

# Development Management Sub Committee

Wednesday 5 June 2019

**Application for Planning Permission 19/00476/FUL  
At 54 Dublin Street, Edinburgh, EH3 6NP  
Change of Use from commercial to residential (as amended).**

<b>Item number</b>	4.2
<b>Report number</b>	
<b>Wards</b>	B11 - City Centre

## Summary

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The application complies with the development plan and the relevant non-statutory guidelines. The proposal is acceptable in this location. It will not have a detrimental impact on the character and appearance of the conservation area. There are no material considerations that outweigh this conclusion and approval is recommended.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LDES05, LHOU05, LEN01, LEN04, LEN06, LTRA02, LTRA03, NSG, NSLBCA, HEPS, OTH, CRPNEW,
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# Report

## **Application for Planning Permission 19/00476/FUL At 54 Dublin Street, Edinburgh, EH3 6NP Change of Use from commercial to residential (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is located on the west side of Dublin Street. The property is over the ground and basement floors and was previously in use for commercial purposes. The neighbouring property is in use as a hairdressing salon and residential properties lie adjacent and above the property.

The property is listed Category B on 18/08/1964, LB reference 28695.

This application site is located within the New Town Conservation Area.

#### **2.2 Site History**

September 2007 - Planning permission granted for a change of use from florist to physiotherapy + sports injury practice (application number 07/02886/FUL).

March 2019 - Listed building consent pending consideration for internal alterations (application number 19/01232/LBC).

### **Main report**

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

The application is for a change of use from commercial use to residential. The accommodation will have a floor area of 70 square metres and will comprise a sitting/dining area, shower room and bedroom at the ground floor and kitchen/dining area, utility and shower room at the basement level. The only external alteration is for the formation of a new cast iron light well to the front of the property.

#### Scheme 1

The existing stone staircase is to be retained and floored over.

### **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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - 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 proposed use is acceptable;
- b) the proposal will preserve or enhance the character or appearance of the conservation area and Edinburgh World Heritage Site;
- c) the proposals preserve the character of the listed building;
- d) the proposal will result in acceptable living conditions for future occupiers;
- e) the proposal is acceptable in terms of transport considerations;
- f) any impacts on equalities or human rights are acceptable; and
- g) any comments raised have been addressed.

#### a) Proposed Use

The application site is located in the urban area where Local Development Plan (LDP) Policy Hou 5 supports proposed conversion to residential use provided housing would be compatible with nearby uses. The unit is not in retail use and is not in a protected shopping frontage. The adjacent uses are a mixture of commercial and residential and this proposal is compatible with these uses and is acceptable in principle.

The proposal accords with LDP Policy Hou 5.

#### b) Character and Appearance of the Conservation Area and Edinburgh World Heritage Site

The New Town Conservation Area Character Appraisal states that, *there is extensive retention of original historic street surfaces, particularly roads surfaced in whin or granite setts and some high quality stone paving, which should be used as guiding references in new works.*

The proposed light well is of a traditional design and size and similar to those found in other parts of the New Town. There will be no adverse impacts on the character and appearance of this part of the New Town Conservation Area or the Edinburgh World Heritage Site.

The proposal complies with LDP policies Env 1 (World Heritage Site) and Env 6 (Conservation Areas - Development), and the Council's guidance on Listed Buildings and Conservation Areas.

#### c) Character of Listed Building

The Historic Environment Policy for Scotland (HEPS) outlines how we should undertake our collective duty of care whenever a decision in the planning system will affect the historic environment. There are three key areas which define how the historic environment should be understood, recognised and managed to support participation and positive outcomes, including 'Managing Change' under policies HEP2, HEP3 and HEP4.

Policy Env 3 in the Edinburgh Local Plan (LDP) states that development affecting the setting of a listed building should not be detrimental to the architectural character or appearance of the building or its setting.

Policy Env 4 in the LDP states that proposals to alter a listed building will be permitted where those alterations are justified; will not result unnecessary damage to historic structures or result in a diminution of the buildings interest; and any additions would be in keeping with other parts of the building.

The existing shopfront is of a traditional character which is to be retained and unaltered. The proposal involves forming a light well to the front of the property which will be constructed in cast iron. This alteration will have a neutral impact on the building and will not detract from the character or appearance of the listed building or its setting.

The internal alterations are assessed in the associated application for listed building consent (application reference 19/01232/LBC).

The proposal complies with policy Env 3 and Env 4 and also complies with the principles in HES guidance notes.

#### d) Amenity

Edinburgh's Design Guidance states that a one bedroom dwelling should have an internal floorspace of 52 square metres. The internal floor area will be 70 square metres which complies with the guidance.

The proposal will be located adjacent to an existing hairdresser (Class 1 use). Residential properties are currently located directly above the retail unit and the amenity of the proposed adjacent residential use will not be adversely affected given the mixture of uses that exist within the area.

The unit will provide accommodation over two floors. At the ground floor level the unit is dual aspect and the accommodation provided includes the sitting/dining area, shower room and bedroom to the rear. At the basement level, a kitchen and shower room will be provided with daylighting provided from the lightwell. There will be reduced daylighting to the basement level but given this is not a main living area and forms part of a larger unit at the ground floor level this will provide an adequate level of amenity.

A residential use is compatible in this location and will not result in adverse impact on neighbouring amenity. The application proposes a satisfactory standard of living environment for future occupiers with no adverse impact on amenity and complies with LDP policy Des 5 and Hou 5.

#### e) Transport

Although no parking is available, this is a city centre location which is highly accessible by public transport. The unit is of an adequate size to store a cycle within these premises.

Transport has raised no objections.

The proposal accords with LDP policy Tra 2, private car parking and Tra 3, private cycle parking.

#### f) Equalities and Human Rights

This application was assessed in terms of equalities and human rights. No impact was identified.

#### g) Public Comments

The material objections raised were:

- residential is not appropriate for the area - this is addressed in section 3.3 a).
- there is a shortage of shops - this is addressed in section 3.3 a).

- negative impact on the New Town Conservation Area - this is addressed in section 3.3 b).
- lack of daylighting to the property - this is addressed in section 3.3 d).

### Non-Material Representations

- Internal alterations proposed - not relevant to this planning application. These issues will be dealt with under the listed building consent for the application.
- ownership and title - this is a legal issue and is not subject to any planning control.

### Conclusion

The application complies with the development plan and the relevant non-statutory guidelines. The proposal is acceptable in this location. It will not have a detrimental impact on the character and appearance of the conservation area. There are no material considerations that outweigh this conclusion and approval is recommended.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

#### **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. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.

### **Financial impact**

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#### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

## **Equalities impact**

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### **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**

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### **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**

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### **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 the 22 February 2019. A total of ten letters of representation has been received. A full assessment of the representations can be found in the main report in the Assessment Section.

## **Background reading/external references**

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- 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**

Edinburgh Local Development Plan - The site is designated as a World Heritage Site and Urban Area.

### **Date registered**

4 February 2019

### **Drawing numbers/Scheme**

01,02,03A-04A,

Scheme 2

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

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

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

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.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.



LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

### **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.

The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

### **Other Relevant policy guidance**

**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.

# Appendix 1

## Application for Planning Permission 19/00476/FUL At 54 Dublin Street, Edinburgh, EH3 6NP Change of Use from commercial to residential (as amended).

### Consultations

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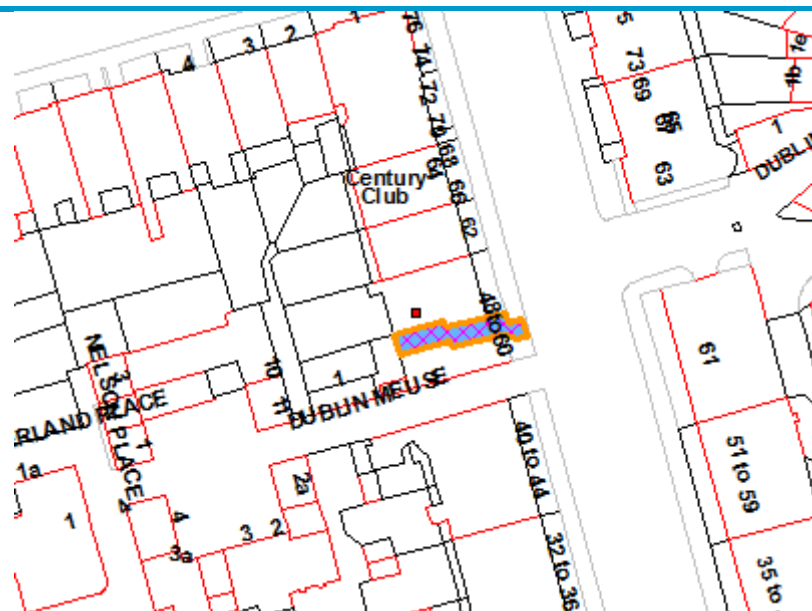
#### Roads Authority

*No objections to the application subject to the following being included as conditions or informatives as appropriate:*

1. *Any works affecting the footway must be carried out under permit and in accordance with the specifications. See Road Occupation Permits  
[http://www.edinburgh.gov.uk/downloads/file/1263/apply\\_for\\_permission\\_to\\_create\\_or\\_alter\\_a\\_driveway\\_or\\_other\\_access\\_point](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point)*

### Location Plan

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