

Full Planning Application 04/03993/FUL

at

5A Forth Street

Edinburgh

EH1 3JX

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

1 Purpose of report

To consider application 04/03993/FUL, submitted by Mrs Scott. The application is for: **Proposed change of use from vacant office to form restaurant associated with Regent House Hotel**

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

2 The Site and the Proposal

Site description

The premises are the ground and basement floors of a three storey plus basement building. They are currently in office use with the two floors above forming additional bedroom accommodation for the adjacent hotel.

The property is in an area of mixed character. To the west of the premises there is a restaurant and a stationery shop. To the north, there are offices and residential properties. Further to the east the area is predominately residential in character with flatted dwellings.

The building is listed category B and is in the New Town Conservation Area.

Site history

27/10/2004- Planning application withdrawn for a change of use from vacant office to form restaurant and function room associated with Regent House Hotel, reference number 04/01709/FUL.

15/11/2004 - application submitted for Listed Building Consent for alterations associated with change of use, reference number 04/03993/LBC. This application has not yet been determined.

Description of the Proposal

It is proposed to change the use of vacant offices to form a restaurant associated with the adjacent hotel. The restaurant would be located on the lower ground floor and the ground floor. The occupancy of the restaurant would be 28 and 24 settings respectively, giving a total occupancy of 52 over the two floors.

There are also alterations to provide a door and bridge access to the rear and internally to link the premises to the hotel.

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 of this is not the case;
- do the proposals preserve the listed building or its setting or any features of special or historic interest? there being a strong presumption against granting permission if they do not;
- 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 proposed use is appropriate to the area b) the proposal is detrimental to the amenity of neighbours and c) the proposal preserves or

enhances the character and appearance of the listed building and the conservation area.

a) The surrounding area is a mixture of commercial premises and residential properties and is immediately adjacent to Broughton local shopping centre and the boundary of the city centre office core. It is considered that the location of the restaurant as an extension to the existing hotel in principle is acceptable.

b) The restaurant as stated would be located on two floors with a total capacity of 52. A small bar area/lounge is proposed. In this regard, the relevant policy, L5 (Licensed Premises) provides that the change of use of premises under or in the midst of housing to a public house or similar licensed premises will not be allowed. The hotel extends above the ground floor to the third floor of the property, which includes the roof area. There are residential flats to the side of the hotel (No.7 Forth Street), but none above the proposed restaurant. Whilst there are residential properties within the surrounding area and to the side of the premises, the impact on residential amenity would be minimal providing that the conditions as recommended by Environmental Services are imposed.

c) The conservation area's character is summarised in the 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'.

A listed building application for the formation of a new external door and fire escape bridge link to rear garden is currently pending, reference 04/03993/LBC. It is considered that the formation of the rear door and bridge is acceptable as it is evident that this was an original feature at this property.

The proposal would not adversely affect the character or appearance of the listed building or the conservation area.

In conclusion, the proposal would preserve the character and appearance of the conservation area and is compliant with local plan policies and the Council's guidelines and would not prejudice residential amenity.

It is recommended that the Committee approves this application, subject to conditions relating to the control of cooking odours, noise from plant and machinery, amplified music and the installation of sound proofing measures to safeguard residential amenity.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Mark Russell on 529 3665
Ward affected	19 - Broughton
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Housing and Compatible Uses
Date registered	16 November 2004
Drawing numbers/ Scheme	1 to 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, 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: 5A Forth Street
Edinburgh
EH1 3JX
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Reference No: 04/03993/FUL

Consultations, Representations and Planning Policy

Consultations

Environmental Services

No objection, subject to standard condition controlling cooking odours, noise, amplified music and delivery times.

Representations

The application was advertised on the 26 November 2004. Two letters of objection have been received, both from a nearby resident. The material concerns raised relate to:

- noise and disturbance from restaurant.
- detrimental to the character of the street and area.
- increase in activity and traffic.
- there is no need for a further restaurant in the Broughton/Picardy area.
- imposition of a condition relating to no amplified music should be the development is approved.

Full copies of the representations made against this application are available in Group Rooms or can be requested for viewing at the Front Counter, 1 Cockburn Street.

Planning Policy

The application site is located within a 'housing and compatible uses' area and the New Town Conservation Area as provided by the Central Edinburgh Local Plan.

Relevant Policies:

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 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

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

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

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Conditions/Reasons associated with the Recommendation

Recommendation

To recommend that this application be **Granted**

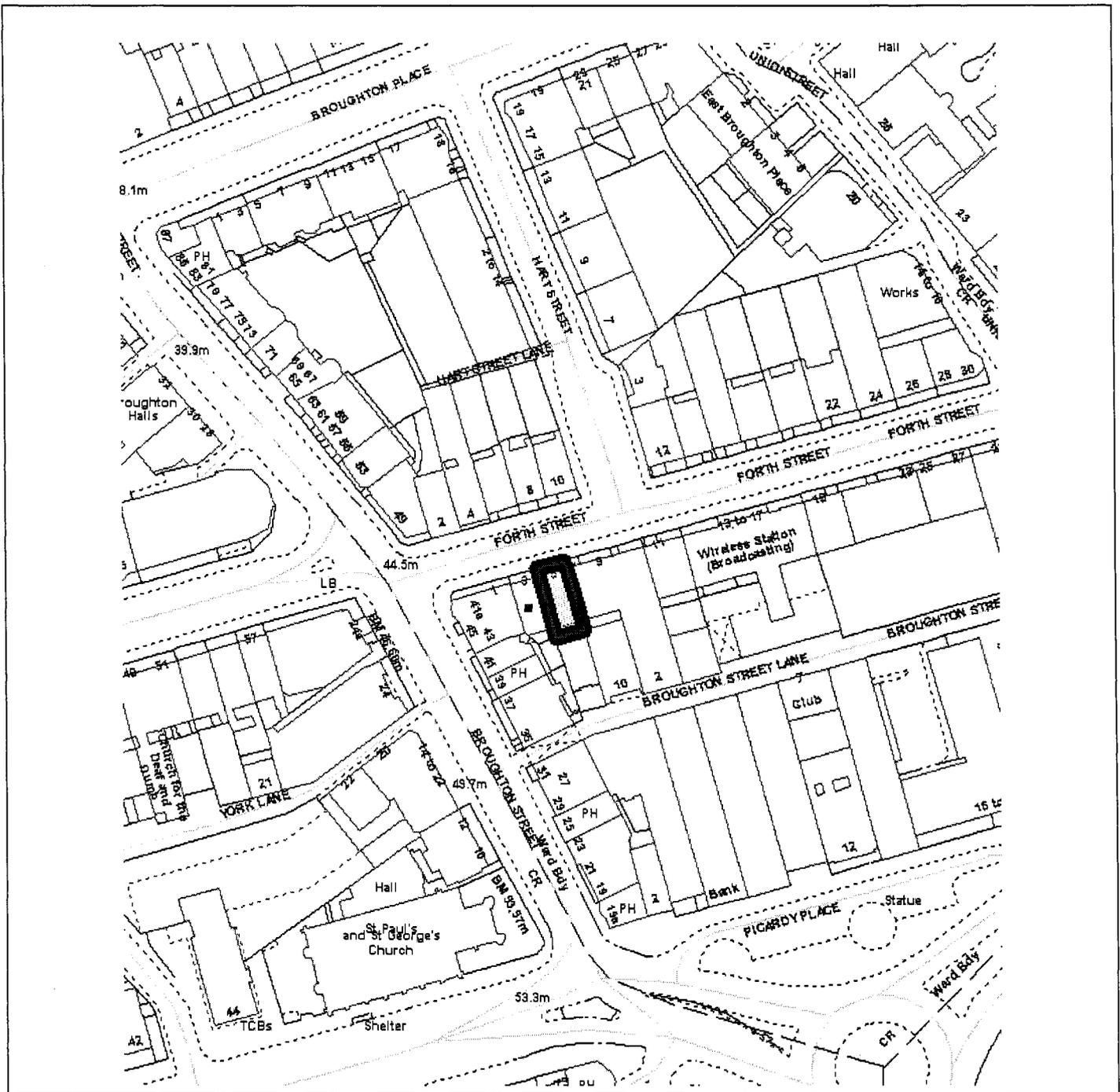
Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. Full details of the method of ventilation shall be submitted to and approved in writing by the Head of Planning & Strategy prior to the use hereby approved being taken up.
3. The approved ventilation system shall be installed and tested for the escape of odours to the satisfaction of the Head of Planning & Strategy, prior to the use hereby approved being taken up.
4. The ventilation system shall be designed so that there is no requirement for the erection of an external flue or duct.
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. No live music, amplified or otherwise, shall be played on the premises.
7. The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any neighbouring living apartment.

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 character of the statutorily listed building.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. In order to safeguard the amenity of neighbouring residents and other occupiers.

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PLANNING APPLICATION

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THE CITY OF EDINBURGH COUNCIL			
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			