

Development Management Sub Committee

Wednesday 14 August 2013

**Application for Planning Permission 13/01863/FUL
At Garage 32 Metres Southwest Of 8, Bellevue Crescent,
Edinburgh
Change of use to form residential studio flat
accommodation.**

Item number

Report number

Wards

A11 - City Centre

Links

[Policies and guidance for this application](#)

CITE6, CITH5, NSGD02, CRPNEW,

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Executive summary

Application for Planning Permission 13/01863/FUL At Garage 32 Metres Southwest Of 8, Bellevue Crescent, Edinburgh Change of use to form residential studio flat accommodation.

Summary

The proposal does not comply with the local plan or non-statutory guidance as the change of use of the garage to a dwelling is not in character with the conservation area, does not provide an adequate level of amenity and is not compatible with the nearby uses.

Recommendations

It is recommended that this application be Refused for the reasons below (in section 3 of the main report).

Financial impact

There are no financial implications to the Council.

Equalities impact

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

Sustainability impact

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

Pre-Application Process

There is no pre-application process history.

Publicity summary of representations and Community Council comments

The application was advertised on 30 May 2013. 47 letters of objection were received, including the New Town and Broughton Community Council and the Drummond Civic Association:-

Material comments:

- Principle;
- Inappropriate location;
- Work completed before consent.
- Breaches many conditions.
- Amenity;
- Setting of listed building;
- World Heritage Site;
- Traffic;

Non-material comments

- Design:
- Exceeds Deed restrictions;
- Utilities

New Town and Broughton Community Council:

- Understand garage approved on this site. Approval would condone an illegal activity and create an unjustifiable and dangerous precedent. Its location in New Town Conservation Area and World Heritage site is of particular concern to us.

Background reading / external references

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

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1. Background

1.1 Site description

The site is a former concrete parking area (which previously had a small timber garage on it) at the rear of No 8 Bellevue Crescent. It is accessed off an unmade up lane to the rear which is accessed off East Scotland Street Lane. The lane is characterised by an uneven gravel surface serving the rear gardens, parking areas and garages as well as the local tennis courts.

The site is at the rear of No 8 Bellevue Crescent which is category A listed along with nos 1-11 Bellevue Crescent (listed on 22 September 1965 ref: 28285).

The site is within the Edinburgh World Heritage Site.
This property is located within the New Town Conservation Area.

1.2 Site History

7 June 2012 - planning permission granted in retrospect to erect a single garage (replacing existing timber structure) (12/1543/FUL).

2. Main report

2.1 Description Of The Proposal

The application is solely for change the use of a previously approved garage to a studio flat.

Works to convert the garage to residential use have started. However, the use has not been taken up.

Any physical alterations to the consented garage, which require planning permission, would need to be the subject of a separate application.

2.2 Determining Issues

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?

2.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the principle of a dwelling is acceptable;
- b) the proposal preserves or enhances the character and appearance of the conservation area;
- c) the proposal provides sufficient amenity for the occupiers of the development;
- d) the proposal affects road safety;
- e) representations raised have been addressed; and
- f) the proposal has any equalities or human rights issues.

a) Principle of Use

The site is located within the urban area of the Edinburgh City Local Plan. Policy Hou 1 (Housing Development) supports housing on 'other suitable sites within the urban area, provided proposals are compatible with other policies in the plan'.

It is considered that whilst the garage is within a residential area, the change of use is not acceptable as residential use in this location does not meet other local plan policies and non-statutory guidance relating to the character of the conservation area and amenity, as outlined below.

b) Conservation Area and World Heritage Site

New Town Conservation Area Character Appraisal:

This document states that the essential character of the area is constituted by: *the grid hierarchy of ground streets, lanes and mews throughout the conservation area. Also by:formal geometric grid enclosed gardens and larger informal grid edge gardens soften the classical discipline of the buildings.* Under architectural character it states that: *the retention of mews and mews lanes, largely in their original form contributes to the character of the area.*

Where new residential development has been approved in lanes within the New Town Conservation Area; this has been generally in mews lanes where residential use has already been established or is historic in character. The lane in question is not an established residential lane as found elsewhere within the New Town but is a back lane. Residential use in this location would not preserve the character of this particular lane. It is out of character with the overall use of the lane and the wider conservation area.

c) Amenity

Policy Hou 5 (Conversion to Residential Use) states that planning permission will only be granted for the change of existing building to residential provided a satisfactory residential environment can be achieved and housing would be compatible with nearby uses.

The proposal creates a small property of 22.5 square metres which is below the size of 36 square metres for a studio flat as outlined in the Edinburgh Design Guidance. This is well below satisfactory amenity levels for this type of unit.

Whilst Environmental Assessment has no objection to the application, it is considered that there are no other residential uses within the lane and housing would not be compatible with the predominantly garage and parking activity off the lane and to the rear of the gardens.

d) Transport

The studio flat does not have any parking, but there is no minimum parking standard in this location and there is plenty of on street parking capacity in the vicinity.

Transport Planning has no objection to the proposal and there is no significant impact on road safety as a result of this development.

e) Representations

Material Comments

Principle – the matters of principle of development have been addressed in paragraph a) above;

Amenity – This application is for the change of use only; the physical alterations and the impact this may have on neighbouring properties is not the subject of assessment in this application.

Traffic – Transport Planning have been consulted on the application and have raised no objection to the proposals, this is addressed in paragraph d) above;

DDA compliant – the site provides level access to the property;

Setting of the listed building – the impact on the setting of the listed building was considered in the assessment of the application 12/01543/FUL for the garage. This application is for the change of use and not for any physical alterations.

Setting of conservation area and world heritage site – this has been considered in paragraph a) above.

Non- Material Comments

Design – the principle of a building as a garage was previously approved (12/01543/FUL). The applicant has solely applied for a change of use and the physical alterations that have taken place to the building have no planning permission. These changes would need to be the subject of a separate planning application.

Utility Provision – this is a matter for the developer to resolve;

Legal Deeds – a breach of deed restrictions is a legal matter and not a material planning consideration.

New Town and Broughton Community Council

Concerned with the impact on Conservation Area and World Heritage Site – addressed in paragraph b) above;

Approval would condone an illegal activity on the site – noted and issues of principle is addressed in paragraph a) & b) above.

f) Equalities and Human Rights

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

Conclusion:

The proposal does not comply with the local plan or non-statutory guidance as the change of use of the garage to a dwelling is not in character with the conservation area, does not provide an adequate level of amenity and is not compatible with the nearby uses.

3. Recommendations

3.1 It is recommended that this application be Refused for the reasons below

3.2 Conditions/reasons

Conditions:-

Reasons:-

1. The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, as the change of use is not appropriate within the lane and does not preserve or enhance the character of the conservation area.
2. The proposal is contrary to Edinburgh City Local Plan Policy Hou 5 in respect of Conversion to Housing, as the proposal does not provide a satisfactory residential environment and is not compatible with nearby uses.
3. The proposal is contrary to the Edinburgh Design Guidance as the size of the dwelling falls below satisfactory amenity standards.

Statutory Development**Plan Provision**

The site is allocated as Urban Area in the Edinburgh City Local Plan.

Date registered

21 May 2013

Drawing numbers/Scheme

01 - 02,

Scheme 1

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Links - Policies

Relevant Policies:

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

Policy Hou 5 (Conversion to Housing) sets criteria for assessing the change of use to residential.

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.

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

Consultations

Environmental Assessment

The application proposes the change of use of a domestic garage to a studio flat. A domestic garage is situated to the north-west with garden grounds to the south-east. Domestic garages are situated across the lane to the south with, tennis courts to the south-west. Environmental Assessment has no objections to this proposed development.

Transport

No objections to this application - INFORMATIVE: This COU meets the current parking standards for Zone 1 by providing no off street parking. A parking survey was undertaken (23/7/13) to ascertain current on street parking levels in the vicinity of the development site which concluded on street parking levels are low and any development parking can be accommodated without detriment to local parking.

Location Plan



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