

Development Management Sub Committee

Wednesday 11 February 2015

**Application for Planning Permission 14/03714/FUL
At 9A Antigua Street, Edinburgh, EH1 3NH
Alterations to existing restaurant including shop front and
rear extension.**

Item number	4.1
Report number	
Wards	A11 - City Centre

Summary

The proposals comply with the development plan and the non-statutory guidance stated and will not adversely impact on the character and appearance of the conservation area, or upon the residential amenity of residents to the rear of the site or those within the tenement block.

Links

<u>Policies and guidance for this application</u>	LPC, CITD12, CITE3, CITE6, NSLBCA, NSBUS, CRPNEW,
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Report

Application for Planning Permission 14/03714/FUL At 9A Antigua Street, Edinburgh, EH1 3NH Alterations to existing restaurant including shop front and rear extension.

Recommendations

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

Background

2.1 Site description

The site is to the front and rear of a category B listed, circa 1800, near symmetrical double tenement with slightly advanced shopfronts to ground floor. It was listed on 16 June 1966 ref: 28258. It sits within a terrace on the west side of the street opposite London Road. The frontage is dominated by restaurants and other commercial premises at ground floor with residential tenements above.

The site is within the Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

16 and 31 March 2000 - Planning permission and listed building consent granted to install new flue, new windows and doors (flue in retrospect) (00/00144/FUL+LBC).

16 March 2010 - Enforcement case closed. A large flat roofed extension was built at the rear of the property. Appears to have been built long before the time advised by the enquirer. An application from 2000 granted a large flue up the rear of the building as well as allowing windows and a door to be added to the extension (10/00128/EOPDEV).

Main report

3.1 Description Of The Proposal

The proposal is to extend the restaurant to the rear by adding 3.8 metres onto the length of the full width existing flat roofed extension. This will provide a new restaurant seating area and toilets. Materials: harled block work to match with flat roof. A new traditional timber and glass shopfront is proposed with fielded panel stallrisers in a similar design to next door at Kushi's restaurant.

Scheme 1 - Included four new pyramidal roof lights, since deleted, and seating designation only, no toilets.

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 extension, and shopfront, are acceptable in design and materials to the character and appearance of the conservation area;
- b) there are any amenity issues;
- c) the objections made have been addressed;
- d) there is any impact on the outstanding universal value of the Edinburgh World Heritage Site; and
- e) there are any equality or human rights issues.

a) The New Town Conservation Area Character Appraisal describes the essential architectural character of the Gayfield Square area as:

The overwhelming retention of buildings in their original design form, allied to the standard format of residential buildings, strongly contributes to the character of the area. The retention of mews and lanes, largely in their original form contributes to the character of the area. The encroachment of modern shop fronts which tend to be unsympathetic in design and materials. The standard palette of materials including blonde sandstone, timber.

Gayfield, standing between the main routes to Leith has always been varied in character. It is beyond the commercial core of the City Centre yet not wholly within a clearly residential area. As a result there has always been a substantial residential population living amongst other uses. This variety has been extended by redevelopment and by the conversion of residential property to office use.

Shop units occupy the street level accommodation along Leith Walk and Broughton Street and occasional shop uses are present in Union Street and in other locations. Gayfield Square is a notable office location as is Leith Walk, but both contain a considerable residential presence.

The design of the extension is simple as per that at Kushi's restaurant next door and extends almost to the same rear building line. A condition is recommended to enhance the extension with stone quoins and buff render. The new shopfront is of traditional design and will enhance the building.

b) There are no windows proposed in the rear elevation so that there should not be any loss of privacy to the residential terrace to the rear. Environmental Assessment has asked for confirmation and been assured that the existing flue is adequate to serve the new kitchen and that plant noise should meet NR25 and that sound transmission will be adequately ameliorated. As the use is already existing, further conditions in this respect would not be enforceable.

There are no amenity issues.

c) In respect to comments made about deliveries and waste disposal, this is not controllable by planning condition as the restaurant currently operates historically without such conditions. However, deliveries and waste pick up should be made from the front of the premises, as a present, where access is easiest from the street. Fire escape is a Building Standards issue. Materials have been amended to include stone quoins and colour finish (condition recommended). The extension would be a solid masonry box without windows and standard noise insulation should prevent loss of privacy or any outbreak of noise to nearby residents. No al fresco dining is proposed. This application will regularise any previous lack of planning consent for the existing extension. The lighting and signage of the frontage is subject to separate other consents being required, so is controllable.

There are no amenity issues and the comments received have been addressed.

d) The Outstanding Universal Value of the World Heritage Site is expressed in the Statement of Significance adopted by the World Heritage Committee of UNESCO. Within the context of this site the distinct character of the New Town requires to be considered in the redevelopment of this site. The proposals respect this character in the use of materials and flat roofed design similar to that approved next door. The rear, non-public location of this site is not prominent within the Edinburgh World Heritage Site. The proposal does not harm the qualities which justified the inscription of the World Heritage Site and would not have a detrimental impact on the site's setting. It therefore complies with policy ENV 1.

e) The application has been assessed and has no apparent impact in terms of equalities or human rights.

In conclusion, the proposals are acceptable and will not adversely impact on the conservation area or upon the amenity of nearby residents or the wider locality.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. The new extension shall be finished with dressed stone quoins, and the existing single storey wing and the proposed extension shall be finished in buff coloured render. Samples shall be submitted and agreed in writing prior to the development commencing and thereafter implemented as agreed.

Reasons:-

1. In order to safeguard the character of the conservation area.

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.

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:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

Not applicable.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 19 September 2014. Seven letters have been received including that from the Gayfield Lane Residents Association; three of objections and four of comment:

- Materials - Addressed in paragraph a) of the assessment in this report.
- Noise and privacy - Addressed in paragraph b) in the Assessment in this report.
- Deliveries, waste collection, fire escape and alfresco dining - Addressed in paragraph c) of the assessment in this report.
- Existing extension built without planning or building consent and was unlicensed and Hope lighting and signing are restrained - Addressed in paragraph c) in the Assessment in this report.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

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

Date registered

12 September 2014

Drawing numbers/Scheme

01A - 02A; 03,

Scheme 2

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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Des 12 (Shopfronts) sets criteria for assessing shopfront alterations and/or advertising proposals.

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 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.

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Appendix 1

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Consultations

Environmental Assessment

The applicant proposes reorganisation and extension of an existing restaurant. The premises are basically the ground floor location of a typical Edinburgh tenement property with residential flats above. Environmental Assessment has considered the application in terms of the impact it is likely to have on the amenity of existing residential properties above.

Noise

The kitchen is to be enlarged and relocated directly below the residential properties. The agent has confirmed that sound insulation will be improved with the development, so there is not any concern with noise from the operation of the business escaping into the flats above. That said, it is recommended that a condition be put on any consent given to ensure noise from the re-development is so controlled so as not to adversely affect the amenity of residents.

Odour

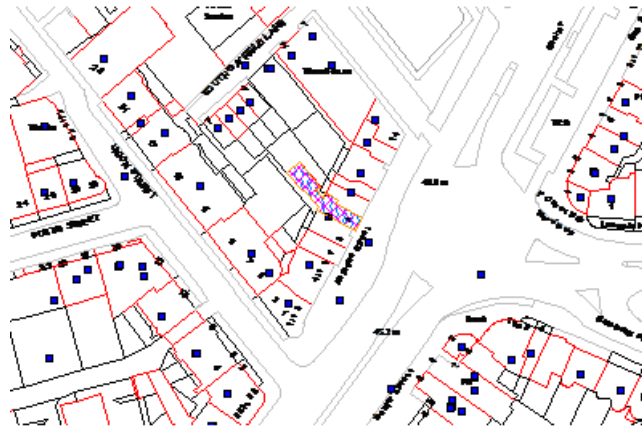
The agent has submitted information in support of the application that the existing provision for the kitchen ventilation system will be utilised for the new kitchen. The system's external ducting is of sufficient size to achieve the requirement of 30 air changes per hour. It also terminates at an appropriate location - chimneyhead level - to ensure cooking effluvia is dispersed away from residential properties so as not to cause an adverse impact. The existing kitchen ventilation system has been in operation for a number of years and does not raise any complaints or concerns.

The current hours of use will be maintained.

In conclusion, Environmental Assessment has no objections to this proposed development subject to the following condition being put on any permission given, to ensure the protection of amenity:

- the sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no airborne noise from the normal operations within the application premises is audible in any neighbouring living apartment.

Location Plan



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