

**Full Planning Application 05/04337/FUL
at
The Star Bar
1 Northumberland Place
Edinburgh
EH3 6LQ**

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

26 April 2006

Supplementary Report

This application was previously considered by Committee on **26 April 2006**.

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

1 Purpose of report

To consider application 05/04337/FUL, submitted by Punch Pub Company.. The application is for: **Proposed refurbishment to existing beer garden, including formation of external deck zone including new stair and access to garden and demolition of existing garage and change of use ground to pub garden (as amended)**

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

2 The Site and the Proposal

Site description

The site contains an existing public house and beer garden situated between Dublin Meuse and Northumberland Place Lane, at the east end of the terrace of town houses forming Northumberland Place.

The building is category 'B' listed, designed by Robert Reid and William Sibbald and dated 1804. The building was listed on 24 March 1998.

The building is within the Edinburgh World Heritage Site.

This property is located within the New Town Conservation Area.

Site History

July 1993 - Advertisement consent granted to incorporate projecting sign with existing lamp bracket and illuminate existing fascia sign (93/1343/ADV).

October 2004 - Planning permission granted to fit external part escape stair to unify with existing escape stair, and install external door (04/2587/FUL).

November 2004 - Listed building consent granted for internal alterations to toilets, fit internal access stair + fit external part stair to unify with existing escape stair and install external door (04/2587/LBC).

Description of the Proposal

The application, as amended, is to demolish a lock up garage and extend the beer garden; erect a screen wall to the lane with a set of gates in it; re-arrange the access to the rear door; create a sunken garden area decked in metal grillage, a modified light well; and provide a new stairway to the basement on the line of the removed garage. The upper level terrace and sunken deck area will be covered by two retractable awnings, one fixed to the rear and one fixed to the side wall, respectively. The two areas will be linked by 2-3 steps. New tables, planters and seating would be provided.

Materials: The rear wall will be in rubble stone with solid timber doors. The upper terrace will be surfaced in concrete; the lower deck concrete with a floating metal deck.

Original Scheme 1

The rear wall was to be built in brick with feature slot windows. The proposed lower deck was to be in timber.

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) Whether the use is acceptable in principle;
- b) Whether the proposals have an adverse impact on the character or appearance of the conservation area;
- c) Whether the proposals have an adverse impact on the building, or its setting;
- d) Whether the design and materials are satisfactory given the setting of the site;
- e) Whether the proposals are detrimental to amenity or road safety.

a) The beer garden has existed in one form or another for many years, and previous correspondence and planning reports indicate that the Council has viewed the use of the beer garden as ancillary to the use of the pub itself. Consequently, it is subject to standard licensing controls only. The beer garden is therefore authorised. The small increase in the area of the beer garden would not materially affect this position.

The use of the beer garden and its physical re-arrangement is acceptable in principle.

b) The character of the New Town Conservation Area is described in the Central Edinburgh Local Plan as follows:-

"A planned urban concept of European significance, the New Town has an overriding character of Georgian formality. The First New Town, built to James Craig's 1767 plan, has experienced significant redevelopment, while the Second, Third and Fourth New Towns, which were laid out on estates to the north, east and west retain most of their original buildings. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area therefore lies in

the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves. Many of the New Town's buildings are listed category 'A' of national importance and the area contains some of the city's finest interiors."

The removal of the garage and the introduction of a new rear wall with gates to the property off the lane will enhance the appearance of the lane and the conservation area. The proposed awnings will not be visible from the street, but will be visible to neighbours in surrounding flats. However, the large area of canvas covering over 50% of the garden area will have a detrimental impact on the character of the conservation area. The proximity of the awning over the lower deck area will also mask the building to the detriment of the building and conservation area. The awning attached to the new lane wall is less substantial and provided it is coloured dark green it should not be detrimental to visual amenity and will serve to screen clientele from upstairs view.

The infilling of the lightwell is not acceptable in principle and will set an undesirable precedent should it be approved. The infilled lightwell will mask the rear of the original building which, albeit fairly plain, does form a traditional element and contributes to the building's overall character within the conservation area. The applicant states that the lightwell is in poor structural condition. Due to health and safety requirements, rebuilding the lightwell wall would be problematic and therefore infilling would stabilise its condition without potential harm to workers. This is not, however, a planning matter and does not outweigh conservation concerns.

With the exception of the larger awning and the infilled lightwell, the proposals will not have an adverse impact on the character or appearance of the conservation area.

c) The lower decked area has been amended to metal as timber decking is resisted within the curtilage of listed buildings and in conservation areas. This type of surface will also be resistant to rot and will be longer lasting and more appropriate to the buildings setting. As indicated, the enclosure of the garden with a new high wall will serve to screen the garden and will improve the setting of the building, re-introducing a boundary treatment that was originally present.

d) The boundary wall has been amended from brick to rubble stone. This is appropriate to the mews location within the New Town. This is complemented by solid timber doors to the lane which is a traditional feature. The awning will be in traditional canvas and coloured green. A condition is recommended. Whilst a modern item, the lane wall awning should blend well with the garden nature of the site and create a greening effect to an otherwise visually hard courtyard.

The proposed design and materials are acceptable.

e) The main issue from the objectors' point of view is the intensified use of the beer garden and noise and disturbance that may result. As previously indicated, the use of the beer garden, even in its extended form, is ancillary to the use of the pub so no new conditions can be attached. However, the applicant has agreed voluntarily to restrict the use of the beer garden to 9pm in the evening.

The loss of the garage, which was used for storage, does not result in any vehicle being parked on the lane, and owing to the central location with parking restrictions, it is unlikely that the increased use of the beer garden would generate more vehicle trips to this location.

The proposals will not be detrimental to residential amenity or highway safety.

The proposals for the most part comply with the development plan and non statutory guidelines and preserve the character or appearance of the conservation area and the building and its setting, residential amenity or road safety. These elements which are harmful to the building and conservation area are not supported.

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

It is recommended that the Committee partly approves this application, subject to a condition ensuring that the awning is a mid or dark green colour, but refuses the infilling of the lightwell and the more substantial awning over the decking, for reasons of the setting of the building and the character of the conservation area.

Addendum

The application was continued on 26 April 2006 for further information on the garage and finishes.

The applicant has now revised the scheme to delete the infilling of the lightwell and has confirmed a change of use of the ground where the garage is to be demolished, to ancillary pub use. The garage had been purchased by the pub in October 2005. The garage was unoccupied for a considerable time prior to purchase and is currently unused.

The awning over the sunken deck zone has now been deleted but the second awning remains attached to the boundary wall. This is minimal and is considered acceptable.

The new rear wall will be natural rubble stone and the proposed awning will be a medium green colour.

The increase in the courtyard area incorporated into the beer garden is relatively small, as the stair access to the basement will be in this area and the remaining area will be a desire line/footpath route from the lane. The loss of the garage will restore the dimensions of the original rear garden and enhance the setting of the listed building. The increase in capacity in terms of clientele as a result of the garden area increase is not quantifiable. Its use would clearly be ancillary to the overall pub use and would not be independently controllable under planning legislation.

The revised scheme was re-advertised on 2 July 2006 and four further letters of objection have been received which refer to late night disturbance caused by clientele of the pub and that the increase in beer garden area by 25%, resulting from the demolition of the garage, will intensify the use contrary to local plan policies H11, L4 and L5. In response, L4 and L5 refer to new uses and the proposed use of extra garden ground would be ancillary to the existing public house use. The useable space created, given the new staircase cutting into this, is only 8.7m² or 16% of the garden area. This increase is minimal and will not materially affect residential amenity under Policy H11.

The revised proposals comply with the development plan and non-statutory guidelines, will preserve the character and appearance of the conservation area, the building and its setting, and will not significantly impact on residential amenity or road safety.

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

It is now recommended that the Committee approves the application in its entirety subject to a condition ensuring that the rear wall/gates are built to the satisfaction of the Head of Planning and details of the lighting fixtures/intensity are submitted for approval.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Duncan Robertson on 0131 529 3560
Ward affected	18 - New Town
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Housing and Compatible Uses
Date registered	10 January 2006
Drawing numbers/ Scheme	01 - 03; 04B; 05; 06A 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.

If you require further information about this application you should contact the following Principal Planner, Nancy Jamieson on 0131 529 3989, Email: nancy.jamison@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: The Star Bar
1 Northumberland Place
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EH3 6LQ

Proposal: Proposed refurbishment to existing beer garden, including formation of external deck zone including new stair and access to garden and demolition of existing garage and change of use ground to pub garden (as amended)

Reference No: 05/04337/FUL

Consultations, Representations and Planning Policy

Consultations

Environmental And Consumer Services

No comments received

Representations

The application was advertised on 10 January 2006. Five letters of objection have been received, including that from Drummond Civic Association and those from local residents. The main points of objection are as follows:-

1. Intensification of use/increase in size of beer garden.
2. Query current use as a beer garden.
3. Hours should be restricted to 9pm.
4. Loss of residential amenity/privacy/noise.
5. Impact on the area.
6. Loss of garage space/increase in volume of traffic.
7. Permanent awnings visually intrusive/All weather cover for smokers.
8. Collection of smoke below residential windows, unacceptable.
9. Contrary to local plan policies H11, L4 and L5.

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 allocated as Housing and Compatible Uses in the Central Edinburgh Local Plan.

Relevant Policies:

Policy CD2 (LISTED BUILDINGS) sets out criteria for assessing proposals affecting listed buildings and seeks to safeguard their character and setting.

Policy CD4 (CONSERVATION AREAS) requires that developments in a conservation area retain all features which contribute to the area's character and appearance.

Policy CD5 (CONSERVATION AREAS - REDEVELOPMENT) sets out the criteria against which new development in conservation areas will be assessed, and seeks to preserve or enhance their character and appearance.

Policy CD17 (MATERIALS) sets out requirements for materials in new developments and seeks a greater use of stone, roofing slate and other traditional materials in appropriate cases.

Policy CD19 (BUILDING ALTERATIONS) sets out requirements for the design, form, materials and positioning of alterations and extensions.

Policy H11 (HOUSING AMENITY) establishes a presumption against new development and changes of use likely to introduce increased levels of traffic or activity to the detriment of residential amenity or to the reasonable prospects of further residential development where this is an objective of the Local Plan.

Policy L4 (LEISURE USES IN HOUSING AREAS) states that commercial leisure uses will not be acceptable in wholly or predominantly residential areas.

Policy L5 (LICENSED PREMISES) states that the change of use of premises under or in the midst of housing to a public house (or similar) will not be allowed

Non-statutory guidelines on the 'SETTING OF LISTED BUILDINGS' supplement local plan conservation and design policies, providing guidance for the protection and enhancement of the setting of listed buildings.

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Conditions/Reasons associated with the Recommendation

Recommendation

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

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. The new rear wall and gates shall be constructed within 3 months of the demolition of the garage to the satisfaction of the Head of Planning and Strategy
3. Details of the type, style, fixings and level of illumination of the proposed wall lighting fixtures shall be submitted to and approved in writing by the Head of Planning & Strategy before work is commenced on site.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the character of the conservation area.
3. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.

INFORMATIVES

It should be noted that:

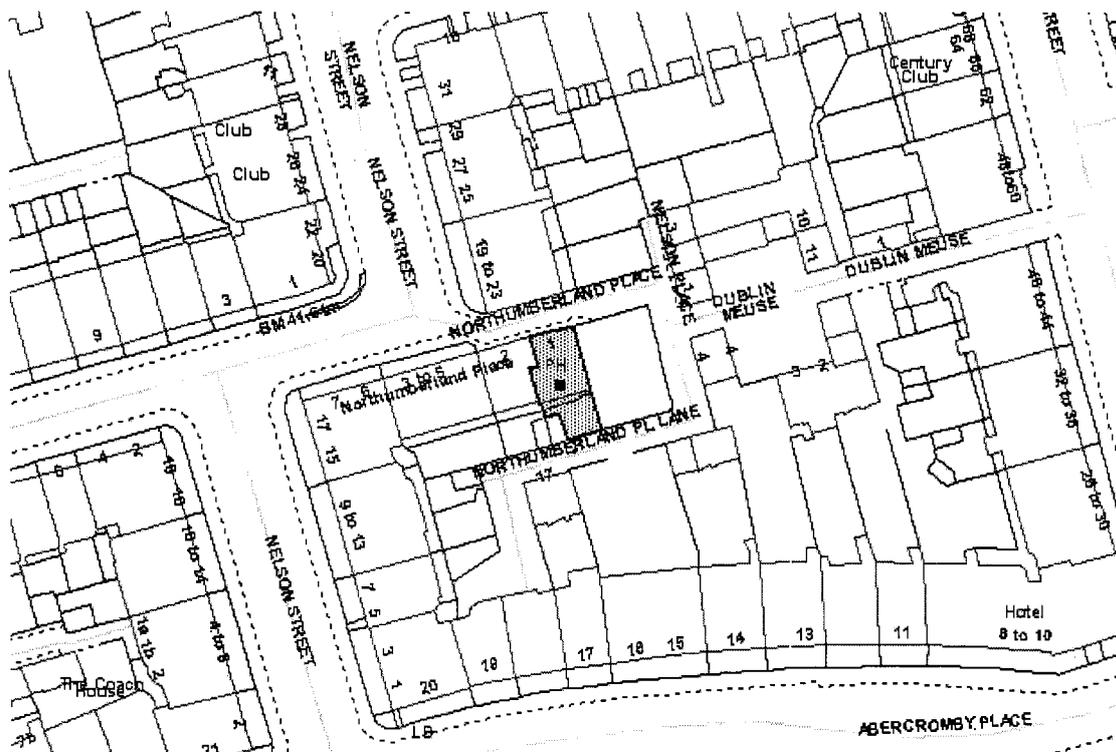
1. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.

End

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Location Plan

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