

**Full Planning Application 05/00572/FUL  
at  
Amusement Centre  
76 Portobello High Street  
Edinburgh  
EH15 1AN**

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

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**1 Purpose of report**

To consider application 05/00572/FUL, submitted by Valentine Rayner Ltd. The application is for: **New commercial unit + 2 flats above, new block of flats (3 stories + basement parking) to rear**

It is recommended that this application be **GRANTED** subject to the conditions in Appendix B.

**2 The Site and the Proposal**

**Site description**

The site is currently occupied by a single storey side extension to an older property (partly listed). This extension contains an amusement arcade.

To the rear is a large area of former back green, currently unused.

To the north west, a former church hall, more recently used as a small supermarket, has been restored and converted to residential use. This presents a strong gable end to the street.

To the rear of this stands a modern block of flats on a spur off Pipe Street. The application seeks its sole vehicular access off this rear spur.

The wider area contains largely two storey to four storey buildings, older buildings being generally along the High Street where the northern spur of Portobello Conservation Area also runs. More modern buildings lie in the wide area to the rear, and also to the east, where there is a group of Council flats, including a mid-rise block, eight storeys high.

### **Site history**

27.4.2004 - withdrawal of scheme for 5 flats and shop

8.12.2004 - refusal of consent for 6 units and shop. Reasons for refusal included: lack of parking, inclusion of single aspect basement flat, and consideration of the rear building as backland development out of character with the conservation area (then having no access from the rear)

24.11.04 - listed building consent granted for demolition in relation to listed portion to side

### **Description of the Proposal**

The application seeks consent to remove a modern single storey side extension from the side of a small traditional building on Portobello High Street and replace it with a freestanding gable-fronted two storey building, reflecting the adjacent church hall. This will contain ground floor commercial space (85sqm) and two flats above.

To the rear, within an extensive area of derelict back green, a second building is proposed. This aligns with modern flats on Pipe Lane and is accessed from that side. The ground floor will contain 3 parking spaces and three flats are created above. The overall form is therefore four storey. It is proposed to have a shallow barrel form roof and be of generally modern design. Due to a change in ground level it is only three storeys high in relation to the central green area created.

The front building is to be faced in natural stone and have a slate roof. The rear building is in concrete block and grey metal cladding panels, with a curved metal roof.

The scheme was amended to remove veluxes serving apartments in the front building adjacent to an extract fan. This addresses Environmental Services' concerns. A further minor amendment met Transport concerns regarding the vehicular access.

### 3 Officer's Assessment and Recommendations

#### DETERMINING ISSUES

The determining issues are

- Do the proposals improve and enhance the appearance of the conservation area? If they do not, there is a presumption against the granting of planning permission.
- Do the proposals comply with the development plan?
- If they do, are there any compelling reasons for not approving them?
- If they do not, are there any compelling reasons for approving them?

#### ASSESSMENT

In order to determine this application the Committee should consider

- a) The loss of the existing structure and use
- b) The acceptability of the proposed uses
- c) The effect of the scale, form and design on the character and appearance of the conservation area
- d) Parking and road safety
- e) Open space and amenity of the created units
- f) Effect upon neighbouring amenity.

a) There is no objection to the loss of the amusement arcade nor the single storey structure within which it is contained.

b) The proposed commercial use retains the vitality of the ground floor. Ideally this will be a class 1 retail use but given the existing use there would be no objection to a class 2 or other use compatible with a commercial frontage in a residential area.

Residential use also complies with the local plan and the general pattern of uses within the area.

c) Conservation Area Character Statement

*Portobello Conservation Area includes several distinct character zones. The High Street provides a focus for the Conservation Area, retaining many original two-storey early 19th century 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 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 robust stock of Victorian tenements, public buildings and churches. In total there are 179 listed buildings within the Conservation Area, including building groups of particular interest in Brighton Crescent and Brighton Place.*

At the front, the proposal pulls in from the existing two storey structure to its side, allowing it to be seen in the round. The effect on the remaining building is greatly beneficial. The proposal adopts a gable front, repeating that of the former church hall but at a lesser scale, forming a natural step between the height of the flanking buildings. It sits well with the rhythm of the street and will act as a "junior partner" to the adjacent former hall. The proposal is considered to be a clever adoption of existing built forms adjacent, and will improve and enhance the appearance of the Conservation Area.

To the rear, the second building aligns with the adjacent flats in both footprint and eaves height, and helps to reinforce the new street form to that side. Although it adopts a barrel-form roof this is suited being created to its more contemporary form. The siting relates well to the grain of the surrounding buildings. Due to its rear location it has minimal effect upon the character and appearance of the conservation area.

d) The rear building is provided with 100% parking for its three flats. The front building has no parking. However, no other building on the High Street has parking, and this format is therefore considered acceptable, particularly bearing in mind the small scale of the proposal to the front. There is no particular problem with on-street parking at this end of the High Street, and it is served by public transport.

An objection has been raised to loss of parking on the rear access lane due to the proposal. This is privately owned land on a private lane, and this issue should be privately and independently resolved between the applicant and those owners affected. It is noted that, although owners of the new flats adjacent now state that they own this land it was not shown as part of the ownership area at the time of that application.

e) The rear open space created totals around one third of site area and is adequate for the needs of occupants. It relates well spatially to other open spaces, helping to retain the sense of a single large open space linking all properties on the block.

All flats have at least dual aspect, and all are through units. Each has good amenity levels in terms of outlook.

Environmental concerns regarding proximity of a velux in a kitchen/diningroom to an extract flue have been addressed by removing this feature.

f) Both buildings are in a gable to gable relationship with adjacent buildings and do not give rise to policy problems in terms of overshadowing guidelines.

Windows face only front and back and no privacy issues arise in policy terms.

In conclusion the proposal is acceptable subject to conditions on material samples, a restriction over uses in the commercial unit, site contamination and potential noise.

It is recommended that the Committee approves this application subject to the conditions stated.

*Alan Henderson*

**Alan Henderson**  
Head of Planning and Strategy

<b>Contact/tel</b>	Stephen Dickson on 0131 529 3901 (FAX 529 3706)
<b>Ward affected</b>	39 - Portobello
<b>Local Plan</b>	North East Edinburgh
<b>Statutory Development Plan Provision</b>	Housing and Compatible Uses
<b>Date registered</b>	22 February 2005
<b>Drawing numbers/ Scheme</b>	2,4,5,12-13 Scheme 3

#### **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](http://www.edinburgh.gov.uk/planning).

If you require further information about this application you should contact the following Principal Planner, Graham Dixon on 0131 529 3519. Email: [graham.dixon@edinburgh.gov.uk](mailto:graham.dixon@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 [blair.ritchie@edinburgh.gov.uk](mailto:blair.ritchie@edinburgh.gov.uk) or [sarah.boqunovic@edinburgh.gov.uk](mailto:sarah.boqunovic@edinburgh.gov.uk)

## Appendix A



**Application Type** Full Planning Application  
**Application Address:** Amusement Centre  
76 Portobello High Street  
Edinburgh  
EH15 1AN

**Proposal:** New commercial unit + 2 flats above, new block of flats (3 stories + basement parking) to rear

**Reference No:** 05/00572/FUL

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## Consultations, Representations and Planning Policy

### Consultations

#### Environmental Services

*This Department has concerns about this proposed development as it involves introducing living apartments with windows above and only four metres from an adjacent commercial kitchen flue at 80 Portobello High Street. However if the windows overlooking and above the flue could be removed then this Department could support the application subject to the following conditions being attached:*

*1. Prior to the commencement of construction works on site:*

*(a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and*

*(b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.*

*Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the head of Planning.*

*The design and installation of any plan, 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.*

*All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.*

## **Transport**

*Consent should not be issued until the Developer enters into a section 75 Legal Agreement to contribute the sum of £5,000 towards the City Car Club.*

*I would be pleased if the application could be continued.*

*Reasons:*

- 1. To discuss with the Developer the car parking and access arrangements.*

## **Transport - further comments to final scheme**

*No objections subject to condition (as above).*

## **Representations**

The application was advertised on 11th March 2005.

Two letters of objection were received plus a petition from residents on Pipe Lane with 9 signatures. Reasons for objection were

1. Loss of existing parking spaces on Pipe Lane.
2. Demolition of a mutual boundary wall
3. Loss of privacy
4. Overshadowing
5. Inappropriate form, design and materials
6. Access across privately owned land

***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 lies in an area of Housing and Compatible Uses in the NEELP. The frontage also forms part of a Secondary Retail Frontage.



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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. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Head of Planning & Strategy before work is commenced on site; Note: samples of the materials may be required.
3. Uses within the commercial unit shall be restricted to classes 1 and 2. Uses other than this shall require the further consent of the planning authority.
4. i) Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning and Strategy, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning and Strategy.

- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning and Strategy.
5. 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.
  6. All music and vocals within the commercial unit shall be so controlled as to be inaudible within any neighbouring residential premises.
  7. Prior to the issue of consent the applicant shall enter into a suitably worded legal agreement with the Council to ensure a contribution of £5000 towards the City Car Club.

### **Reasons**

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In order to protect the amenity of the occupiers of the development.
7. In order to ensure that the level of off-street parking is adequate.

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**End**

## Appendix C

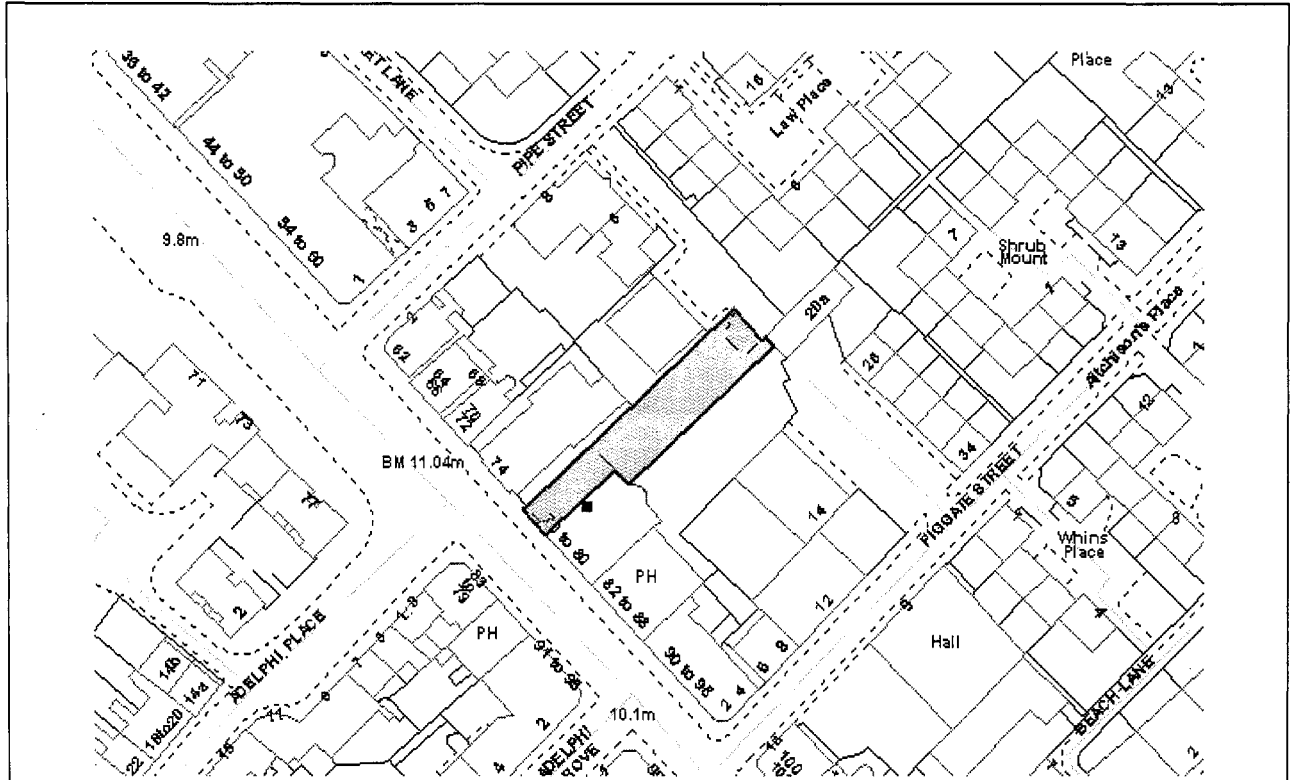
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THE CITY OF EDINBURGH COUNCIL

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### Location Plan



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