers is acceptable;
- c) there is any adverse impact on the amenity of the existing residents;
- d) there are any title burdens on the property;
- e) the issues raised in the representations have been addressed ;
- f) there are any impacts on equalities and human rights.

a) Principle of the Use

The application site relates to an existing property which is located within the urban area as defined within the Adopted Edinburgh Local Development Plan (LDP). Policy Hou 5 of the LDP supports the appropriate conversion of existing buildings to residential use providing an appropriate amenity can be created and it is compatible with neighbouring uses.

The principle of the conversion of this property within the urban area adjacent to existing residential premises is therefore considered to be acceptable.

b) Amenity for Occupiers

The proposed use of the former communal lounge as a residential property is in keeping with the existing residential character of the area. The size of the property is 87 square metres and exceeds the minimum size standards set out within the Edinburgh Design Guidance. In addition the property also contains good areas of storage. Each of the rooms will have appropriate daylighting and sunlight provision.

No private open space has been provided for the proposed residential property. The property is set within a shared communal space which all the residents have access to and ownership over. Comments have been made that the property will have no rights to access this area. This has been countered by the applicant's who advise that they retain a part ownership and right to this area. The right of access to this area will be a civil matter. For the purposes of the application, the property is set within a landscaped area and allows for acceptable access to open space.

No dedicated parking space is provided for the property. Limited parking is available for the wider sheltered housing complex in the north of the site. The parking area is a private parking area within which there is a joint share of ownership across all the properties within the complex. The applicant has advised that they have a right to park within this area. It is considered that there is sufficient parking within the area for the single house and any disputes over access to the parking area are a civil matter.

The conversion to residential will create an acceptable living environment for the proposed occupiers.

c) Amenity of Existing Residents

As addressed above, the use of the common room as a residential property is compatible with the neighbour residential character. Comments have been raised by the occupiers of the sheltered housing complex that the loss of the common room/ lounge will have a detrimental impact on their living environment.

The original application for the construction of the sheltered housing complex did not place any emphasis on the retention of the common room and its retention was not included as a condition or within any legal agreement. There are no specific policies within the LDP which seek to control the loss of common rooms within sheltered housing complexes.

The conversion to residential use is compatible with the residential nature of the area and there will be no adverse impact on the amenity of the existing residents.

d) Title Burdens

The original planning permission for the erection of the sheltered housing complex as part of the wider development of Larchfield contains a legal agreement limiting the occupation of the 36 sheltered housing units. The applicant's have advised that this occupation limit did not extend to the area of the common lounge. It is considered that the common lounge was not a residential property and the occupancy condition would not apply to this use.

The application now being considered seeks to change the use of the common lounge to residential, which is considered to be acceptable in principle. There are no planning reasons to restrict the use of this property to sheltered housing accommodation.

Any dispute on the title burdens relating to the occupation of the property would be a civil matter. It is the applicant's responsibility to ensure that there are no title burdens on the development.

e) Letters of Representation

Thirty letters of objection were received on the following grounds;

Material Comments

- loss of amenities to sheltered housing complex - addressed in 3.3 c);
- use of communal ground - addressed in 3.3 c);
- no private garden - addressed in 3.3 b);
- no parking - addressed in 3.3 b);
- Section 50 relating to occupation of the premises - addressed in 3.3 d);

Non- Material Comments

- noise during conversion;
- noise from occupiers, of the development;
- continued use of tap on wall of premises;
- financial gain of the applicant;
- land ownership issues; and
- damage to property from a falling tree.

f) Equalities and Human Rights

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

Conclusion

The application site is situated within an established residential neighbourhood within the designated Urban Area. The proposal is in keeping with the character of the area and will create an appropriate living environment. There is no unacceptable impact on the amenity of the adjacent residents. The proposal accords with the development plan and non-statutory guidance. There are no material considerations which outweigh this conclusion.

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. The express grant of planning permission does not absolve the requirement of any title burdens on the property.

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

Thirty letters of representation have been submitted which object to the application.

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 site is located within the urban area.

Date registered

25 November 2016

Drawing numbers/Scheme

1 - 3,

David R. Leslie

Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Elaine Campbell, Team Manager
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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

Relevant Non-Statutory Guidelines

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.

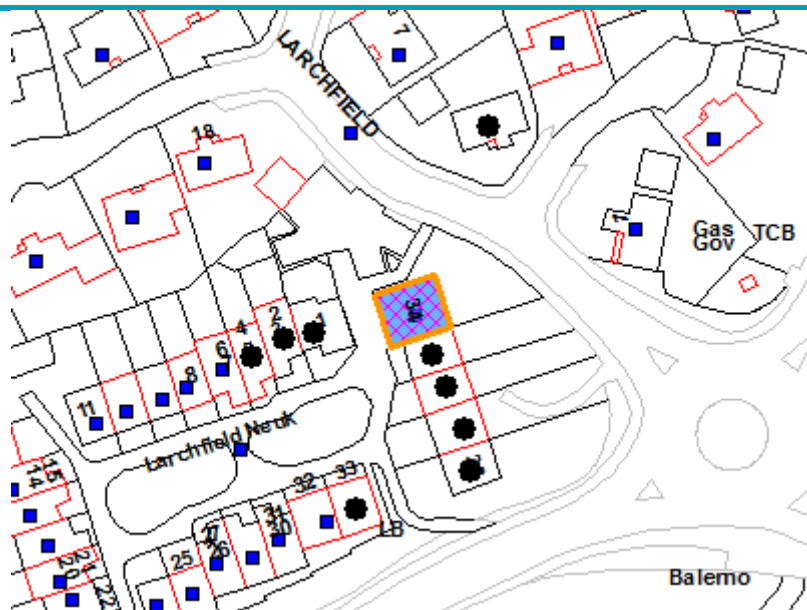
Appendix 1

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Consultations

No consultations undertaken.

Location Plan



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