

Full Planning Application 07/03346/FUL

at

17 Frederick Street

Edinburgh

EH2 2EY

Development Management Sub-Committee of the Planning Committee

1 Purpose of report

To consider application 07/03346/FUL, submitted by CCK Bars Ltd. The application is for: **Erection of retractable canopy, timber decking, hardwood counter + illuminated balustrade box between building + pavement**

It is recommended that this application be **REFUSED AND ENFORCED**

2 The Site and the Proposal

Site description

The application relates to the basement of a 3-storey basement and attic classical tenement circa 1786-92. The application site is currently in use as a cafe with shops and offices on the upper floors.

This is a category 'B' listed building (listed on 24.03.1966, ref 28781) and is located within the World Heritage Site.

This property is located within the New Town Conservation Area.

Site History

91/02335/ADV - permission granted to 'Erect cowl lights over existing projecting sign; revise content of existing signs and forecourt/post lantern' (21.01.1992)

91/02432/LBC - consent granted to 'Alter masonry/fascia colour' (10.01.1992)

99/02194/FUL - permission granted to 'Repaint exterior to ground floor and internal alterations' (24.09.1999)

99/02194/LBC - consent granted to 'Repaint ground floor exterior and internal alterations' (11.10.1999)

01/02594/FUL - permission granted for 'Alternations to existing public house' (29.08.2001)

01/02594/ADV - advertisement consent was granted for 'New fret cut stainless steel letters fixed to fascia on 40mm spacers, sign writing onto existing painted wall and new spot light projecting sign (29.08.2001)

01/02594/LBC - Listed building consent was granted for 'Alternations to existing public house and erect signage' (18.09.2001)

05/03839/ADV consent granted for 'Restaurant and bar signage and lighting (as amended)' (24.01.2006)

05/03839/FUL consent granted for 'Fit-out as restaurant and bar, plus external alterations (as amended)' (24.01.2006)

05/03839/LBC consent granted for 'Fit-out of premises as restaurant and bar, plus external signage and lighting' (as amended) 09.02.2006

07/00418/ELBB - Enforcement inquiry for 'Installation of Awning and Alterations to form Uplighters to Front of Premises including Removal of Railings'

Description of the Proposal

The retrospective proposals are for:

- A white plastic retractable canopy applied directly onto the stonework above the basement windows
- Timber decking which covers the original stone steps and solum floor
- A hardwood counter attached to a red plastic illuminated balustrade box which encloses the basement area

Although they do not form part of this application, the following unauthorised elements on the building are also being considered:

- Two uplighters located between the windows
- An ornate gilt message board applied to the wall adjacent to the windows

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 plan, are there any compelling reasons for approving them?

ASSESSMENT

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

- a) The proposals have an adverse impact on the character or appearance of the conservation area.
- b) The proposals have an adverse impact on amenity.

a) 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 raised decking is an inappropriate addition to the classical Georgian architecture of listed buildings, particularly within the New Town. The decking is not a traditional feature within basement areas of these historic buildings and introduces an alien feature within the formal townscape. It is an incongruous addition to the basement area and has an adverse impact on both the character of the building and the setting of the listed building. The decking obscures the original stone steps and detracts from the character and appearance of the conservation area.

The retractable canopy housing is constructed of white plastic mounted on brackets applied directly onto the stone face of the building and is visually obtrusive. The canopy is not a traditional feature and is not integrated into a traditional shopfront. It is an obtrusive element that has an adverse effect on the character of the building.

The red plastic lightbox is bulky, obtrusive and constructed of inappropriate shiny material and detracts from the character of the streetscape. The message board and uplighters do not form part of this application but they are also unauthorised and are not sympathetic to the buildings character.

The proposed alterations are wholly inappropriate and have a detrimental effect on the character and appearance of the New Town Conservation Area.

b) Environmental health has concerns regarding previous noise complaints being made regarding this premise and that the introduction of an awning is to facilitate the use of the area for people to congregate and smoke. However, this could occur without this application and should any noise issues arise that are linked to the application premises, can be dealt with under Licensing legislation.

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

It is recommended that the Committee refuses this application and authorises enforcement action to remove the unauthorised canopy, lighting, message board, timber decking, hardwood counter and illuminated balustrade box for reasons relating to the adverse impact on the character and appearance of the conservation area.


Alan Henderson
Head of Planning and Strategy

Contact/tel	Grainne Lennon on 0131 529 3543
Ward affected	A11 - City Centre (NEW)
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Office Core/Core Shopping Frontage in the Central Area
Date registered	7 August 2007
Drawing numbers/ Scheme	01 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, Anna Grant on 529 3521. Email: anna.grant@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: 17 Frederick Street
Edinburgh
EH2 2EY
Proposal: Erection of retractable canopy, timber decking, hardwood counter + illuminated balustrade box between building + pavement
Reference No: 07/03346/FUL

Consultations, Representations and Planning Policy

Consultations

Services for Communities (Environmental Assessment)

No objections to the proposed development.

Representations

No representations have been received.

Planning Policy

The site is situated within the Office Core of the Central Edinburgh Local Plan and within the finalised Edinburgh City Local Plan as a Core Shopping Frontage in the Central Area.

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

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.

Non-statutory guidelines 'ALTERATIONS TO LISTED BUILDINGS' provide general guidance for assessing proposals for both internal and external 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 **REFUSED AND ENFORCED** for the reasons below.

Reasons

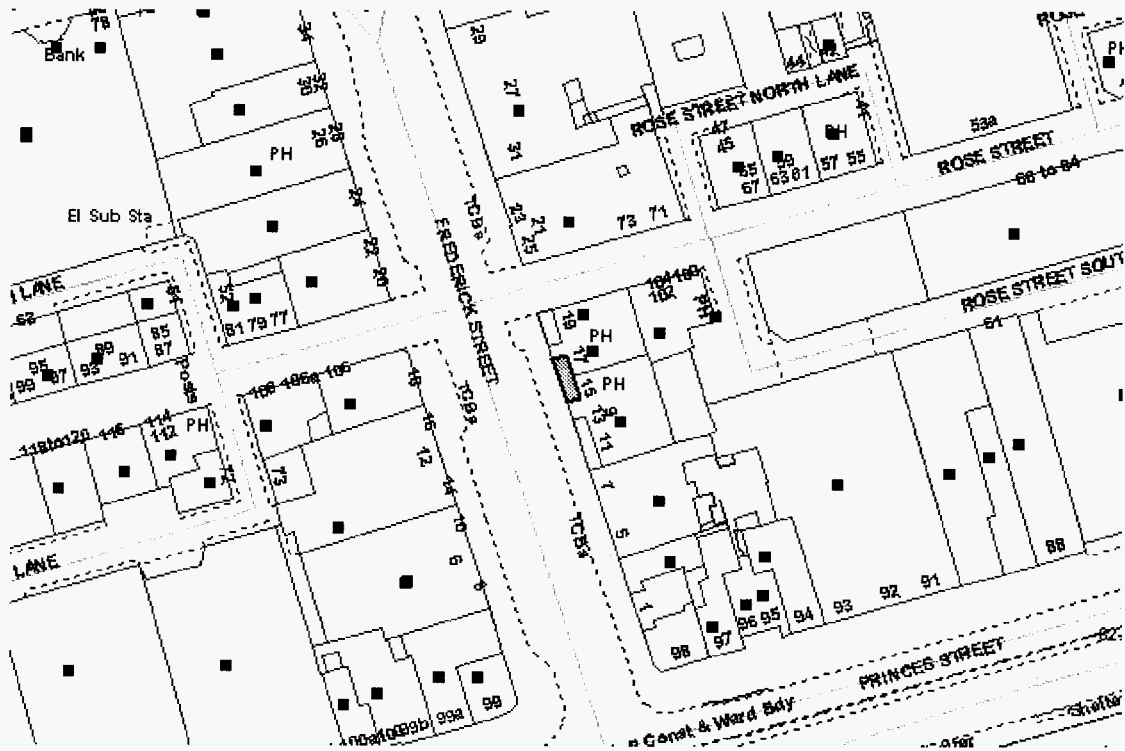
1. The proposal is contrary to Central Edinburgh Local Plan Policy CD2, in respect of Listed Buildings, as the proposals have an adverse effect on the character of the listed building.
2. The proposal is contrary to Central Edinburgh Local Plan Policy CD4, in respect of Conservation Areas, as it has an adverse effect on the character and appearance of the conservation area.
3. The proposal is contrary to Central Edinburgh Local Plan Policy CD5, in respect of Conservation Areas - Redevelopment, as it does not respect the special character of the conservation area
4. The proposal is contrary to Central Edinburgh Local Plan Policy CD19, in respect of Building Alterations, as the works are not compatible with the character of the original building in respect of design, form, choice of materials and positioning.
5. The proposal is contrary to Edinburgh City Local Plan Policy Env 3 in respect of Listed Buildings – Alterations and Extensions, as it is not in-keeping with the character of the original building

6. The proposal is contrary to Edinburgh City Local Plan Policy Env 5 in respect of Conservation Areas - Development, as it has an adverse effect on the character and appearance of the conservation area
7. The proposal is contrary to Non Statutory Guidelines in respect of Alterations to Listed Buildings, as they have an adverse effect on the architectural integrity of the building
8. The proposal is contrary to the Non-Statutory Guidelines in respect of Commercial Frontages, as the property does not have a traditional shopfront and the proposals do not respect the buildings domestic character.

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Location Plan

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