

# Development Management Sub Committee

Wednesday 19 April 2017

**Application for Planning Permission 16/04966/FUL  
At 15 Main Street, Kirkliston, EH29 9AE  
Erection of new restaurant and gallery/shop (as amended).**

<b>Item number</b>	4.16
<b>Report number</b>	
<b>Wards</b>	A01 - Almond

## Summary

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The proposals comply with the development plan and non-statutory policies and have no adverse effect on the character or appearance of the conservation area or significant archaeological remains. The development has no detrimental impact on residential amenity or road safety. There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

It is recommended that the Committee approves this application, subject to the recommended conditions.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LRET11, LDES01, LDES03, LDES05, LEN06, LEN09, LEN12, LTRA02, LTRA04, NSG, NSBUS, NSLBCA, NSGD02, NSP, CRPKIR,
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# Report

## **Application for Planning Permission 16/04966/FUL At 15 Main Street, Kirkliston, EH29 9AE Erection of new restaurant and gallery/shop (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application relates to a level site on the north of Main Street, approximately 80 metres from the junction of Queensferry Road and Station Road.

There is a recently built, single-storey nursery to the west and a dentist's surgery with an adjoining residence behind occupying a stone-built, single-storey cottage to the east.

Approximately two thirds of the site is occupied by a tarmacked parking area separated from the front third of the site by a brick/rendered wall. The front part of the site contains two trees within a grassed area bounded by a hedge to the front.

There are modern dwelling houses to the north and west of site and on the opposite side of Main Street, there are residential properties, a post office and a car repair garage.

The site is located within a mixed commercial/residential area.

This application site is located within the Kirkliston Conservation Area.

#### **2.2 Site History**

25 July 2014 - planning permission granted for change of use, alteration and extension from vacant public house to children's nursery (application number 14/02124/FUL).

### **Main report**

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#### **3.1 Description Of The Proposal**

The proposal is to erect a 50-seat restaurant with an ancillary gallery/shop.

The proposed building is in a contemporary style and single-storey measuring approximately 20.6 metres long by 13 metres wide at the front. The building tapers towards the rear following the line of the boundary wall of no. 17/17a Main Street.

The walls are finished in light-grey render and the windows and doors are grey aluminium-framed. The roof covering is a single-ply membrane with standing seams.

A grassed area at the front of the site will be retained along with the existing hedge but the two trees will be felled. The other tree in the car parking area will be retained and a grass strip will be formed at the rear of the car park. Two new trees will be planted in an existing grass area to the west of the nursery facing Main Street.

Vehicular, cycle and pedestrian access will be via the existing access for the parking area to the rear and a ten-bike cycle rack will be provided outside the main entrance at the front of the building. A ramped access will be located at the rear entrance.

A total of nine parking spaces, including one disabled space) are proposed in the existing parking area to the rear of the site which is currently used by the adjacent nursery.

### **Scheme 1**

The original scheme proposed the front building line further forward without any soft landscaping and a total of eight parking spaces to the rear.

### **3.2 Determining Issues**

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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 proposal is acceptable in principle in this location;
- b) the proposals will adversely affect the character or appearance of the conservation area;
- c) the proposals will adversely affect significant archaeological remains;
- d) the proposals will be detrimental to neighbouring residential amenity;

- e) the development will have a detrimental impact on road safety;
- f) any impacts on equalities or human rights are acceptable; and
- g) comments raised have been addressed.

### **a) Principle**

Edinburgh Local Development Plan (LDP) Policy Ret 11 permits the change of use to a restaurant in urban areas, provided this would not lead to an unacceptable increase in noise or disturbance to the detriment of living conditions for nearby residents or result in an excessive concentration of such uses.

Kirkliston has a public house on Main Street and a few takeaways in this area but no cafes or restaurants, apart from a bistro at Conifox Nursery within a rural estate off Burnshot Road.

The proposed use comprising a restaurant with ancillary gallery/shop will therefore make a positive contribution to the vitality and viability of Kirkliston. The modest scale of the development will ensure that it has no significant adverse impact on neighbouring residential amenity, in compliance with LDP Policy Ret 11.

### **b) Character of Listed Building and Character and Appearance of Conservation Area**

The Kirkliston Conservation Area Character Appraisal identifies the area's key characteristics as:

*"The predominant building form of small-scale, mainly symmetrical vernacular cottages and houses with simple pitched roofs, providing a unified character; the consistency in the use of traditional materials and the prevalence of residential use."*

The application site lies to the north of the historic centre of Kirkliston. Apart from the grassed area with two trees adjacent to Main Street, the main part of the site is hard surfaced with mixed material boundaries. A new building on this site is therefore acceptable in principle.

The proposed contemporary style, single storey restaurant is similar in scale, design and materials to the recently built nursery to the west and the ridge height sits slightly lower than that of the adjacent traditional cottage (dentist's surgery and residence) to the east.

The use of render as a wall finish is appropriate in this area of where many buildings are rendered and the proposed standing-seam, single ply membrane roof will appear as traditionally detailed lead. Most historic properties in Kirkliston have slate roofs and a few have pantiles, but a lead-appearance roof is an appropriate modern approach to distinguish the new building from the traditional architecture. The large windows on the front elevation will further demarcate the age of the new structure.

In terms of landscaping, the two trees in the front of the site are not significant specimens in their own right, However, their presence along with the hedge and grass area is an attractive feature in Main Street.

The revised scheme proposes the retention of a grassed area, albeit reduced in size, and this along with the existing hedge which will keep an acceptable element of greenery in this location. The loss of two trees is mitigated by the proposed planting of two new native species trees in the grassed area to the west of the nursery, so there will no significant loss of landscaping in Main Street.

The proposals therefore have no adverse impact on the character of the listed building or character or appearance of the conservation area, in compliance with LDP Policy Env 6.

### **c) Archaeological Remains**

The site lies within the historic medieval and post-medieval town of Kirkliston and therefore within an area of archaeological potential. Accordingly, a condition has been recommended requiring an archaeological investigation prior to works commencing.

### **d) Residential Amenity**

The proposed change of use will have no significant detrimental impact on neighbouring residential amenity given that its closest neighbours are commercial and its scale is modest. Also, the development will result in no excessive concentration of similar uses.

Environmental Protection has no objections to the proposals, subject to a condition regarding ventilation which has been recommended.

There is one residential property to the rear of the dentist's surgery and there are no windows on the side elevation facing the proposed development, apart from two rooflights. There will be loss of light to these windows, given that the roof of the new building drops lower to the rear.

While car movements and parking at night will produce some level of noise and light, this site is within the town centre in which existing uses, including residential, generate similar potential disruption from traffic.

The development will not therefore be detrimental to neighbouring residential amenity.

### **e) Road Safety**

The site is within Zone 6 of the Council's Parking Standards, which specifies one parking space per 1- to 12m<sup>2</sup> of public floor area, so eight parking spaces are required for this development to comply with the Parking Standards.

The existing car parking spaces in the rear area of the site were provided as part of the nursery development, so the proposed eight (plus one disabled) parking spaces for the new restaurant cannot serve this use alone. The Roads Authority has recommended refusal on the basis of non-compliance with the Parking Standards.

However, LDP Policy Tra 2 allows for lower parking provision, subject to certain factors, including the availability of access by foot or cycle and public transport and the impact on neighbouring residential amenity through on-street parking around the site.

In this case, the provision of the required number of parking spaces is physically impossible, unless the restaurant capacity were reduced. However, any significant reduction would render the development economically unviable.

This development will make a positive contribution to the vitality and viability of Kirkliston, as there is a dearth of similar uses within the town centre. The restaurant will be accessible to local residents by foot and a ten-bike cycle rack will be provided at the front entrance. There is a bus-stop just beyond the dentist's surgery on Main Street and a stop on the opposite side.

However, people will still drive to this development, so an adequate level of parking has to be provided. On this site, which is in the same ownership as the nursery, a shared parking area with the nursery is a practical option.

To comply with the Parking Standards, the nursery requires eight spaces: four for staff and four for children being dropped off and collected. Nine spaces are proposed for the new restaurant, including one disabled space, in the current nursery parking area, so this would be a problem if both uses needed all the spaces at the same time.

However, the nursery opens at 7:30am with the majority of children being dropped off between 7:30am and 8:30am, to allow parents to travel to their place of work. The restaurant is not expected to be busy during this commuting time, but may be busier after 9am, i.e. after school drop offs.

Only around 5% of the children attending the nursery are collected at lunchtime as wraparound care is provided and the majority of children who attend for a half day are escorted, on foot, by nursery staff to the school nursery. Any impact on car parking for the restaurant during this period will therefore be minimal.

As regards evenings, children are collected from the nursery usually between 5pm and 6pm as the nursery closes at 6.15pm. This is traditionally a 'lull' period in the cafe/restaurant industry for this type of establishment with evening clientele not expected until later, with the possible exception of early diners who could arrive between 6 and 6.30pm. Even so, this is at the latter end of nursery collections when the majority of children have been collected, so there should be adequate parking spaces for both uses.

Furthermore, the nursery only operates Monday to Friday, allowing full use of the car park for restaurant patrons at the weekend and the nursery is quieter on Friday afternoons.

In addition to the cycle parking provided, the applicant has confirmed that the restaurant will also offer a mini bus drop off for patrons both within the village and outlying villages and there is also parking available further along Main Street. This parking overspill will not be significant.

In terms of road safety, there is extremely limited on-street parking on Main Street in the immediate vicinity of the site due to bus stops, pedestrian crossings and other restrictions, so the development will not cause any significant danger to pedestrians and other road users. Also, the Roads Authority has confirmed that there are no concerns about the use of the existing access in terms of road safety, given the low traffic numbers involved,

In these particular circumstances an exception to the Parking Standards is justified and the development will therefore have no detrimental impact on road safety.

## **f) Equalities and Human Rights**

This application was assessed in terms of equalities and human rights and no impact has been identified.

## **g) Comments**

- There are too many eating places in the village already - this has been addressed in section 3.3 a) of the assessment.
- The design does not fit with the character of the conservation area - this has been addressed in section 3.3 b) of the assessment.
- The proposals constitute overdevelopment of the site - this has been addressed in section 3.3 b) of the assessment.
- The development of the grassed area would have a detrimental effect on the character of the area - this has been addressed in section 3.3 b) of the assessment.
- There will be loss of light to the side windows of 17/17A Main Street - this has been addressed in section 3.3 d) of the assessment.
- Cars parking at night will cause disturbance in terms of noise and light - this has been addressed in section 3.3 d) of the assessment.
- The restaurant will emit cooking smells - this has been addressed in section 3.3 d) of the assessment.
- The development will increase parking and traffic congestion on Main Street and the surrounding area - this has been addressed in section 3.3 e) of the assessment.

## **Conclusion**

The proposals comply with the development plan and non-statutory policies and have no adverse effect on the character or appearance of the conservation area or significant archaeological remains. The development has no detrimental impact on residential amenity or road safety. There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
2. Prior to the use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour with a minimum efflux velocity of 15m per second at the termination point, as show on drawing no. NS/PL/02 revision C dated 19 January 2017 (note added to ventilation description) should be implemented.

#### **Reasons:-**

1. In order to safeguard the interests of archaeological heritage.
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.
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.

### **Financial impact**

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#### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

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## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **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**

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### **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 2 December 2016. A total of 11 representations were received, ten objecting to the proposals and one in support.

A full assessment of the representations can be found in the main report in the Assessment Section.

## **Background reading/external references**

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

## **Statutory Development**

### **Plan Provision**

The site is located within the urban area as defined in the Edinburgh Local Development Plan.

### **Date registered**

4 November 2016

### **Drawing numbers/Scheme**

01, 02A, 04, 05A, 06 + 07,

Scheme 2

## **David R. Leslie**

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PLACE

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## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

LDP Policy Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

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

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

### **Relevant Non-Statutory Guidelines**

**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.

**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** 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.

**Non-statutory guidelines** on 'PARKING STANDARDS' set the requirements for parking provision in developments.

The Kirkliston Conservation Area Character Appraisal emphasises the predominant building form of small-scale, mainly symmetrical vernacular cottages and houses with simple pitched roofs, providing a unified character; the consistency in the use of traditional materials and the prevalence of residential use.

# Appendix 1

## **Application for Planning Permission 16/04966/FUL At 15 Main Street, Kirkliston, EH29 9AE Erection of new restaurant and gallery/shop (as amended).**

### **Consultations**

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#### **Archaeology**

*This former public house is located within the historic limits of the medieval and post-medieval town of Kirkliston. The earliest mention of Kirkliston occurs in the 12th century with the granting of the lands associated with the Kirk of Liston to the Bishops of St Andrews. The morphology of the medieval and post-medieval settlement is reflected in the layout of the 19th century town as depicted on the 1st Edition (1853) OS map. Main Street would appear to be a later 18th century? extension to the medieval town centred upon the Kirk. Excavations between 2005 & 2007 undertaken by Headland Archaeology & Abercorn Archaeology respectively on two adjacent sites situated to the rear of Well Flats Road and Station Road have uncovered the remains of structures and boundary ditches of 12-14th century date. The 1850's 1st Edition and later OS maps show a building (? cottage) occupying this site.*

*Based on the historical and archaeological evidence the site has been identified as being located within an area of archaeological potential. Accordingly, this application must be considered under terms the Historic Environment Scotland Policy Statement (HESPS) 2016, Scottish Planning Policy (SPP), PAN 02/2011 and also CEC Local Development Plan (2016) policies ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*

*It is considered that this proposal given the recent development history and the results from Rubicon Archaeology's 2015 excavations to the rear of the adjacent plot, would be regarded as having an overall potentially low archaeological impact. However ground-breaking works associated with construction of the new building, may disturb significant remains associated with the early 19th century building that occupied the site and the 18th century expansion of the town.*

*Accordingly, it is essential that a programme of archaeological work is undertaken either prior to or during ground breaking works (extension and car park resurfacing) in order to excavate, record and analysis any surviving archaeological remains. It is therefore recommended that the following condition be attached consent, if granted, to ensure that the above programme of archaeological works is undertaken;*

*'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'*

*The work would be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.*

## **Environmental Protection**

*This application is for the construction of a new two-storey, restaurant and galleryshop on a gap site at 15 Main Street Kirkliston.*

*There is a children's nursery to the west and a dental surgery to the east of the development site. There is a car garage located to the south behind residential cottages on the main street.*

*Further information was received on 25 January regarding the kitchen ventilation system which states - '400 mm stainless steel spiral ducting terminating 1 metre above roof finish designed and installed by a commercial kitchen ventilation specialist so that effluvia are expelled with a minimum upward velocity of 15 metres per second. Ducting to be fitted with silencers to lower the sound level to 33-35 dB (A) mid range frequencies at the termination point. Silencer Ref Acoustical CP03-CP-040 -2D. The system will be fitted with two stage carbon filter units to remove any oil or grease and smells that will come from the kitchen and restaurant canopies that are created in the process.'*

*Having considered this application further Environmental Assessment have no objections to the development subject to the following condition being added to the consent -*

*Prior to the use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour with a minimum efflux velocity of 15m per second at the termination point, as show on drawing no. NS/PL/02 revision C dated 19 January 2017 (Note added to ventilation description) should be implemented.*

## **Roads Authority**

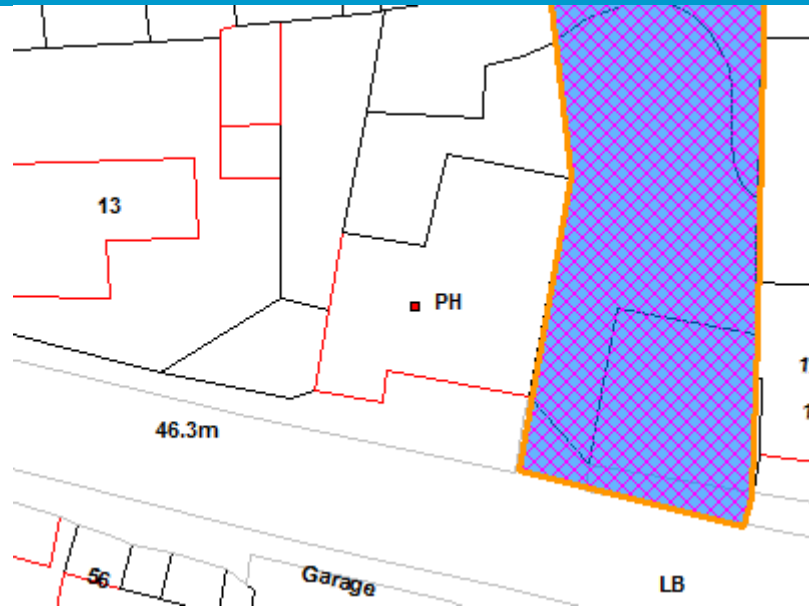
*The application should be refused.*

*Reason:*

*The applicant has indicated that 8 parking spaces will be available for the development, provided on land to the north. These parking spaces are required to meet the councils parking standards (Zone 6). However these spaces were previously provided for the adjacent Nursery, for the use of staff and parents (planning application reference 14/02124/FUL). Given this and the pressure on the on existing street parking, Transport would not support the application.*

## Location Plan

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