

Planning Permission 12/03090/FUL
at
Central Library
7 - 9 George IV Bridge
Edinburgh
EH1 1EG

Development Management Sub-Committee
of the Planning Committee

1 Purpose of report

To consider application 12/03090/FUL, submitted by Mr Ally Hill. The application is for: **Alterations and change of use to existing vaults/storage space to form a temporary performance/arts/nightclub space with a two year lifespan. Alterations consist of the introduction of electrical and mechanical services, new temporary stud partitions, lighting and signage, alterations to toilets.**

It is recommended that this application be **Granted** by Committee.

2 The Site and the Proposal

Site description

The building is category B listed, designed by George Washington Brown, 1887-90 and was listed on 14 December 1970 (ref: 27587). It has five storeys to the Cowgate and two to George IV Bridge. There is a small fire escape door entrance to the basement/vaults off Victoria Street and a main services pend off the Cowgate.

The site is surrounded by commercial premises. India Buildings lies directly to the north west in Victoria Street and sides on to the rear open courtyard. To the south west of this is the Liquid Rooms. To the south is the Cowgate. To the east across George IV Bridge, is the National Library of Scotland. The

vaults consist of four main stone arched spaces, known in this application as Dressing Room and Delhi Belly, on the first floor, with White Belly and Iron Belly, on the Second Floor; all of which are under the carriageway of George IV Bridge. These main spaces are interconnected with bar, seating and toilet areas on both floors, towards the rear and below the Library itself. The two floors are connected by a spiral stair and door at ground level to an open air rear courtyard (smoking area), which is screened by India Buildings on one side, a two storey free standing flank wall to the rear and the return of the Library Building on the other.

The site is in the Edinburgh World Heritage Site.

This property is located within the Old Town Conservation Area.

Site History

2 October 2012 - Concurrent listed building consent GRANTED for alterations and change of use to existing vaults/storage space to form a temporary performance/arts/nightclub space with a two year lifespan. Alterations consist of the introduction of electrical and mechanical services, new temporary stud partitions, lighting and signage, alterations to toilets (12/3094/LBC).

Pre-Application Process

There is no pre-application process history.

Description Of The Proposal

The application is for the change of use of the existing vaults/storage space to form a temporary performance/arts/nightclub space with a two year lifespan. The vaults form part of the building owned by the Council and it is intended that this is a temporary use. The premises have been used for many years informally as a nightclub/festival fringe venue under various names, and more recently as The Bongo Club at the Underbelly, Cowgate.

The physical alterations do not require planning permission and are covered in the listed building consent.

3. Officer's Assessment and Recommendation

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 consent.

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 consent. 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 use as a nightclub is acceptable in principle is this location;
- b) there would be any impact of residential amenity; and
- c) there would be any impact on the appearance or character of the conservation area or the building and its setting.

a) Policy Ret 6 (Entertainment and Leisure Developments) of the Edinburgh City Local Plan supports new entertainment facilities in the Central Area, provided 'the proposal is compatible with the surrounding uses and will not lead to a significant increase in noise, disturbance and on-street activity at unsocial hours to the detriment of living conditions for nearby residents'. In addition, Policy Hou 8 (Inappropriate uses in Residential Areas) states that 'changes of use, which would a materially detrimental impact on the living conditions of nearby residents, will not be permitted'.

The non-statutory guidelines on Food and Drink Establishments provides additional guidance, stating that entertainment venues should be located so as to impinge as little as practicable on residential surroundings and should not be allowed under or in the midst of housing.

The proposed use is in the Central Area of the city where mixed commercial uses, including leisure and entertainment uses, are acceptable, subject to residential amenity being safeguarded in terms of noise, disturbance and on-street activity at unsocial hours. The site is outwith the Area of Restriction for such uses as outlined in the non-statutory guidelines.

Several of the George IV Bridge vaults are used for pubs and music venues and therefore this location is favoured because it is well away from dwellings and is therefore acceptable in principle.

b) The site has the advantage of being deep below street level away from any residential properties. The nearest residential flat to the north west is in West Bow some 150 metres away. The nearest residential property to the Cowgate service entrance/vennel is 20 metres away, but up on George IV Bridge. There have been no complaints from the library regarding noise pollution in

the past. The rear courtyard is surrounded by commercial properties and therefore any noise outbreak would be limited to these premises and the courtyard itself, and would not affect residential amenity. However, the most noise would be created in the vaults themselves which are naturally soundproofed by the sheer density of the blind stone arches above.

Environmental Assessment is concerned that noise outbreak could occur through the courtyard windows, even if these are secondary glazed as proposed. It is concerned that the outside courtyard might be a source of nuisance and the ventilation system might not be acoustically isolated.

In response, the applicant has submitted a Noise Management Plan which advocates signage in the smoking area of the courtyard to inform clientelle to keep noise down with security staff policing the area. It states that the bar sound system would be limited to 85 dB and that secondary glazing would be fitted to windows from the bars facing onto the courtyard. Door closers would be fitted to exit doors for the ground floor bar to the courtyard. Staff emptying bottle bins would be restricted to before 11pm. These measures appear reasonable, although use of the courtyard cannot be controlled by condition as it would form part of the overall premises.

The single complaint about noise in the past has been from noise in the early morning from operations near the Cowgate entrance during the Edinburgh Festival. The whole of India Buildings, which flank the north side of the rear courtyard where clientelle will sit out is non-residential, as are other surrounding buildings. The entrance on to the Cowgate is a long vennel and there are many other club and pub uses in this area. Given that this is a temporary consent for 2 years and that the Library will carry out a comprehensive review of the use of the premises after this time, it is recommended that consent is granted without a requirement for a full noise assessment, but subject to the conditions recommended below.

c) The Old Town Conservation Area Character Appraisal identifies that *'the breadth of facilities and attractions establishes the Old Town as a cultural, leisure, entertainment and tourism centre of national importance'*.

This area of the Old Town has a number of pubs and nightclubs. The proposed use is therefore in character with the conservation area. In terms of the alterations, the proposals are limited to internal accommodation and an enclosed rear courtyard only and will not have any physical impact on the appearance off the conservation area.

In terms of the building and its setting the changes are minimal and have no adverse impact.

In conclusion the proposals comply with the Development Plan and will not adversely impact on the conservation area, or upon residential amenity.

There are no other material considerations which outweigh this conclusion.

It is recommended that the Committee approves this application, subject to a 2 year consent condition, and a condition requiring secondary glazing and door closers in order to ameliorate against noise outbreak.

REASON FOR DECISION

The proposals comply with the development plan and the non-statutory guideline stated and will not adversely impact on the building, on the conservation area or upon residential amenity.

David R. Leslie
Acting Head of Planning & Building Standards

Contact/tel	Duncan Robertson on 0131 529 3560
Ward affected	A11 - City Centre
Local Plan	ECLP
Statutory Development Plan Provision	Central Area
Date registered	30 August 2012
Drawing numbers/ Scheme	01 - 07 Scheme 1

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing at [Planning and Building Standards online services](#)

If you require further information about this application you should contact the following Principal Planner, Anna Grant, 0131 529 3521, anna.grant@edinburgh.gov.uk

Appendix A



Application Type Planning Permission
Application Address: Central Library
7 - 9 George IV Bridge
Edinburgh
EH1 1EG

Proposal: Alterations and change of use to existing vaults/storage space to form a temporary performance/arts/nightclub space with a two year lifespan. Alterations consist of the introduction of electrical and mechanical services, new temporary stud partitions, lighting and signage, alterations to toilets.

Reference No: 12/03090/FUL

Consultations, Representations and Planning Policy

Consultations

Environmental Assessment

I write to confirm our assessment of the risk assessment and management strategy for the control of noise at the Underbelly.

Noise from the smoking area is of greatest concern and is the most difficult to control. There is no analysis of the impact that this would have on the nearest residents and whether reverberation of the noise from this courtyard might be an issue.

Music outbreak by a number of different means, is also a reasonable risk. Although secondary glazing is proposed, it is not clear whether this would be sufficient to contain the music. In addition it is not clear whether limiting the music to 85dB would be sufficient.

Concerns are also raised about the acoustic properties of the ventilation system.

A detailed assessment of sound levels/production and the potential impact on residents should be undertaken. This would provide us with evidence to support the fact that there will be no adverse impact on residential amenity and that conditions to control the noise would be achievable etc.

Archaeology

There are no known archaeological constraints upon this planning application.

Representations

The application was advertised on 7 September 2012. No representations have been received.

Representations, if any, are available to view in the document list at [Planning & Building Standards online services](#).

Planning Policy

The site is allocated as Central Area in the Edinburgh City Local Plan.

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Policy Ret 6 (Entertainment and Leisure Developments – Preferred Locations) identifies the Central Area, Leith & Granton Waterfronts and town centres as the preferred locations for entertainment and leisure developments.

Non-statutory guidelines 'FOOD AND DRINK ESTABLISHMENTS' provide guidance on the location of such uses and set out conditions to control their impact.

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community

Appendix B



Application Type Planning Permission
Application Address: Central Library
7 - 9 George IV Bridge
Edinburgh
EH1 1EG

Proposal: Alterations and change of use to existing vaults/storage space to form a temporary performance/arts/nightclub space with a two year lifespan. Alterations consist of the introduction of electrical and mechanical services, new temporary stud partitions, lighting and signage, alterations to toilets.

Reference No: 12/03090/FUL

Conditions/Reasons associated with the Recommendation

It is recommended that this application be Granted by Committee, subject to any conditions, reasons and informatives stated below.

Conditions:-

1. This consent shall be for two years only.
2. Door closers shall be fitted to the courtyard door at ground level and secondary glazing fitted to all window openings facing onto the courtyard, as detailed in the Management Plan dated 24 October 2012, prior to the use being taken up.

Reasons:-

1. In view of the temporary nature of the use and its possible impacts on longterm amenity, and because of the review of the use of the site by the Central Library following this consent.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

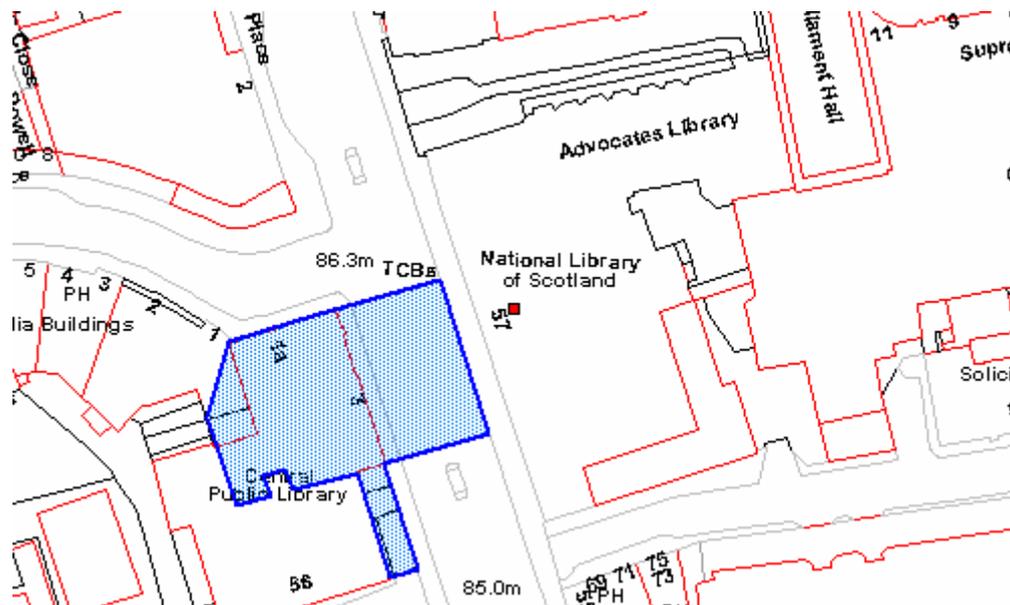
End

Appendix C

Application Type Planning Permission

Proposal: Alterations and change of use to existing vaults/storage space to form a temporary performance/arts/nightclub space with a two year lifespan. Alterations consist of the introduction of electrical and mechanical services, new temporary stud partitions, lighting and signage, alterations to toilets.

Reference No: 12/03090/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 2005.