

Full Planning Application 04/04139/FUL

at

10 - 18 Forrest Road

Edinburgh

EH1 2QN

Development Quality Sub-Committee of the Planning Committee

1 Purpose of report

To consider application 04/04139/FUL, submitted by Spirit Group. The application is for: **Change of use from shops to bar/restaurant internal alterations, new ground floor frontage**

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 relates to the two shop units which form part of the building formerly known as Oddfellows Hall. It forms a self contained unit within a four storey tenement block with shops at ground level.

The building is category 'B' listed, by John C Hay, 1872. 3-storey and attic 3-bay symmetrical Baronial tenement with shops at ground floor and obliquely-set hall to rear, tall stilted-arched windows to 1st floor, square-plan turrets to outer right and left and crowstepped gable with sculpture on pedestal to apex.

The site is in the Old Town Conservation Area and the World Heritage Site.

Site history

16/05/02 Change of use of two retail units to form extension to bar/restaurant - (application ref. 02/00682/FUL) application withdrawn

26/11/02 Consent granted for internal alterations - (application ref. 02/03587/LBC)

25/11/03 Planning permission refused for alterations and change of use from two retail units to extension to bar restaurant - (application ref. 02/03587/FUL)

Reasons for refusal were:

1. The proposal is contrary to Central Edinburgh Local Plan Policy S7, in respect of Protection of Shopping Uses, as it will result in the consecutive location of three shop units in non-shopping use.
2. The proposal is contrary to Central Edinburgh Local Plan Policy L5 in respect of licensed premises and the non-Statutory Policy in respect of the Location of Licensed Premises as it will result in an intensification of the use of the public house directly in the midst of housing and will therefore result in a further loss of amenity to neighbouring residents.
3. The proposal is contrary to Central Edinburgh Local Plan Policy H11, in respect of Housing Amenity, as it will introduce increased levels of activity to the detriment of residential amenity.
4. The proposal is contrary to Central Edinburgh Local Plan Policy L2, in respect of Commercial Leisure Uses, as it fails to comply with other policies in relation to residential amenity within the local plan, namely L5 and H11.

02/12/04 Application received for listed building consent for internal alterations and formatting of new frontage. (application ref: 04/04139/FUL) This is considered in a separate report.

Description of the Proposal

The application is for the change of use of two retail premises to either side of the entrance to 12 - 16 Forrest Road (known as Oddfellows Hall). These retail premises will provide additional floorspace to the existing bar/restaurant to the rear. This additional floorspace will operate as a cafe/bar during the daytime and as a bar venue during the evening.

It is also proposed to alter the frontage.

3 Officer's Assessment and Recommendations

DETERMINING ISSUES

The determining issues are:

- Do the proposals preserve or enhance the character and appearance of the conservation area; there being a strong presumption against the granting of planning permission if this is not the case;
- Do the proposals preserve the listed building or its setting or any features of special architectural or historic interest which it possesses; there being a strong presumption against granting permission if they do not; For the purposes of this issue, 'preserve' in relation to a 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 plan, are there any compelling reasons for approving them.

ASSESSMENT

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

- a) The physical alterations will preserve and enhance the character and appearance of the listed building and the conservation area as a whole;
- b) The proposed change of use of these retail units is acceptable in principle in this location;
- c) There will be any detrimental impact on neighbouring residential amenity;
- d) There will be any road safety implications.

a) Local Plan policy states that alterations, extensions or changes of use of listed buildings should not diminish the architectural integrity of the building or its historic interest. It also states that new development within a conservation area should take proper account of the character of that conservation area and how it may be enhanced. The proposed external alterations are minimal and are considered to be in keeping with the existing building and will not detract from either the character and appearance of the listed building or the conservation area as a whole.

The shops are currently vacant and are used to advertise the bar at Oddfellows Hall. They therefore appear unkempt and do not contribute to the character or appearance of the area. Their proposed active use in this mixed use area would be a positive contribution to the character of the area.

b) The site lies within the Mixed Activities Zone. In terms of location, local plan policy supports commercial leisure uses here providing there will be no adverse impact on existing residential amenity and subject to other Local Plan policy objectives being met. Forrest Road is also identified as being within a Local Shopping Centre. The shopping function of such an area should be protected while allowing flexibility in order to accommodate other appropriate non-retail uses which may add to the centre's vitality and viability.

Up to 40% of non-retail uses are allowed within a defined Local Shopping Centre. The most recent shopping survey indicates that out of a total of 42 units, 28 units of these were in retail use which equates to 66.6%. The incorporation of these two retail units into the existing public house would reduce the overall number of units to 40. This would result in the number of non-retail units remaining the same but there would be a reduction in the overall retail presence from 28 units to 26. The proposals would still satisfy local plan policy. It is considered, however, that as these premises have been vacant for some time and as the external alterations will not significantly alter the appearance of the frontage, thus avoiding the creation of 'dead frontage', the proposals will not compromise the retail function of this local shopping centre.

c) The surrounding area is characterised by a mix of uses. There are residential properties at upper levels to either side of the existing bar/restaurant premises. Policy L5 and the supplementary guidance on the location of licensed premises do not favour such changes of use under or in the midst of housing. The non-statutory guidelines state that "in the midst of housing" is defined as being where there is existing residential property immediately adjoining two or more sides of the application site.

While the first floor part of the application falls within this definition, the two retail units which are the subject of the change of use are not, as they are at ground floor with commercial uses to either side. The proposals are for the expansion of an existing, well established use in a busy central location of mixed uses.

The current scheme has been amended to address issues raised during the determination of the previous scheme. The previous scheme proposed to remove a ceiling to the front of the premises between the ground and first floor forming a double height area. This double height area has now been significantly reduced. The premises will retain the existing windows to the front elevation and will be accessed via a single lobbied entrance to help alleviate potential noise breakout. The additional floorspace open to public use is marginal given the floor area of the existing premises. There will in fact be an overall reduction in the net floor area of the premises due to the partial

removal of the first floor area and the introduction of a double height space to the front of the premises.

An acoustic report has been submitted by the applicants and Environmental and Consumer Services are satisfied that there will not be any significant impact on the amenity of neighbouring residents.

In all the circumstances, the impact of the extension to the business will not be significant in terms of residential amenity and it would be difficult to sustain a policy objection to the proposal.

d) The premises are located on a busy city centre thoroughfare. It is not considered that the proposal will have a significant impact on traffic and road safety.

The change of use of these two retail units will not compromise this local shopping centre and, as they are located with this busy city centre area, the use of these units as additional floorspace to the existing public house is unlikely to have any significant impact on residential amenity beyond the existing situation.

It is recommended that Committee approves this application subject to the conditions regarding noise and ventilation.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Emma Wilson- Wednesday, Thursday And Alternate Fridays Only on 0131 529 3634 (FAX 529 3717)
Ward affected	32 - Tollcross
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Mixed Activities
Date registered	24 November 2004
Drawing numbers/ Scheme	1- 8, 10 - 13 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, Barbara Cummins on 0131 529 3996. Email: barbara.cummins@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 or sarah.bogunovic@edinburgh.gov.uk

Application Type Full Planning Application
Application Address: 10 - 18 Forrest Road
Edinburgh
EH1 2QN
Proposal: Change of use from shops to bar/restaurant internal alterations,
new ground floor frontage
Reference No: 04/04139/FUL

Consultations, Representations and Planning Policy

Consultations

Environmental and Consumer Services

This Department had concerns about this proposed development because it involves the extension of an entertainment premises. However we are now satisfied that the increase in size is not significant and will not result in a greater number of customers visiting these premises. This Department has no objection to this proposed development subject to conditions relating to noise and sound insulation and ventilation measures.

Representations

The application was advertised on 3 December 2004. Two letters from Community Councils and a petition from neighbouring shop owners have been received objecting to the proposals on the following grounds:

- Over-provision of such uses in this area;
- Noise nuisance;
- Detrimental to neighbouring residential amenity.

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 Central Edinburgh Local Plan identifies the site as being within the Mixed Activities Zone and a Local Shopping Centre.

Relevant Policies:

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

Policy CD3 (LISTED BUILDINGS - USES) establishes a presumption (with stated qualifications) in favour of retaining a listed building in (or restoring it to) its original use.

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 CD23 (SHOPFRONT DESIGN) promotes high standard shopfront design and sets out criteria for assessing shopfront proposals.

Policy S7 (PROTECTION OF SHOPPING USES) sets out criteria for assessing changes of use (within defined retail frontages) from a shop unit to a service or other non-retail use appropriate to a shopping area.

Policy S9 (PROTECTION OF SHOPPING - LOCAL NEED) seeks the retention in shopping use of existing shopping facilities for which there is a clear local need.

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 L2 (COMMERCIAL LEISURE USES) sets out criteria for assessing commercial leisure uses within the Retail and Office Cores, Mixed Activities Zone and other areas where commercial uses are present.

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 'RESTAURANTS, CAFES AND HOT FOOD SHOPS' provide guidance on the location of such uses and set out conditions to control their impact.

Non-statutory guidelines on 'LOCATION OF LICENSED PREMISES' support local plan policies on proposals for licensed premises in locations where the protection of residential amenity may also be an issue.

Non-statutory guidelines on 'SHOPFRONTS - DESIGN AND CONSERVATION' supplement local plan conservation and design policies, providing additional guidance on shopfront conservation and design.

Non-statutory 'WORLD HERITAGE SITE CONSERVATION MANIFESTO' supplement Central Edinburgh Local Plan policies relating to conservation and design and seeks to assist in preserving the historic fabric of Edinburgh's World Heritage Site and to ensure that changes complement and enhance its special character.

Application Type Full Planning Application

Application Address: 10 - 18 Forrest Road
Edinburgh
EH1 2QN

Proposal: Change of use from shops to bar/restaurant internal alterations,
new ground floor frontage

Reference No: 04/04139/FUL

Conditions/Reasons associated with the Recommendation

Recommendation

To recommend 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. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
3. 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.
4. The kitchen ventilation system being designed and installed so that gases are expelled with a minimum upwards velocity of 15 metres per second.

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.

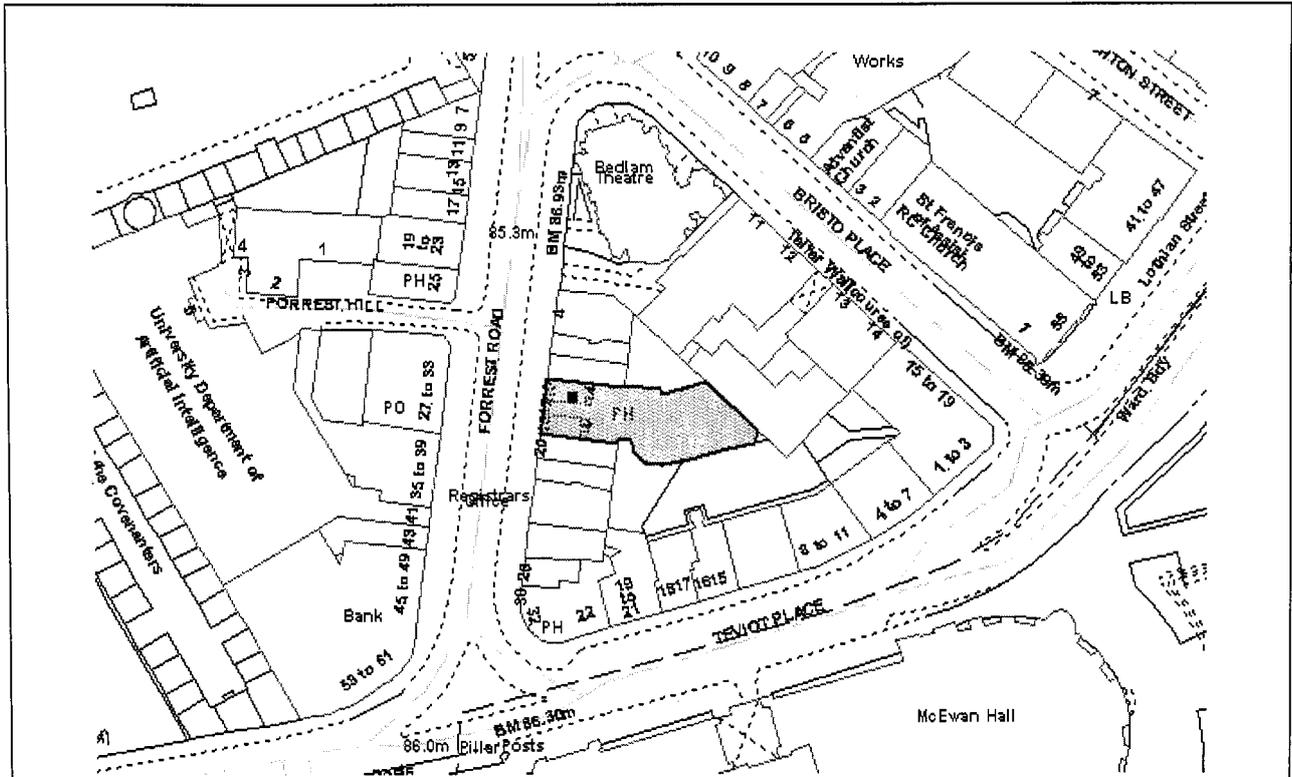
End

Application Type Full Planning Application

Proposal: Change of use from shops to bar/restaurant internal alterations, new ground floor frontage

Reference No: 04/04139/FUL

Location Plan



Reproduction from the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence Number 100023420 The City of Edinburgh Council 2004.