

Development Management Sub Committee

Wednesday 25 February 2015

**Application for Planning Permission 14/03506/FUL
At 143 George Street, Street Record, Edinburgh
Place decking and marquee structures on the roadway.**

Item number	4.3
Report number	
Wards	A11 - City Centre

Summary

The proposals comply with the development plan and Edinburgh planning guidelines and do not adversely affect the setting of listed buildings, the character and appearance of the conservation area or the outstanding universal values of the World Heritage Site. There are no concerns regarding transport, vehicular access or neighbour amenity. The nature of the temporary use is considered acceptable.

Links

<u>Policies and guidance for this application</u>	CITD1, CITD3, CITD5, CITD7, CITE1, CITE3, CITE6, CITR1, CITR7, NSGESS, NSGD02, CRPNEW,
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Report

Application for Planning Permission 14/03506/FUL At 143 George Street, Street Record, Edinburgh Place decking and marquee structures on the roadway.

Recommendations

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

Background

2.1 Site description

The site comprises the existing carriageway and footway to the northern side of George Street, extending from North Charlotte Street to North Castle Street. The combined width of carriageway and footway are approximately 8 metres. The footway is surfaced in large concrete flagstones which are laid perpendicular to a whinstone kerb. The carriageway is surfaced in asphalt.

The application site is contained to the north by continuous built frontage, with the following listed buildings lying in the vicinity of the proposal:

137, 137a, 139 and 141 George Street with railings which are category B listed (LB reference:- 28860 and listed on 13 January 1966).

135 George Street which is category B listed (LB reference:- 28859 and listed on 13 January 1966).

The site is located in the New Town Conservation Area and Edinburgh World Heritage Site.

2.2 Site History

25 June 2014 - Planning permission granted for decking structures outside existing bars and restaurants to the northern side of George Street between South Charlotte Street and Castle Street (Application reference:- 14/01326/FUL).

Main report

3.1 Description Of The Proposal

This proposal forms part of a wider Council led initiative being taken forward by Essential Edinburgh Ltd. An experimental Traffic Regulation Order (TRO) for George Street was agreed by the Council's Transport, Infrastructure and Environment Committee on 29 October 2013.

This gave approval for the introduction of a one way system on George Street, a two way cycle path and additional space for pedestrians as an initial 12 month experiment. This temporary intervention is intended to highlight opportunities for an improved pedestrian environment.

This application is for the erection of temporary timber decking with marquee tent and outdoor seating. This would be additional to the decking and marquees previously installed in George Street, these providing outdoor seating for the existing bars and restaurants. Planning permission for these structures was granted by the Committee on 25 June 2014 (Application references;- 14/01326/FUL, 14/01327/FUL, 14/01328/FUL and 14/01329/FUL).

The marquees will comprise a coated steel frame with white canvas exterior. The structure would extend 16.85 metres length, 4 metres width, extending to a maximum 5.65 metres height and 3.2 metres to the eaves. The walls of the marquee will be demountable to form an open sided structure. These would be placed within the newly defined pedestrian areas to be located in the southern carriageway.

Planning permission has been previously granted for six marquees with associated decking in the block to the east of the application site, these relating to the GBK and Gusto restaurants, adjacent to 135-141 George Street, Browns restaurant, adjacent to 131-137 George Street, Tigerlily bar, adjacent to 121 and 125-127 George Street and the Candy Bar/Living Room, adjacent to 109-115 George Street.

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 permission.

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 use is acceptable;
- b) The proposals adversely affect the setting of listed buildings;
- c) The proposals achieve an acceptable standard of design and preserve and enhance the character of the conservation area, and the World Heritage Site;
- d) The proposals raise transport or traffic safety issues;
- e) The proposals adversely affect neighbour amenity;

- f) The proposals raise equalities and human rights impacts; and
- g) Representations have been addressed.

a) Proposed Use

The proposal forms part of a wider Council led initiative, being taken forward by Essential Edinburgh Ltd. An experimental Traffic Regulation Order (TRO) for George Street, was agreed by the Council's Transport, Infrastructure and Environment Committee, 29 October 2013. This gave approval for the introduction of a one way system on George Street, a two way cycle path and additional space for pedestrians as an initial 12 month experiment. This temporary intervention is intended to highlight opportunities for an improved pedestrian environment.

The proposed structure would be linked with existing businesses on George Street. As their installation is controlled under roads legislation in addition to planning legislation they are not considered to constitute a change of use. This position would have to be reviewed if the site of the structure ceased to be part of the road as a result of any permanent changes under roads legislation.

On this basis, it is recommended that a condition is attached to a planning permission that grants temporary consent to the end September 2015, after which the structures must be removed from the site within a month.

b) Setting of Listed Buildings

Edinburgh City Local Plan (ECLP) Policy Env 3 states that development within the curtilage or affecting the setting of the listed building will be permitted only if not detrimental to the appearance or the character of the building, or its setting.

The curtilage of the adjacent listed buildings are considered to include the area of footway adjacent to the building extending as far as the kerb line. The proposed structures will occupy an area beyond the kerb line which visually forms part of the carriageway and as such will be situated outside the curtilage of the adjacent listed buildings.

The positioning of the proposed structures will have a limited impact upon the views of adjacent listed buildings, particularly towards the sections of frontage at ground floor level. However, the marquee can be configured as an open sided structure, which will allow for a greater degree of transparency between the street and adjacent listed buildings.

Given the fact that the proposed structures will be temporary in nature, the overall effect on the setting of listed buildings is considered to be neutral and any limited impact is outweighed by the benefits of an enlivened street scene.

c) Conservation Area and World Heritage Site

The New Town Conservation Area Character Appraisal identifies that;-
The streets of the First New Town are hierarchical in their width and quality of design and finish.

The three parallel streets of Princes, George and Queen Streets allied with Charlotte and St Andrew Square are the grandest in Craigs's Plan, consisting originally of individual townhouses.

The use of a grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned using churches, monuments, buildings and civic statuary.

The proposed decking and marquee structures will be sited parallel to the adjacent frontage and kerb line, thus acknowledging the symmetry and spatial character of the street. The scale of the structures will be subservient within the street scene, allowing broader views of the townscape to be maintained. The proposed arrangement will also maintain principal axial views to the east and west and would not impede upon axial views to the side streets to the north and south.

The marquee will comprise a coated steel frame with canvas exterior, erected on timber decking. While the appearance of the structures will be temporary in character, the design is considered to offer an appropriate level of quality for the intended purpose. The structures along the street will also be of a uniform appearance, to provide visual coordination and ensure a consistent managed approach.

The proposal is intended to form a temporary intervention within the street in order to promote the use of newly defined pedestrian space and increase footfall in the city centre. The removal of traffic from the adjacent carriageway will enhance the spatial qualities of the street and promote greater use by pedestrians and cyclists. The wider objectives of the proposal would also accord with ECLP Policy Des 7, which supports the provision of new traffic free paths and spaces for pedestrians in the City Centre and a contribution towards pedestrian priority measures in existing streets.

The structures would not have any adverse impact on 'Outstanding Universal Value' and the aims of the project are compatible with the promotion and enhancement of Edinburgh's World Heritage Site. The proposals are acceptable in this regard.

The proposal is considered to meet the requirements of ECLP policies Des 1 Design Quality and Context, Des 3 Development Design, Des 5 External Spaces, Des 7 New Pedestrian Routes in the City Centre and Env 1 World Heritage Site and Env 6 Conservation Areas - Development, would achieve an appropriate quality of design for the location and would not adversely affect the character and appearance of the conservation area.

d) Transport

The proposals form part of a temporary Traffic Regulation Order, previously agreed by the Council's Transport, Infrastructure and Environment Committee.

The Head of Transport has no objections to the detailing, siting and temporary nature of the proposed decking or marquee structures subject to informatives being applied with regard to proposed signage, intensity of illumination and requirement for Council tables and chairs permit.

The proposals are considered acceptable in terms of traffic and road safety.

e) Amenity

A Noise Impact Assessment was prepared as part of the original proposals. On this basis, Environmental Assessment has further considered the impact of the proposed development on residential amenity.

The applicant proposes to cease use of the marquees by 22:00 except during the festival period. The actual operating hours will be controlled through the licensing regime.

Due to the fact that there are no residential properties located in close proximity to the site it is anticipated there will be no adverse impact from the development.

The proposals are acceptable in terms of amenity.

f) Equalities and Human Rights

An equalities and human rights assessment has been completed. This identified the need for proposals to comply with DDA legislation and to ensure that the proposal would maximise accessibility for the mobility impaired.

The level of the decking would be flush with the adjacent kerb, thus providing at-grade access which will be suitable for wheelchair users.

The experimental Traffic Regulation Order for George Street will enhance levels of accessibility for all users. Given the temporary nature of the proposal and the constraints of the existing street environment, the design of the proposals are acceptable and would not pose an adverse impact to equalities and human rights.

g) Representations

- The New Town is a UNESCO World Heritage Site location which retains original neo-classical and Georgian period architecture - addressed in sections 3.3 b) and c).
- Opposed to the addition of further temporary structures. George Street already features a range of mix of use including retail, bars and restaurants and the addition of decking and gazebos has been detrimental to the character of George Street - addressed in section 3.3 a).
- Would question the creation of private spaces, only accessible to paying customers, within the public realm - addressed in section 3.3a).

The need to heat these structures is at odds with the Council's desire to be a more sustainable city being both costly and inefficient - not a material planning consideration

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Planning Permission is granted for the decking structures and associated uses on a temporary basis only from February 2015 to end of September 2015.
2. At the end of the expiration of the temporary period of permission the approved uses must be stopped with the decking, marquees and associated equipment removed from the site.

Reasons:-

1. In order to give due recognition to the temporary nature of the proposed development.
2. In order to give due recognition to the temporary nature of the proposed development.

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. Any sign mounted perpendicular (i.e. overhanging the footway) must be mounted a minimum of 2.25 metres above the footway and 0.5 metres in from the carriageway edge to comply with Section 129(8) of The Roads (Scotland) Act 1984. Signs are not to be mounted over the carriageway.
5. The City of Edinburgh Council acting as Road Authority reserve the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of a non-adopted lighting applicable to the application address.
6. The applicant should be informed that a separate application to place table and chairs may be required.

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 22 September 2014 and one letter of objection was received from the Cockburn Association. This raised the following issues;-

- New Town is a UNESCO World Heritage Site location which retains original neo-classical and Georgian period architecture.
- Opposed to the addition of further temporary structures. George Street already features a range of mix of use including retail, bars and restaurants and the addition of decking and gazebos has been detrimental to the character of George Street.
- Would question the creation of private spaces, only accessible to paying customers, within the public realm.
- The need to heat these structures is at odds with the Council's desire to be a more sustainable city being both costly and inefficient.

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**

Edinburgh City Local Plan - Central Area

Date registered

10 September 2014

Drawing numbers/Scheme

01-02,

Scheme 1

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Acting Head of Planning and Building Standards

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Links - Policies

Relevant Policies:

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Des 7 (New Pedestrian Routes in the City Centre) relates to the creation of new pedestrian routes in the City Centre.

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

Policy Ret 1 (City Centre Retail Core) sets criteria for assessing retail development in or on the edge of the City Centre Retail Core.

Policy Ret 7 (Entertainment and Leisure Developments – Other Locations) sets out the circumstances in which entertainment and leisure developments will be permitted outwith the identified preferred locations.

Non-statutory guidelines 'The Edinburgh Standards for Streets' sets out principles and guidance whose aim is to achieve a coherent and enhanced public realm.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

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

Application for Planning Permission 14/03506/FUL At 143 George Street, Street Record, Edinburgh Place decking and marquee structures on the roadway.

Consultations

Transport Planning - Development Control

I have no objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. Consent should only be issued on a temporary basis, i.e. to structures to be removed at the end of the George Street traffic experiment;*
- 2. Any sign mounted perpendicular (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984. Signs are not to be mounted over the carriageway;*
- 3. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address;*
- 4. The applicant should be informed that a separate application to place tables and chairs may be required.*

Environmental Assessment

The above mentioned planning application is submitted for development in George Street that would allow an outdoor seating and marquee within the existing (extended) pedestrianised area.

The application has been assessed in terms of impact on noise and nuisance.

Due to the fact that there are no existing residential properties in close proximity to the proposed site, there are no concerns with regards the impact the development may have on amenity.

In conclusion, we recommend the application is approved.

