

**Full Planning Application 07/00614/FUL
at
272 Portobello High Street
Edinburgh
EH15 2AT**

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

1 Purpose of report

To consider application 07/00614/FUL, submitted by The Blue Bean Restaurant. The application is for: **The provision of new front windows (as amended)**

It is recommended that this application be **GRANTED**

2 The Site and the Proposal

Site description

The application relates to the ground floor of a 2-storey building from the later 19th century. The ground floor is currently in use as a café. The shopfront has had later alterations, and the building forms part of a 33-bay group of tenements, with shop accommodation at ground level. The restaurant is located on the main Portobello High Street.

It is a category Cs listed building listed on 04.07.1985, ref. 27495.

This property is located within the Portobello Conservation Area.

Site History

No relevant site history.

Description of the Proposal

The proposal is for the removal of the non original front windows and the creation of two sets of French windows to the front elevation. The application has been amended to omit the proposal to extend the opening hours of the property from 8am-11pm. The existing opening hours of 8am-8pm will remain in place.

A section of masonry will be removed from below the existing windows to create the French windows. The new windows will be constructed of timber sections with an astragal pattern and will be painted dark blue to match existing.

3 Officer's Assessment and Recommendations

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 preserve the building or its setting or any features of special architectural or historic interest which it possesses? If not, there is a presumption against the granting of permission. 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, are there any compelling reasons for approving them?

ASSESSMENT

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

- a) The proposals adversely affect the listed building or its setting;
- b) The proposal preserves or enhances the character and appearance of the conservation area.
- c) The proposal is detrimental to the amenity of neighbours
- d) The proposals are detrimental to road safety.

a) The existing windows are not original and do not contribute to the architectural character of the listed building. The proposed French windows will be a contemporary addition and will retain the appearance of the front elevation, reflecting the form of the existing windows through the use of a solid panel at cill level and continuing the astragal pattern on the upper panes. The doors will be constructed using timber sections and are considered a high quality alteration to this listed building.

The proposals will have no adverse effect on the character of the listed building.

b) Portobello Conservation Area includes several distinct character zones. The High Street provides a focus for the Conservation Area, retaining many original two storey Regency buildings as well as a number of significant public buildings. The seaside character of the Promenade is still evident despite the loss of the pier and the construction of several modern buildings of poor quality. The remainder of the area includes an abundance of fine Georgian (and later) villas as well as a stock of Victorian tenements, public buildings and churches.

The shop fronts along this stretch of Portobello High Street have been much altered over the years. The proposed alterations will not detract from the architectural integrity of the parade of shops and will not have a detrimental effect on the character and appearance of the area.

The proposals will preserve the character and appearance of the conservation area

c) The new French windows will enable the cafe to be more open to the street when the front doors are open. However pavement tables and chairs ancillary to the use of the café is controlled by street licensing and is not a material planning consideration.

Services for the Communities (Environmental Assessment) has expressed concerns about the noise and odour within the building during the existing hours. However, the property currently has a class 3 use and this application does not involve any change to the operation of the business. The only changes are the proposed physical alterations. Services for the Communities has no objections to the installation of the French windows. The issue of the noise and odour is currently being investigated through the Planning enforcement procedures and is not a consideration for this application.

There will be no undue impact on neighbouring amenity.

d) There are no road safety issues.

In conclusion, the proposals comply with the development plan and the relevant non-statutory guidelines; preserve the character and appearance of the conservation area and do not impact on residential amenity or highway

safety. There are no other material planning considerations, which outweigh this conclusion.

It is recommended that the Committee approves this application.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

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|---|------------------------------------|
| Contact/tel | Grainne Lennon on 0131 529 3543 |
| Ward affected | A17 - Portobello/Craigmillar (NEW) |
| Local Plan | North East Edinburgh Local Plan |
| Statutory Development Plan Provision | District Shopping Centre |
| Date registered | 19 March 2007 |
| Drawing numbers/ Scheme | 01-04 Scheme 2 |

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, Nancy Jamieson on 529 3916. Email: nancy.jamieson@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: 272 Portobello High Street
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Proposal: The provision of new front windows (as amended)

Reference No: 07/00614/FUL

Consultations, Representations and Planning Policy

Consultations

Environmental Assessment (Services for Communities)

Environmental Health has serious concerns regarding this application.

The application site is located mid-terrace at ground floor level, with a dentistry to one side and a stair to the other. The stair enables access to residential properties on the first floor level, one of which is directly above the application premises.

Currently this Department is investigating complaints about the application premises, made by an occupant of the flat above. The complaints are in relation to noise and odour nuisance originating from the food business.

Noise

However our main concern with regards to noise is the fact that the sound insulation between the premises and the flat above is very poor. Normal operations of the business can be heard within the flat. This includes such activities such as washing dishes, people's conversation and music being played at a background level.

Arguably this noise intrusion exists without this application. However it is our opinion that extending the hours of operation would mean that the residential amenity of the nearby resident be adversely affected during what are normally considered quieter evening hours i.e. between 8pm and 11pm.

Odour

This Department has carried out tests of the kitchen extract ventilation system and found it to be operating efficiently. Currently this extraction system terminates at approximately 1 meter above the eaves level.

It has come to light that the flat has recently received planning permission to install velux windows on the roof of the building. This would bring the exhaust point of the extract ventilation system very close to the natural ventilation point (the velux window) of the flat. In turn there is the potential for cooking odours to escape directly into the flat and cause nuisance.

This problem could occur without this application. However it is the opinion of this Department that extending the hours of operation would mean that the residential amenity of the nearby resident may be adversely affected.

I would be pleased if you could advise the developer of the need to address the potential noise and odour issues associated with the restaurant use.

Environmental Health will not support any application that was not accompanied by an acoustic report demonstrating the mitigation measures to be put in place to protect nearby residential occupants from noise. The Department would also want to assess proposals to address the potential odour problem.

Transport

No objections

Representations

Scheme 1 was advertised on 9 March 2007 and re-advertised on 19th March due to improper neighbour notification. The application attracted 8 letters of representation from neighbours. Scheme 2 saw the removal of the proposed extension of hours.

The material points of objection/concern are:

Conservation and Design issues, taken account of in assessment a and b.:

Out of character with the listed building and conservation area

Residential amenity issues, taken account of in assessment c:

Noise and disturbance

Other points raised are not material.

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 allocated as a 'District Shopping Centre' in the North East Edinburgh Local Plan, where there is presumption to retain and maintain retail shopping as the principle use.

The site is also within the Town Centre on the Finalised Edinburgh City Local Plan.

Relevant Policies:

Relevant policies of the North East Edinburgh Local Plan

Policy E18 (LISTED BUILDINGS) sets out criteria for assessing proposals affecting a listed building and its setting, including alterations, extensions and changes of use.

Policy E21 (CONSERVATION AREAS - GENERAL): requires proposed development within a conservation area to retain all features which contribute to the character and appearance of the area.

Policy E22 (CONSERVATION AREAS - REDEVELOPMENT): sets out criteria against which new development in conservation areas will be assessed.

Policy E28 (WINDOW ALTERATIONS): sets out criteria for assessing window alteration and replacement proposals to listed and non-listed buildings in defined areas (with examples).

Relevant policies of the Edinburgh City Local Plan

Policy Env 3 (Listed Buildings – Alterations & Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

Policy Env 5 (Conservation Areas – Development) sets out criteria for assessing development in conservation areas.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'ALTERATIONS TO LISTED BUILDINGS' provide general guidance for assessing proposals for both internal and external alterations.

Non-statutory guidelines on 'REPLACEMENT WINDOWS AND DOORS' supplement local plan conservation and design policies, providing additional guidance on window and door alterations.

Non statutory Guidelines on Commercial Frontages supplement Local Plan Policies by providing guidance on shop frontages, shop front security, adverts and signs and blinds and canopies.

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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.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

INFORMATIVES

It should be noted that:

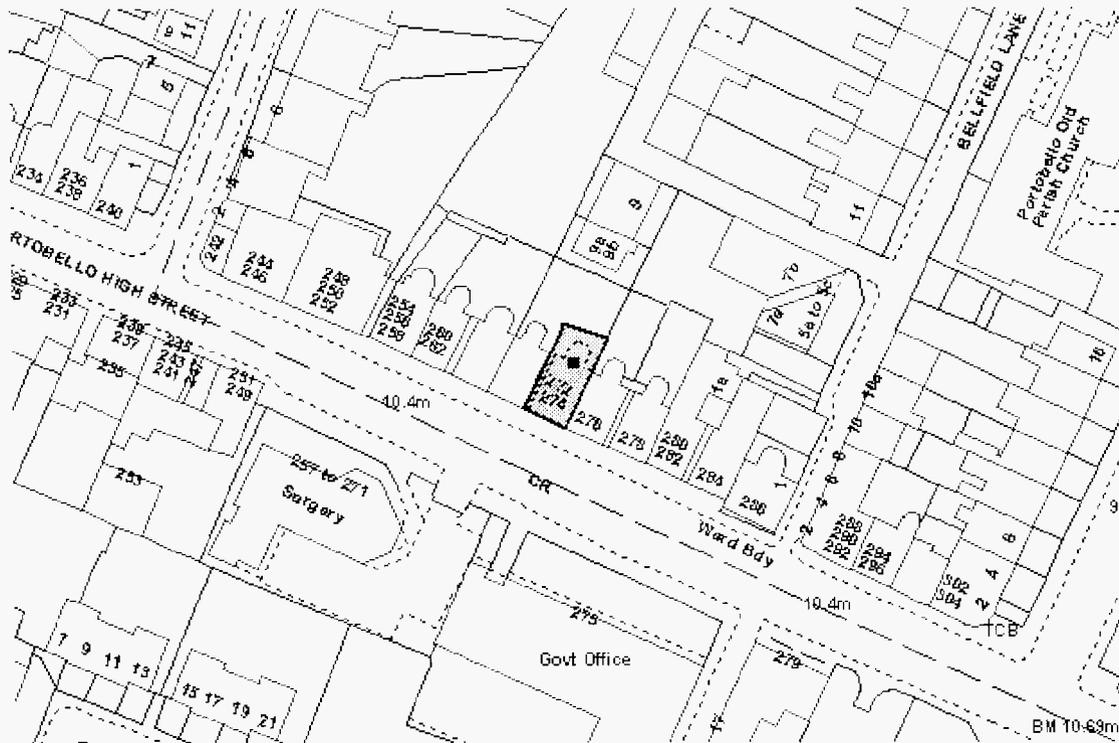
1. This consent is for planning permission only. Work must not begin until other necessary consents, e.g. listed building consent, have been obtained.

End

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Location Plan

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