

Full Planning Application 04/03218/FUL

at

24 1F Nicolson Street

Edinburgh

EH8 9DH

Development Quality Sub-Committee of the Planning Committee

1 Purpose of report

To consider application 04/03218/FUL, submitted by Roxburgh Investments..
The application is for: **Change of use from meeting house to flat**

It is recommend that this application be **REFUSED** for the reasons in
Appendix B.

2 The Site and the Proposal

Site description

The application property is a first floor meeting house with a meeting room, four office spaces, with one kitchen area and two toilets. The application property forms part of a 4-storey and mansard attic tenement building built circa 1790 and is sited over two existing commercial units at ground level. No. 26 and No. 22 Nicolson Street both operate as hot food takeaways with designated areas of seating for customers. There is also a separate restaurant within the basement of No. 22A Nicolson Street.

The rear elevation of this building has a projecting bow with a full height metal ventilation duct and two air conditioning units attached to the side elevation of No. 28 Nicolson Street. The restaurant/takeaway at No. 22A Nicolson Street also has mechanical ventilation inserted into existing windows.

Nos. 22-26 Nicolson Street are category B listed (Item No. 1677) and are located within the South Side Conservation Area.

Site history

Concurrent listed building consent application for internal alterations to form a flat pending consideration (04/03218/LBC)

10.06.1992 - consent granted to remove condition on restricted hours at 22 Nicolson Street (92/00618/FUL)

17.12.1991 - consent granted to erect post sign, sign on railings and menu board at 22A Nicolson Street (91/00838/LBC/ADV)

10.05.1989 - consent refused to extend hours of restaurant and hot food takeaway at 22 Nicolson Street (A533/89)

04.02.1987 - consent granted to remove condition restricting the hot food sold to baked potatoes, part change of use from hot food shop to hot food shop and restaurant and erect external flue at 22 Nicolson Street (A2337/86)

12.09.1979 - consent refused for change of use from shop to public house at 22A Nicolson Street (A1265/79)

07.02.1979 - consent granted for extension of opening hours until 1 a.m. on Fridays and Saturdays only at 22 Nicolson Street (A2374/77)

27.09.1978 - consent granted for opening up basement and erection of railings at 22 Nicolson Street (A1128/78)

15.02.1978 - consent granted for change of use from shop to restaurant and hot food shop at 22 Nicolson Street (A2374/77)

Description of the Proposal

The proposals involve the change of use of this first floor meeting house to form a single residential unit. No external alterations are proposed.

3 Officer's Assessment and Recommendations

DETERMINING ISSUES

The determining issues are:

- do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against the 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 they do not, there is a presumption against the granting of permission. 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 the determining issues, the Committee needs to consider:

a) whether the proposed use is acceptable in this location;

b) whether the proposals have an adverse impact on the character or appearance of the conservation area;

c) whether the proposals are detrimental to residential amenity or road safety.

a) The proposed residential use will sit between the two commercial properties at ground floor and the existing residential unit at second floor level. Although there are other residential properties on the second, third and attic floors, the current use of the first floor as a meeting house provides a buffer between the ground floor commercial units and these residential units.

The restaurant/takeaway at No. 22 Nicolson Street has a full height metal duct on the rear and there are conditions imposed on the planning consent to control the operation of this ventilation. The premises at No. 26 Nicolson Street has been established as a café since 1965 and therefore has no conditions controlling its ventilation. During the site visit, cooking smells were evident in a number of rooms within the application property and it is apparent that the occupants of this property would achieve a less than acceptable level of amenity.

Whilst policy CD3 (Listed Buildings - uses) supports the restoration of properties to their original use, this is only where this is in line with other policies of the plan. In this instance, the proposal to restore the residential use would conflict with other objectives of the plan and on balance a residential unit in this location would be unable to achieve a reasonable level of residential amenity. To allow a residential use above the established cafe use would result in a juxtaposition of incompatible uses which may prejudice the existing cafe and impact on its continuing operation.

The proposed residential use will conflict with the existing ground floor commercial uses and would provide an unacceptable level of amenity for future occupiers.

The proposed residential use is unacceptable in this location.

b) The character of the South Side Conservation Area is described in the Central Edinburgh Local Plan as follows:

"The buildings of the South Side are predominantly tenemental, with examples of Georgian and Victorian architecture in the Scottish style. Wallhead gables once common in many Scottish cities, are a particular feature of many buildings. The development of the area started in the late eighteenth century, although several villas predate this, with the construction of George Square, laid out as a spacious speculative housing development by James Brown in 1766. The expansion of the South Side continued into the nineteenth century with the construction of late Georgian squares (such as St Patrick Square and Hill Square); subsequent development resulted in a high density mix of flats, shops, pubs, schools and churches. The University of Edinburgh occupies much of the northern part of the conservation area with several significant buildings (e.g. Medical School and McEwan Hall) as well as more recent, and less sympathetic, academic buildings."

As no external alterations are proposed, the proposals will have no adverse impact on the character or appearance of the conservation area.

c) The proposal to insert a residential use directly above, and in direct contact with, these two commercial units will result in a sub-standard level of amenity for the future occupiers and will be an unacceptable juxtaposition of uses.

The proposals will not be detrimental to the road safety.

The proposals do not comply with the development plan and will have a detrimental impact on residential amenity.

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

The application has been requested for presentation to Committee by Councillor Ponton on behalf of his constituent.

It is recommended that the Committee refuses this application, for the reasons relating to amenity.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Damian McAfee on 0131 529 3529 (FAX 529 3717)
Ward affected	34 - Holyrood
Local Plan	
Statutory Development Plan Provision	
Date registered	8 September 2004
Drawing numbers/ Scheme	01, 02 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, Nancy Jamieson on 0131 529 3916. Email: nancy.jamieson@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

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Consultations, Representations and Planning Policy

Consultations

Environmental and Consumer Services.

The environmental impact of this application would normally warrant consideration by Environmental and Consumer services. Whilst sharing the concerns of Planning colleagues with regard to this application, unfortunately due to a shortage of staff resources we are unable to undertake the detailed assessment required at this time.

Representations

No representations have been received.

Planning Policy

The application property lies within a Mixed Activities Zone, in an area of Secondary Frontages (max. 40% non-retail use allowed) of the Central Edinburgh Local Plan.

Relevant Policies:

Policy H3 (HOUSING - CONVERSION OF NON-RESIDENTIAL BUILDINGS) encourages, and sets out criteria for assessing, the change of use of suitable non-residential buildings to housing.

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 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.

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Conditions/Reasons associated with the Recommendation

Recommendation

To recommend that this application be **Refused** for the following reasons

Reasons

1. The proposal is contrary to Central Edinburgh Local Plan Policy H3, in respect of Conversion of Non-Residential Buildings to Housing, as the proposed residential use will be incompatible with the adjoining commercial properties.

2. The proposal is contrary to Central Edinburgh Local Plan Policy H11, in respect of Housing Amenity, as the proposed residential unit will be unable to achieve a reasonable level of residential amenity.

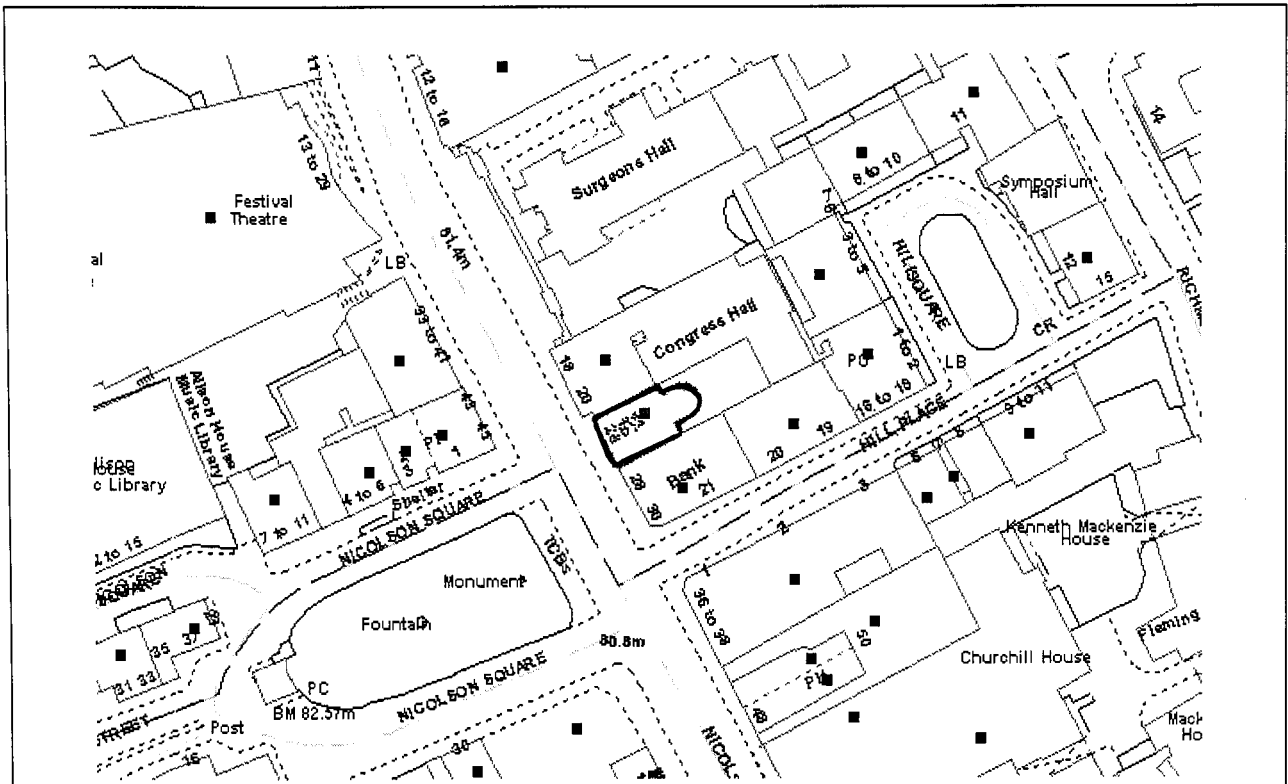
End

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Location Plan



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