

Development Management Sub Committee

Wednesday 14 January 2015

**Application for Planning Permission 14/03514/FUL
At 17 Waverley Bridge, Edinburgh, EH1 1BQ
Proposed change of use from class 3 food and drink to sui
generis public house including external alterations.**

Item number	4.7
Report number	
Wards	A11 - City Centre

Summary

The proposals comply with the development plan and Edinburgh planning guidelines. The proposed alterations to the listed building would preserve and enhance the character and appearance of the conservation area. The proposals would not adversely affect the setting of the listed building. The proposed change of use would be acceptable and would be appropriate to the city centre location and would not adversely impact upon the amenity of neighbours.

Links

<u>Policies and guidance for this application</u>	CITCA1, CITR6, CITR12, CITE1, CITE3, CITE4, CITE6, NSLBCA, CRPOLD,
---	--

Report

Application for Planning Permission 14/03514/FUL At 17 Waverley Bridge, Edinburgh, EH1 1BQ Proposed change of use from class 3 food and drink to sui generis public house including external alterations.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The building is located to the eastern side of Waverley Bridge, with vehicular ramps leading to Waverley Station located immediately to the north and south.

The building forms part of the Category A listing for Waverley Station, LB reference;- 30270, Date of listing;- 12 November 1991. The original parts of the building date from the 1850's and previously functioned as a Parcels Office prior being converted to a wine bar circa. 1988.

The structure is single storey featuring a flat roof contained by a parapet with moulded cornice. The principal frontage comprises seven bays with round-headed window openings between paired pilasters. The existing windows and doors have been subject to modern alteration when the building was converted to a bar in the late 1980's. The main building is flanked to the north and south by modern pitched roof annexes, with gated yard areas lying adjacent, these opening to Waverley Bridge.

The application site lies in a visually prominent location within the Waverley Valley, rising above the level of the adjacent Waverley Station. The area around the application site forms an important pedestrian thoroughfare linking the Old Town and New Town areas with Waverley Station. No residential properties lie within immediate proximity of the application site.

Waverley Bridge is currently subject to public realm enhancements being undertaken by the Council. These works include widening and resurfacing of footways using natural stone and introduction of a raised table immediately outside the application premises.

The building lies within the Old Town Conservation Area and Edinburgh World Heritage Site.

2.2 Site History

01 September 2014 - Listed Building Consent lodged for internal and external alterations to the building (Application reference;- 14/03515/LBC).

20 February 1998 - Listed Building Consent granted for alterations to café/bar (Application reference;- 97/03311/LBC).

10 March 1998 - Advertisement Consent granted to erect illuminated signage (Application reference;- 97/03404/ADV).

18 August 2005 - Listed Building Consent granted for minor alterations + change of external colour + air handing units (as amended) (Application reference;- 05/00912/LBC).

19 August 2005 - Planning permission granted for bar/restaurant (internal alterations) + external alterations + air handling units (as amended) (Application reference;- 05/00912/FUL).

27 May 2005 - Advertisement Consent granted for Projecting signs (2 no), cut out vinyl on glass, cut out metal lettering on offset mounts, cut out vinyl on acrylic backing (as amended) (Application reference;- 05/00912/ADV).

Main report

3.1 Description Of The Proposal

The application is for the proposed change of use from Class 3 food and drink to sui generis public house.

The proposed hours of opening would be Sunday to Wednesday 07:00 to 00:30 and Thursday to Saturday opening 07:00 to 01:30.

Various external alterations are proposed as part of the conversion of existing restaurant to a public house. Period architectural features including the roof lamps and double wrought iron gates to the open yard areas would be retained. Stonework and render would be subject to repair and repainting. Alterations to the building would include;-

- The modern glazed double doors to the main entrance would be replaced by solid timber panelled doors;
- The existing single pane glazing to the modern arched windows to the front elevation would be replaced with slimline double glazed units (maximum 6mm cavity). The existing top arched windows would be reinstated to clear glazing;
- Two new doorway openings would be formed to the south elevation to serve a goods lift and fire escape respectively;
- A clear glazed roof light, 13 metres length and 2.5 metres width, would be formed within the flat roof area of the main building;
- Existing hood ductwork and fan units to the roof of the main building would be removed and replaced with new ductwork and louvers to the existing positions;
- The modern annexe structures to the north and south of the main building would be subject to minor alteration. The existing sheet cladding and felt covering to the northern annexe roof would be replaced with dark grey single ply membrane, with ridged up-stands. The existing glazed screen and double doors to the external yard would be replaced with folding glazed doors.

The window frames to the north elevation would be repainted with a solid fuel stainless steel flue (1000mm height) being placed to the rear roof plane;

- To the southern annexe, the existing felt roof is being considered for replacement with a dark grey single ply membrane as per the northern annexe. Two new air vents are proposed to the front and rear roof planes with new boiler flues to the rear roof plane. To the south elevation, an existing door opening would be in-filled and adjacent door being replaced by a glazed door. The adjacent open yard area would be converted to a beer garden and repaved this also providing service access for delivery vehicles; and
- The existing condenser units to the south elevation would be removed. New condenser units and waste bins would be contained within new painted timber fenced compounds within the southern yard area.

The premises would be serviced from Waverley Bridge, with service vehicles reversing into the proposed beer garden to the south of the building.

The applicant has submitted the following documents in support of the application;-

- Planning Statement.
- Design, Access and Heritage Statement.

3.2 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.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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?

3.3 Assessment

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

- a) the proposed change of use is acceptable;
- b) the proposed alterations to the building will adversely affect the character and appearance of the conservation area or qualities of the Edinburgh World Heritage Site;
- c) the proposal will adversely affect the setting of the listed building;

- d) the proposal will raise adverse transport impacts;
- e) the proposal will raise equalities or human rights impacts; and
- f) representations have been addressed.

a) Proposed change of use

Local Plan Policy Ca 1 states that development in the central area will be permitted which maintains the character, attractiveness, vitality, accessibility and mix of uses of the city centre. In terms of the proposed use, Policy Ret 12 states that the change of use to a pub will not be permitted if likely to lead to an unacceptable increase in noise, disturbance, on-street activity or anti-social behaviour to the detriment of living conditions for nearby residents, or if in an area where there is considered to be an excessive concentration of such uses to the detriment of nearby residents. Local Plan Ret 6 states that permission will be granted for high quality, well designed entertainment facilities in the Central Area that are compatible with surrounding uses. This policy also reinforces that such uses should not lead to a significant increase in noise or be detrimental to residential amenity.

The building has functioned as a licensed restaurant since circa. 2005 and has previously operated as a pub and wine bar from the late 1980's.

No residential uses lie within immediate proximity of the application site with the closest such use being the hotel at the corner Cockburn Street and Market Street situated approximately 70 metres to the south.

Whilst licensed premises operate in the vicinity of the site on Market Street, Cockburn Street and areas to the north of Princes Street, the proposed change of use from a licensed restaurant to a pub would not result in an excessive concentration of such uses which would be to the detriment of nearby residents. The application site occupies a busy city centre location, with high level of on-street activity and ambient noise.

Police Scotland has no objections to the proposal subject to detailed matters regarding the operation of the premises being addressed. These will be addressed through building warrant and licensing process. The proposed operation of the bar will be subject to a variation application to the existing licence with operating requirements including opening hours determined as part of that process.

The proposal is considered to meet the requirements of Local Plan Policy Ca 1 states in that it would maintain the character, attractiveness, vitality and accessibility of the city centre. The proposal would also maintain an appropriate mix of uses which would reflect the character and prominence of the location.

The proposed change of use from Class 3 Food and Drink to Sui Generis Public House is acceptable and meets the requirements of Local Plan Policies Ret 6 and Ret 12.

b) Character of the conservation area and qualities of the World Heritage Site

The Old Town Conservation Area Character Appraisal identifies the following in relation to the application site;-

The topography creates a dramatic natural setting and separates the Old Town from its surroundings.

Dramatic gateways created over the Waverley Valley;

The many important vistas and views in, out and within the area;

The clear definition and drama of much of the northern edge of the area, particularly the visibility of the Castle and Old Town ridge;

Site and buildings combine to form one of the most spectacular and romantic townscapes in Europe;

Mixed uses at ground floor level are important in securing active streets and streetlife.

The building occupies a visually prominent location within the Waverley Valley, rising above the level of the adjacent Waverley Station. The proposals would seek to restore period features and the alterations are considered appropriate to the architectural and historic character of the listed building. Existing roof top plant would be rationalised to minimise visual impact. The proposals demonstrate high standards of design and utilise materials appropriate to the historic environment. However, it is recommended that the details of the proposed repainting scheme are dealt with through condition.

The proposal would seek to retain a prominent listed building within the conservation area in active use. The proposed alterations would preserve and enhance the appearance of the conservation area and would meet the requirements of Local Plan Policy Env 6 and Council guidance. The proposal would not harm the qualities of the Edinburgh World Heritage Site and would meet the requirements of Local Plan Policy Env 1.

c) Setting of the listed building

Various changes are proposed within the curtilage of the listed building, including the formation of a storage compound and repaving of the open yard to the south of the building. The proposed works will seek to improve the external appearance of the yard by providing screening to external plant and waste storage, thus enhancing the external setting of the listed building.

The proposed development would not be detrimental to the appearance or character of the listed building or its setting and would meet the requirements of Local Plan Policy Env3.

d) Transport impacts

Transport initially raised concerns regarding the proposed servicing of the premises from Waverley Bridge, particularly in relation to the road layout which is currently being changed. However, a swept path analysis has now been provided to demonstrate that a dray vehicle can negotiate the new road layout for Waverley Bridge.

Transport has no objections to the application.

e) Equalities and human rights

An Equalities and Human Rights Assessment has been completed as part of the application. The principal impacts identified are the need to ensure compliance with DDA legislation and that the design of the proposals maximise accessibility for the mobility impaired. A number of measures are proposed which seek to maximise levels of accessibility within the constraints of the Category A listed building. The proposed arrangements are considered acceptable and no impacts have been identified with regard to equalities.

f) Representations

Comments from the Old Town Community Council raised the issues which have been addressed as follows:-

- Concern regarding the imbalance of commercial uses and the number of public houses in the Old Town - addressed in section 3.3a) of the report.
- Public houses already present in vicinity of the application site including Market Street and Cockburn Street - addressed in section 3.3a) of the report.
- Various comments regarding the proposed operator and nature of their operation with the proposal not considered an enhancement or attractive addition to the city - not material to the determination of planning permission.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. That details of the proposed external colour scheme are submitted to and agreed by the Planning Authority in writing prior to the commencement of works on site.

Reasons:-

1. In order to ensure that the proposed colour scheme is appropriate to the character and appearance of the Conservation Area and World Heritage Site.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. This permission relates to identified works only. This does not negate the requirement for further permissions which may be required, e.g. Advertisement Consent.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 15 September 2014.

One letter of objection has been received from the Old Town Community Council which raises the following issues;

- Concern regarding the imbalance of commercial uses and the number of public houses in the Old Town;
- Public houses already present in vicinity of the application site including Market Street and Cockburn Street;
- Various comments regarding the proposed operator and nature of their operation with the proposal not considered an enhancement or attractive addition to the city; and
- Note that whilst this proposal has no particularly redeeming features to proposal, there are no strong reasons to oppose it.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

Statutory Development**Plan Provision**

Edinburgh City Local Plan - Central Area, Conservation Area, World Heritage Site and Public Transport Interchange adjacent.

Date registered

1 September 2014

Drawing numbers/Scheme

01-07,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Francis Newton, Senior planning officer

E-mail:francis.newton@edinburgh.gov.uk Tel:0131 529 6435

Links - Policies

Relevant Policies:

Policy Ca 1 (Central Area) sets criteria for assessing development in the Central Area.

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.

Policy Ret 12 (Food and Drink Establishments) sets criteria for assessing the change of use to a food & drink establishment.

Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its settings.

Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Policy Env 4 (Listed Buildings – Alterations & Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

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 1

Application for Planning Permission 14/03514/FUL At 17 Waverley Bridge, Edinburgh, EH1 1BQ Proposed change of use from class 3 food and drink to sui generis public house including external alterations.

Consultations

Transport Planning - Development Control

The agent has provided a plan indicating that the new premises will be serviced from the proposed south beer garden and has also provided a swept path analysis to show that a drey vehicle can negotiate the new proposals for Waverley Bridge ie bollards. These drawings have been forwarded to the Council's design team for the Waverley Bridge scheme who have no objection to the proposals.

Based on the above we would have no objections to the application.

Police Scotland

It is noted that much of this proposed application is the preservation/reinstatement of features, improving current infrastructure and ensuring the roof is watertight.

Recommendations & Observations: -

- 1. The application does not give any guidance on the proposed opening hours for the premises as it is sui generis public house, the application states that it is to have 185 covers (inside), but it is unknown if this will be the total capacity or the capacity for those who propose to eat at the premises with others availing themselves of the facility above this threshold number.*
- 2. The premises has a frontage pavement, but has access roads for Waverley Station on either side of the building, although access to the station is restricted to certain vehicles, there is still a section of slip road. There has been a road traffic fatality on Waverley Bridge this year linked to the slip roads. Patrons of the proposed premises, especially if they are not locals or aware which side of the road that vehicles are in Britain, maybe exposed to a risk from this. It is unknown if at any time there would be large volumes of clients at the front of the property and who would manage these.*
- 3. It is understood that the proposed premises has no responsibility for smokers, but it would be anticipated that there would be some form of provision and where this would be located.*
- 4. On either side of the premises are gates that lead into areas that have been used as 'Beer Gardens', it is recommended that these gates are secured in such a way that if required as a fire exit the gates comply with this use, but do not allow patrons to enter*

and leave the premises via this route. All patrons would access the premises via the main entrance so that staff would have an overview of those entering and leaving.

5. Bi-fold doors and other fire doors are to be replaced/installed, it is recommended that as a business premises, the security accreditation and features are carefully assessed so that they do not create an easy point of entry. As a business doors to LPS 1175SR3/4 should be considered, bi-fold doors have a number of moving parts and often have no effective means of bracing the door, making them vulnerable to being forced, so finding a door that has an accreditation is beneficial.

6. Condensers are to be placed in new compound area, it is unknown if the current area is to be reconfigured or if another location on the site is being chosen for them, so no comment can be made regarding this at this time.

7. It is noted that stairs on the southern side of the property is denoted as being for staff use only - will access control be used to ensure compliance with this and can be overridden if the fire alarm is activated. Access control should be considered throughout the building to separate the public and private areas of the business. Any access control system should ensure separation of functions and can be automatically over-ridden in the event of a fire alarm activation. An access control system worked by means of a card or fob would allow cards/fobs to be immediately removed from the system when staff leave, lose the card/fob or it cannot be accounted for. Monitored access control on beer store, bottle store and other storage areas as required.

8. Boiler rooms, plant rooms, meter rooms, bottle store and beer store should have security doors, preferably to at least LPS 1175 SR3 with areas like the boiler/plant room and meter room being constantly alarmed unless staff or external contractors are working in the premises.

9. The design and processes used in relation to toilet facilities can assist premises restricting the options for potential drug misuse.

10. Any CCTV installation has to be carefully installed with consideration to changing requirements in terms of licensing, discussing the options with relevant interested parties.

11. It is suspected that the business will have large cash takings, so cash handling procedures and securing of cash is an important consideration for the proposed business.

12. All commercial premises need to be alarmed with a confirmed monitored system, to which police response can be attached and will be dependent on staffing levels at the time of any activation. Consideration should be given to the system to have flexibility, so that in the winter months all fire doors can be alarmed to prevent patrons moving freely in and out of the premises using all doors rather than those being designated.

13. The roof light is to be 'clear glazed safety glass', it is recommended that this is a suitable standard of laminate glass and it is installed in such a way that it cannot be compromised in order to effect entry into the premises.

Environmental Assessment

The applicant proposes changing the use of an existing use class 3 property to form a public house with beer gardens. The property is not located near any other sensitive uses such as residential properties; therefore Environmental Assessment offers no objection.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END