

# Development Management Sub Committee

Report returning to Committee - Wednesday 5 December 2018

## **Application for Planning Permission 08/01689/FUL At 56 Causewayside, Edinburgh, EH9 1PY Redevelopment comprising a ground floor and first floor licensed restaurant, 4 student flats and 1 private penthouse flat**

<b>Item number</b>	5.1
<b>Report number</b>	
<b>Wards</b>	B15 - Southside/Newington

### **Recommendations**

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

### **Background information**

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This application was granted by the Development Management Sub-Committee on 5 November 2008 subject to a legal agreement requiring a financial contribution to the City Car Club. Despite reminders, this legal agreement was never concluded and so planning permission has never been issued and the application is still 'live'. In the meantime, there have been new material planning considerations which means that the application needs to be re-assessed. The duty to consider all material considerations continues until the time a grant or refusal is made, whether or not the resolution to grant is subject to a legal agreement.

# Main report

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## Description of Development

It is proposed to demolish the buildings on site and erect a six-storey development. The building envelope would be the full width of the site and would be the full depth at ground and first floor. The upper floors would be a similar depth to the adjacent property to the south. The ground floor and part of the first floor would be a restaurant; the remainder of the first floor up to the fourth floor would be student flats. The fifth floor would be a private flat.

The architecture is modestly modern and the materials comprise natural stone to the front and render to the back and sides. Windows will be aluminium. The penthouse flat will be formed as a lightweight addition in aluminium with render surrounds.

## New material considerations

The new material considerations in this case are the Edinburgh Local Development Plan and the updated Edinburgh Design Guidance. The application has been re-assessed in relation to these new material considerations and requires a new decision by the Development Management Sub-Committee.

The application now falls to be assessed under policies of the Local Development Plan.

### (a) Principle of Development

The mix of student housing, commercial use and residential use is acceptable within this mixed use urban area. Policy Hou 8 of the LDP supports student housing where its location is accessible to university and college facilities and will not result in an excessive concentration of student accommodation. Whilst there is a high degree of student accommodation in this area, it is close to Edinburgh University. The actual student accommodation consists of four flats, one on each floor, rather than individual bedrooms, so the proposals will not create an intensification of student use in this area.

Policy Hou 1 supports the residential element provided other policies of the Plan are complied with. New food and drink establishments are supported in mixed use areas.

The principle of the development remains acceptable.

### (b) Design, form and materials

The new building remains compatible with surrounding buildings. The removal of the existing building and replacement with the proposed building would be an improvement to the site and to the streetscene. The addition of the restaurant at street level would add vitality to this inner-city location.

Policies Des1 and Des4 of the LDP and the principle of the Edinburgh Design Guidance are complied with.

### (c) Character and appearance of the conservation area

The new building is of a design which is compatible with the character of the conservation area and will have no adverse impacts on appearance. It complies with policy Env 6.

#### **(d) Road safety and parking**

The proposals comply with parking standards and so there is no longer a requirement for a City Car Club contribution. There is no cycle parking shown on the drawings and no prospect of it being within the site's grounds (there is no garden ground). The ground floor will contain the commercial unit and the upper floors will be accessed from a separate entrance and up an internal staircase, which also contains a lift. Bikes could be carried up the stairs or potentially in the lift to be stored in the individual flats. This minor infringement of policy Tra3 is not considered grounds for refusal.

#### **(e) Residential amenity**

The proposals remain acceptable in terms of policy Des 5.

#### **(f) Revised Conditions and Informatives**

The conditions and informatives have been updated to conform with current practice. Deliveries to the restaurant will be controlled by condition but other noise conditions have been changed to informatives as they are outwith the control of the planning authority and can generally be controlled through building regulations and environmental standards. The proposed condition and informatives are as follows:

Condition:

1. Deliveries and collections to/from the restaurant to be restricted to 0700-2000 hours Monday to Saturday.

Reason for Condition:

1. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

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.
4. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment. This relates to the restaurant use only.
5. The kitchen in the restaurant shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to chimney head level to ensure that no cooking odours escape or are exhausted into any neighbouring premises.

6. The design, installation and operation of the lift shall be such that any associated noise complies with NR20 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

## Conclusion

The proposed mixed use development generally complies with the Local Development Plan and non-statutory guidance. As it complies with parking standards, there is no longer a requirement for a legal agreement for a financial payment to City Car Club.

## Links

### Policies and guidance for this application

LDPP, LDES01, LDES04, LEN06, LRET11, LTRA02, LTRA03, LHOU08, NSG, NSGD02, CRPSSI,

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=documents&keyVal=K0SQC9EWR0000>

Or Council Papers online

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