

**Full Planning Application 08/03621/FUL
at
4 Lower Gilmore Bank
Edinburgh
EH3 9QP**

**Development Management Sub-Committee
of the Planning Committee**

26 November 2008

Supplementary Report

This application was previously considered by Committee on **26 November 2008**.

An addendum is included at the end of Section 3 of this report.

1 Purpose of report

To consider application 08/03621/FUL, submitted by Mr Forbes. The application is for: **Change of use from restaurant to office (Class 3 to 4)**

It is recommended that this application be **GRANTED** subject to the conditions below.

2 The Site and the Proposal

Site description

The site contains a two storey pavilion style building at the head of the canal in Lochrin Basin. This area has recently undergone major redevelopment to create an area of mixed uses including office, leisure and residential. The unit was granted permission in 2003 for its development and subsequent restaurant/bar/leisure use. Since it was built the unit has remained vacant.

Site History

03/00807/FUL Permission granted for a strategic pavilion building for restaurant/bar/leisure use.

Description of the Proposal

It is proposed to change the use of the property from Class 3 to Class 4, to accommodate office use. The unit has a total floorspace of 336 m2. There are no car parking spaces associated with the proposal. There are no external alterations included in this application.

The applicant has included a covering letter identifying reasons why the unit has failed to secure a Class 3 let. This letter is available to view on the Planning and Building Standards Portal.

3 Officer's Assessment and Recommendations

Determining Issues

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?

ASSESSMENT

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

- a) The proposed use is acceptable in this location.
- b) The proposal is detrimental to residential amenity.
- c) The transport provision is acceptable.

a) The area around Lochrin Basin is within a 'mixed activities zone' and is a major opportunity site in the Central Edinburgh Local Plan with preferred uses identified as housing, commercial, leisure and small scale business. This mix of uses is also reflected by Policy Emp 1 and Policy Ca 1 of the finalised Edinburgh City Local Plan and the Fountainbridge Development Brief. The principle of Class 4 use on this site is therefore acceptable.

The Fountainbridge Development Brief states that development proposals within this particular area should make a direct, positive contribution to enhancing the recreational potential of the canal. The original intention was for this unit to accommodate a Class 3 use in order to create a vibrancy and destination point at to the head of the canal. The applicant has submitted supporting information with the application that states that the unit has remained vacant since it was developed and identified a number of constraints as to why the unit has failed to secure a Class 3 let. The internal floor space is considered to be too restrictive, and servicing of the premises would be difficult in terms of deliveries and refuse collection as it is not adjacent to a road.

There are a number of established bar and restaurants at the head of the canal that already bring significant recreational activity to the area. These are immediately to the north of the unit and create a focal point for visitors. The unit currently makes no contribution to the recreational character of the area and as it lies vacant is to the detriment of the desired vibrancy. Overall, a Class 4 occupier would be acceptable.

- b) The proposed use will not be to the detriment of the amenity of nearby residential properties.
- c) The proposal is not in compliance with the Council's Parking Standards as there is no car parking associated with the unit. In order to encourage the use of public transport to the site an appropriate financial contribution should be secured through legal agreement. A contribution of £3000 towards real time bus information is considered appropriate for this application.

In conclusion, the proposal is for an acceptable use at this location and will not be to the detriment of the residential amenity of nearby residents. There are no material considerations which outweigh this conclusion.

It is recommended that the Committee approves this application, subject to the applicant entering a legal agreement for the payment of a contribution towards public transport improvements.

Addendum

The application was approved at the Development Management Sub-Committee on 26 November 2008 subject to a requirement to enter into a legal agreement.

The purpose of the agreement was to enable the applicant to pay a contribution of £3000 towards improving public transport. There was no parking provision identified in the original application. Following the decision, the applicant has confirmed that the site will have use of the 39 general parking spaces provided under the wider Edinburgh Quay development. Transport Planning have no objections to the proposal and have subsequently recommended that in this context there is no requirement for transport contributions.

It is recommended that Committee now approves the application without the requirement to enter into a legal agreement.



John Bury
Head of Planning

Contact/tel	Ian Tame on 0131 529 6133
Ward affected	A09 - Fountainbridge/Craiglockhart (NEW)
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Major Development Opportunity
Date registered	15 October 2008
Drawing numbers/ Scheme	1-3 Scheme 1

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Control Portal: www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner, Helen Martin on 0131 529 3517. Email: helen.martin@edinburgh.gov.uk.

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail gavin.king@edinburgh.gov.uk or carol.richardson@edinburgh.gov.uk

Application Type Full Planning Application
Application Address: 4 Lower Gilmore Bank
Edinburgh
EH3 9QP

Proposal: Change of use from restaurant to office (Class 3 to 4)

Reference No: 08/03621/FUL

Consultations, Representations and Planning Policy

Consultations

Services for Communities

Environmental Health has no objections to this proposed development subject to the following condition:

- 1. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment.*
- 2. All music and vocals amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.*
- 3. Deliveries and collections, including waste collections, to be restricted to 0700 – 1900 hours Monday to Saturday.*
- 4. The use of the premises shall be restricted to class 4 of the Use Classes (Scotland) Order only with no permitted change to class 6 allowed.*

Transport Planning

No objections to the application, subject to the developer entering into a suitable legal agreement to contribute £3,000 for Public Transport Infrastructure. (RealTime)

Representations

No representations have been received in relation to the application.

Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.

Planning Policy

The site is within an area designated as a major development opportunity in the 'mixed activities zone' of the Central Edinburgh Local Plan. Within the finalised Edinburgh City Local Plan the site is within the Central Area and is part of the area covered by the Fountainbridge Development Proposal. The site is also covered by the Fountainbridge Development Brief which was approved in 2004.

Relevant Policies:

Relevant policies of the Central Edinburgh Local Plan.

Policy ED2 (OFFICE DEVELOPMENT - MIXED ACTIVITIES ZONE) sets out criteria for assessing office development proposals in the Mixed Activities Zone.

Relevant policies of the Finalised Edinburgh City Local Plan.

Policy Emp 1 (Office Development) identifies locations and circumstances in which office development will be permitted.

Policy Ca 1 (Central Area) sets criteria for assessing development in the Central Area.

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Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **GRANTED** subject to the conditions below.

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
3. All music and vocals amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
4. Deliveries and collections, including waste collections, to be restricted to 0700-1900 hours Monday to Saturday.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.

INFORMATIVES

It should be noted that:

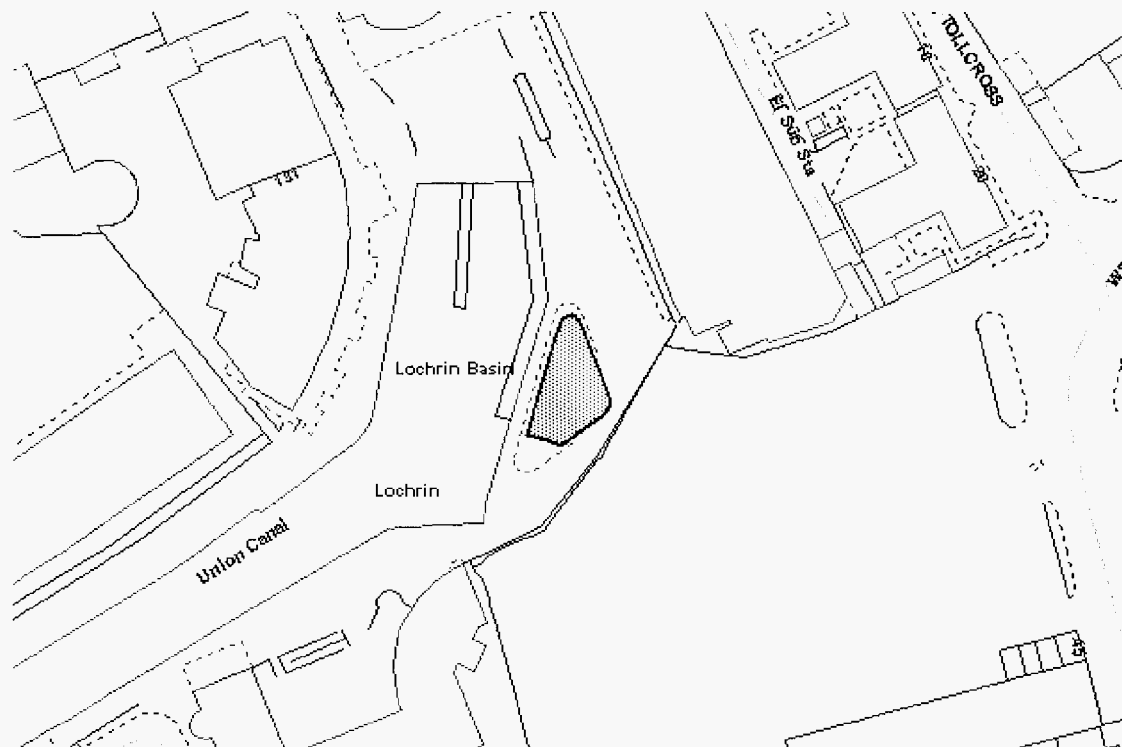
1. Prior to the issue of this consent the developer shall enter into a suitable legal agreement with the Council to provide the sum of £3000 improvements to public transport infrastructure (real time bus information).

End

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Location Plan

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