

Full Planning Application
at
26 George Iv Bridge
Edinburgh
EH1 1EN

Development Quality Sub-Committee
of the Planning Committee

Proposal: Change of use from public house/restaurant to
entertainment venue
Applicant: Saltire Taverns Ltd.
Reference No: 03/03102/FUL

1 Purpose of report

To recommend that the application be **GRANTED** subject to;

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
3. 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.
4. The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any neighbouring living apartment.

5. Deliveries to and uplifts from the premises shall be restricted to the hours of 7 am to 7pm, Monday to Saturday, and 12 Noon to 5pm on Sundays.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
 2. In order to safeguard the amenity of neighbouring residents and other occupiers.
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2 Main report

Site description

The application site comprises a former church building located on the west side of George IV Bridge. The building at present is in use as a public house and restaurant trading under the name of "Frankensteins". The premises are accessed directly from George IV Bridge and its rear elevation abuts Candlemaker Row.

The building is listed Category B and located within the Old Town Conservation Area.

Site history

May 1997 - Permission refused to change the use of the church from children's nursery to restaurant. (Granted on appeal on 9 March 1998).

August 1999 - Permission granted to change the use of the church from restaurant to public house and restaurant.

May 2000 - Permission granted for alterations to form public house and restaurant (partly in retrospect).

Development

This application concerns the proposed change of use of the existing public house/restaurant that operates under the trade name "Frankensteins" to form a public house operating with an entertainment licence. The premises operate at present until 1.00am (seven days). The proposed new hours now being put forward by the applicant would allow the premises to operate until 2.30 am. This application has been lodged as part of a forthcoming application to operate an entertainment's license from the premises.

No alterations, both internally and externally, are proposed.

A typical daily schedule indicates the continuous provision of entertainment throughout the day between 9am and 2.30 am (following morning). During consideration of this application, the applicant's agent has confirmed that much of the daily schedule is operating at present. This entertainment element has evolved since the premises commenced business over four years ago. It is considered that the nature of the business that is now in operation constitutes a material change in use to that associated with an entertainment venue. The applicant's agent accepts this view.

In support of their application, the applicant has confirmed that a "Frankenstein" entertainment facility (with entertainments licence) has recently opened in Glasgow, following a visit by officials from Glasgow to the premises in Edinburgh. A similar operation exists in Aberdeen.

Consultations

Environmental and Consumer Services

This department has no substantiated noise complaint relating to this licensed premises. If an issue relating to noise of amplified music is brought to our attention, this authority can intervene in respect of the appropriate licence conditions. Accordingly this department has no objection subject to the following conditions which relate to noise and protecting amenity of neighbouring residents and other occupiers.

All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.

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.

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

Deliveries to and uplifts from the premises shall be restricted to the hours of 7 am and 7pm, Monday to Saturday, and 12 Noon to 5pm on Sundays.

Representations

The proposal has been advertised and two letters of objection, including a representation from Southside Community Council, have been received. The nature of the concerns raised include noise nuisance and that the proposed extension to the hours of operation will have a detrimental impact upon the residential amenity of neighbouring properties. In particular, this will lead to anti-social behaviour within the locality.

Policy

The site is located within the Mixed Activities Zone of the Central Edinburgh Local Plan.

Relevant Policies:

Policy CD2 (LISTED BUILDINGS) sets out criteria for assessing proposals affecting listed buildings and seeks to safeguard their character and setting.

Policy CD4 (CONSERVATION AREAS) requires that developments in a conservation area retain all features which contribute to the area's character and appearance.

Policy H11 (HOUSING AMENITY) establishes a presumption against new development and changes of use likely to introduce increased levels of traffic or activity to the detriment of residential amenity or to the reasonable prospects of further residential development where this is an objective of the Local Plan.

Policy L2 (COMMERCIAL LEISURE USES) sets out criteria for assessing commercial leisure uses within the Retail and Office Cores, Mixed Activities Zone and other areas where commercial uses are present.

Policy L3 (LEISURE USES - RESTRAINT) requires particular care to be taken to prevent an excessive concentration of commercial leisure uses in the following areas of mixed but essentially residential character: Tollcross, Grassmarket and Nicolson Street/Clerk Street and environs.

Policy L5 (LICENSED PREMISES) states that the change of use of premises under or in the midst of housing to a public house (or similar) will not be allowed

Non-statutory guidelines 'COMMERCIAL LEISURE USES: CENTRAL EDINBURGH LOCAL PLAN POLICY L3: SUPPLEMENTARY PLANNING GUIDANCE' provides specific guidance in respect of such uses in identified areas of sensitivity.

Non-statutory guidelines on 'LOCATION OF LICENSED PREMISES' support local plan policies on proposals for licensed premises in locations where the protection of residential amenity may also be an issue.

Non-statutory 'WORLD HERITAGE SITE CONSERVATION MANIFESTO' supplement Central Edinburgh Local Plan policies relating to conservation and design and seeks to assist in preserving the historic fabric of Edinburgh's World Heritage Site and to ensure that changes complement and enhance its special character.

3 Conclusions and Recommendations

DETERMINING ISSUES

The determining issues are;

- Do the proposals preserve or enhance the character or appearance of the conservation area? there being a strong presumption against the granting of planning permission if this is not the case;
- Do the proposals preserve the listed building or its setting or any features of special or historic interest? there being a strong presumption against granting permission if they do not;
- Do the proposals preserve the building or its setting or any features of special architectural or historic interest? If they do not, there is a presumption against the granting of permission;
- (For the purposes of this issue, 'preserve', in relation to a 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?

ASSESSMENT

To address the determining issues, the Committee needs to take account of whether

- a) the proposal will have an adverse impact upon the character or appearance of the listed building and conservation area;
- b) the proposal will have any adverse impact upon neighbouring residential amenity;
- c) there will be any traffic or road safety implications.

a) This proposal concerns a change in the use of premises only. No alterations are proposed. Therefore there will be no visual impact upon the character or appearance of the listed building or the conservation area.

b) The premises are located and accessed from George IV Bridge, which is a busy city centre location. The local plan places the site within the Mixed Activities Zone where a mixture of uses are acceptable where it will contribute to the city centre vitality without harming residential amenity. While there are residential tenement flats opposite and to the rear (Candlemakers Row) there are no residential properties that abuts the application site. No representations have been received from residential owners.

The premises are currently in operation as a public house/restaurant and presently operate until 1.00am. Owing to the evolving nature of the operation, it is considered that the premises are already operating in a capacity associated with an entertainment venue. The proposal also entails extending the opening hours to 2.30 am. Although it is accepted that Candlemakers Row to the rear is more residential in character, hence its inclusion within an "Area of Sensitivity", access for patrons to the application premises is from George IV Bridge only. There is no restriction to the hours of operation on the existing planning permission; this relates to the licence.

Environmental and Consumer Services have confirmed that they have no objection to the proposal. They have also confirmed that they have received no substantiated noise complaints relating to the premises. Their recommended conditions in terms of noise attenuation measures are attached by means of condition, as is the control of deliveries and uplifts. This dovetails with the existing consent and conditions which relate to the current operation. Furthermore they have confirmed that should a noise-related issue arise, this can be addressed through the appropriate licence conditions.

It is not considered that the inclusion of entertainment at the premises will exacerbate any noise and disturbance in this locality to an extent that would merit refusal, particularly as the access and egress from the premises is directly onto George IV Bridge. Hours of operation will be controlled under the licensing regime.

- c) The proposed use will have no additional effect upon highway safety.

In conclusion, in land use planning terms, the property is an established commercial use in a busy city centre location that has operated to date with no substantiated noise complaint. There are no changes proposed to the operation of the premises in terms of access and physical alterations. The proposed use will not raise any significant noise/disturbance or highway safety issues.

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

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/Tel Ian Dryden on 0131 529 3464 (FAX 529 3717)

Ward affected 32 -Tollcross

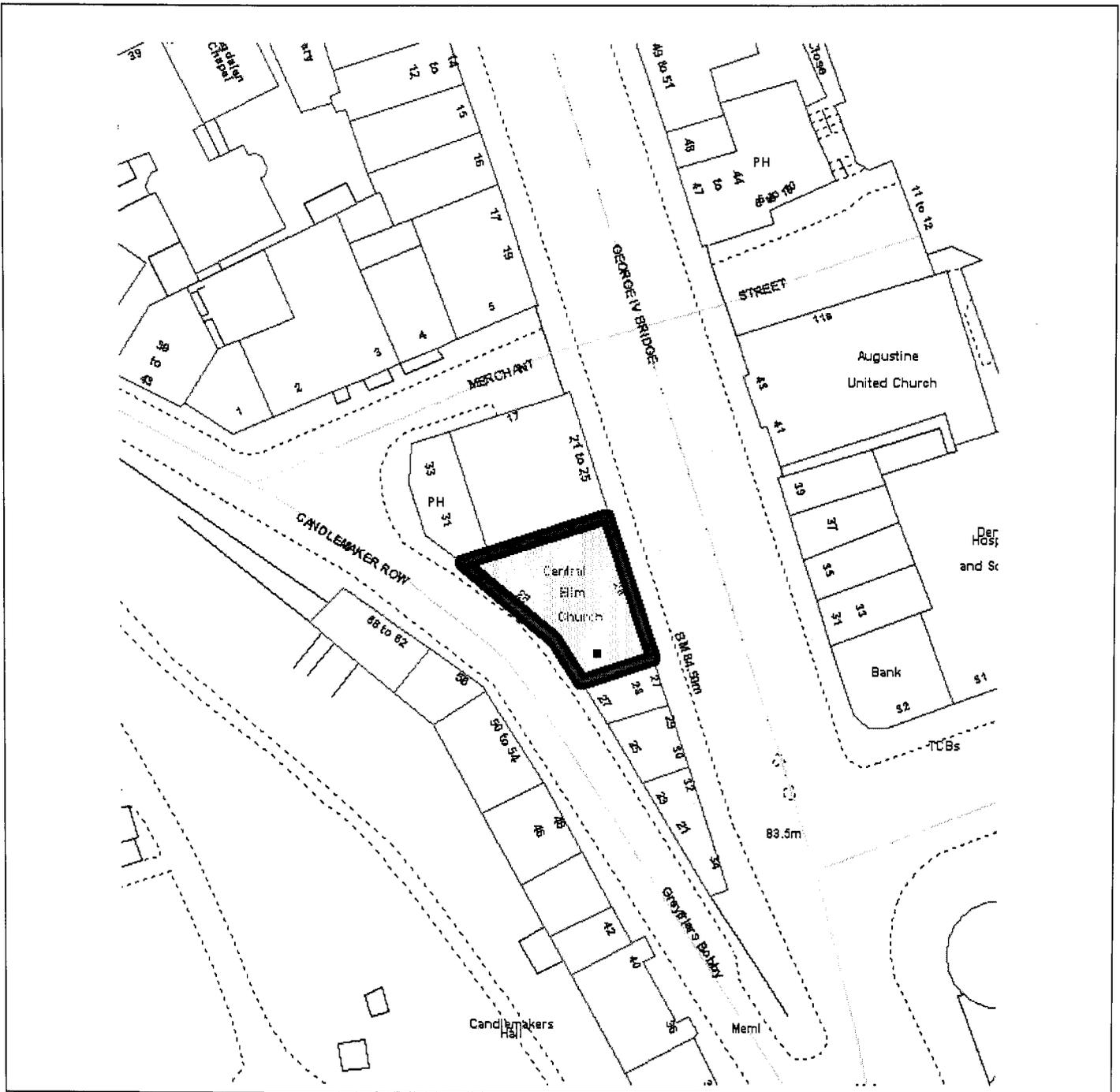
Local Plan Central Edinburgh

**Statutory Development
Plan Provision** Mixed Activities

File

Date registered 20 August 2003

**Drawing numbers/
Scheme** S1: 01-05
Scheme 1



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PLANNING APPLICATION

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**THE CITY OF EDINBURGH COUNCIL
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY**