

Development Management Sub Committee

Wednesday 19 April 2017

**Application for Planning Permission 16/03406/FUL
At 1-2, 3-6 Canonmills Bridge, Edinburgh, EH3 5LF
Variation of existing planning permission 09/00830/FUL to
relocate the entrance doors, access stairs and ramp, and
remove the ground floor internal wall to form a single
commercial unit.**

Item number	7.1
Report number	
Wards	A12 - Leith Walk

Summary

The proposed use is suitable for this location and complies with relevant policies of the development plan and the Council's non-statutory guidance. The proposals to the ground floor will have no detrimental impact on the character or appearance of the conservation area. The setting of the neighbouring listed buildings will not be affected by the proposed alternative use of these units. The proposal will not adversely affect neighbouring amenity. There are no material considerations which outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LDES01, LDES04, LEN03, LEN06, LRET06, LTRA09, NSG, NSGD02, NSLBCA, OTH, CRPINV,
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Report

Application for Planning Permission 16/03406/FUL At 1-2, 3-6 Canonmills Bridge, Edinburgh, EH3 5LF Variation of existing planning permission 09/00830/FUL to relocate the entrance doors, access stairs and ramp, and remove the ground floor internal wall to form a single commercial unit.

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 189 square metres. It comprises a rectangular piece of land currently occupied by a two storey building with a pitched roof. At ground floor level this is used for restaurant purposes and at lower level for storage and ancillary space for the commercial unit. There is a change in the level of approximately two metres as ground falls from Brandon Terrace along Warriston Road. This results in only one storey being visible from the front elevation. To the rear of the building there is car parking and services.

This application site is located within the Inverleith Conservation Area.

2.2 Site History

4 September 2015 - Conservation Area Consent was refused for the demolition of the two storey building on the site (application number 15/01786/CON) as the replacement building by reason of its scale, form and design would be detrimental to the character and appearance of the Inverleith Conservation Area. An appeal was lodged against this refusal and the Reporter granted Conservation Area Consent on 28 January 2016 on the grounds that acceptable proposals for the replacement of the building have been approved (CAC-230-2001).

6 May 2015 - Planning permission was granted for a non-material variation to 09/00830/FUL. The amendments were changes to the window pattern on the north and south elevations and changes to the position of the internal staircase and room layout on the upper floors (application number 09/00830/VARY).

4 February 2015 - Planning permission was refused for a change of use from class 3 to retail, erection of six flats and three town houses and minor alterations to elevations as the proposed development by reason of its scale, form and design was detrimental to the character and appearance of the Inverleith Conservation Area (application number 14/02786/FUL).

11 November 2010 - Committee granted planning permission for a mixed use development of two restaurants, six flats and three townhouses. Planning permission was issued on 5 May 2013 following the completion of a legal agreement relating to transport requirements (application number 09/00830/FUL).

Details have been submitted confirming the initiation of development which has been verified by independent legal advice. This is an extant permission and details have been submitted to purify conditions.

Main report

3.1 Description Of The Proposal

The proposal is for an amendment to planning permission number 09/00830/FUL to relocate the entrance doors and access stairs, a new ramp and to remove the ground floor internal wall to form a single commercial unit.

The proposed facing materials on the submitted plans which include a glazed shop front with automatic entrance doors on the building front elevation are unchanged from the approved plans for application number 09/00830/FUL. The external ramp and stair would be finished in stone with stainless steel balustrade with toughened safety glass infill panels.

Supporting Documents

- Planning Statement; and
- Design and Access Statement.

These are available to view on Planning and Building Standards Online Services.

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 proposal is acceptable in principle;
- b) the proposals preserve or enhance the character and appearance of the conservation area or the setting of the neighbouring listed building;
- c) the proposals are detrimental to the amenity of neighbours;
- d) the proposal provided sufficient amenity for the occupiers of the development;
- e) the proposals affect road safety;
- f) the proposals has any equalities and human rights issues impacts; and
- g) representations raise issues to be addressed.

a) Principle

The application site is located in the urban area of the adopted Edinburgh Local Development Plan (LDP) where the principle of retail development is acceptable subject to the compliance with other policies of the development plan.

The principle of the land uses was agreed previously. The creation of one large unit from two smaller units is acceptable in principle.

The site lies in an out-of-centre location where Policy Ret 6 Out-of-Centre Development of the LDP applies.

The proposal does not increase the overall retail floor space and the gross floor area does not exceed 250 square metres so the effect on the vitality and viability of the existing retail centre will be limited.

The nearby defined local shopping centres of Rodney Street and Dundas Street contain a similar mix of uses and could not be considered to be adversely affected by the scale of current nature of the proposals.

The site is well served by public transport.

The principle of the proposal is acceptable and the proposal complies with Policy Ret 6 of the adopted Edinburgh Local Development Plan.

b) Character and Appearance of the Conservation Area and Setting of Neighbouring Listed Buildings

The current proposals, which relate to the ground floor of the building only, and the changes in the glazing pattern, will not adversely affect the external appearance of the proposed development approved under planning application number 09/00830/FUL. There will be no resulting impact on the neighbouring listed buildings. The character of the New Town Conservation Area will also be unaffected by the alternative use type proposed.

The new access stairs and ramp are of a simple form which are in keeping with the overall character and design of the building. In the context of this regeneration this addition to the streetscene is considered appropriate.

The proposals would have a neutral impact on the character and appearance of the conservation area and the setting of the neighbouring listed building.

c) Neighbouring Amenity

The application site is located at a busy city centre location, characterised by a range of existing commercial use types. The proposals raise no material concerns in terms of potential for noise disturbance at this location.

The proposal will not adversely affect the amenity of neighbours.

d) Amenity of the Occupiers

The access to the residential flats on the upper flats has changed to the rear of the building from the car park. The changes to the units on the ground floor will not adversely affect the amenity of the future occupier.

The proposal is satisfactory to the amenity of occupiers.

e) Road Safety

The new access ramp and stairs for the proposed retail use are to the front of the building. The width of the remaining footway is acceptable for pedestrians. There is an adopted footway leading to the rear of the building for access to the flats. There are no changes to the approved car parking and vehicle access to the site.

There are no road safety issues.

f) Equalities and Human Rights Issues

This application was assessed in terms of equalities and human rights. No impact was identified. An Equalities and Human Rights Impact Assessment Summary is available to view on Planning and Building Standards Online Services.

g) Public Comments

Material Representations

- Replacement of two units to one on ground floor may mean supermarket - this was assessed under section 3.3a).
- Damage to local retail - this was assessed under section 3.3a).
- Width of the access stairs and ramp unsafe for those with sight problems - this was assessed under section 3.3e).
- Ramp to front of building reduces width of pavement - this was assessed under section 3.3e).

Non-Material Representations

- New building out of character - this was assessed under previous application 09/00830/FUL.
- Demolition of building - this was assessed under previous application 15/01786/CON.
- Sewerage provision - not relevant to planning process.
- Entrance to flats at rear over no footway - this was assessed under previous application.

Community Council

Stockbridge and Inverleith Community Council objected to the application on the following grounds:

- relocation of entrances, access stairs and ramp - assessed in section 3.3b), 3.3c) and 3.3e).
- change to a large commercial unit - assessed in section 3.3a).
- present application has similar features to previous refusals - assessed in section 3.3a).

Conclusion

The proposal complies with the development plan and the relevant non-statutory guidance. The proposals will have no impact on the character or appearance of the conservation area. The setting of the neighbouring listed buildings will not be affected by the proposed alternative use of these units. The proposal will not result in an unreasonable loss of neighbouring amenity. There are no other material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

1. Notwithstanding the approved plans, this planning permission relates to an amendment to planning permission 09/00830/FUL only and may only be implemented in conjunction with the construction of the buildings and associated works, approved under planning application 09/00830/FUL.

Reasons:-

1. In order to define the terms of this planning permission.

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.

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

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 23 October 2016 and 104 representations were received, objecting to the proposals. These included comments from Water of Leith Conservation Trust, Cockburn Association, Inverleith Society and Stockbridge and Inverleith Community Council.

A full assessment of the representations can be found in the main report in the Assessment section.

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 in the urban area of the adopted Edinburgh Local Development Plan where it is designated as within Inverleith Conservation Area.

Date registered

7 July 2016

Drawing numbers/Scheme

1-12,

Scheme 1

David R. Leslie

Chief Planning Officer
PLACE
The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

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

LDP Policy Ret 6 (Out-of-Centre Development) identifies the circumstances in which out-of-centre retail development will be permitted.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

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.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Other Relevant policy guidance

The Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

Appendix 1

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Consultations

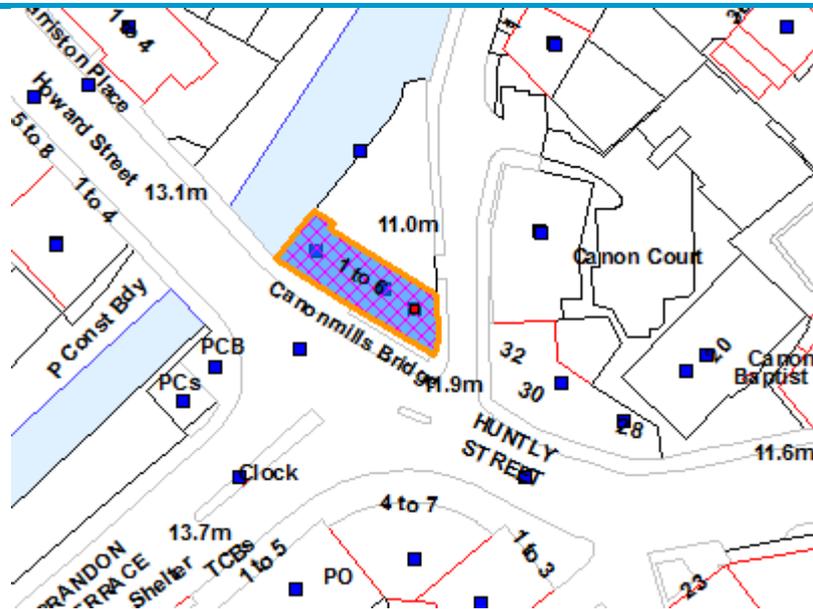
Road Authority Issues

No objections to the application.

Note:

Drawing (Ref.07-215 (PL)01 Rev.B of 29/03/2016) is acceptable.

Location Plan



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