

Full Planning Application 05/01378/FUL
at
24A Bernard Street
Edinburgh
EH6 6PP

Development Quality Sub-Committee
of the Planning Committee

29 June 2005

1 Purpose of report

To consider application 05/01378/FUL, submitted by Chen Ming Chinese Medicine + Health Centre. The application is for: **Change of use from office to flat**

It is recommended that this application be **GRANTED** subject to the conditions in Appendix B.

2 The Site and the Proposal

Site description

The property is the first floor of a Victorian outbuilding to the rear of more substantial Georgian properties on Bernard Street, but accessed through those Georgian buildings. The proposed flat lies over a privately owned pond at the ground floor, which gives access to a rear yard via a narrow setted lane between buildings. The building is only publicly visible looking down this lane from Bernard Street.

To the left hand side of the lane entrance is a former bank, recently converted to bar and restaurant use. Only the front section of the building is available as public area. The rearmost section of the building does contain toilets and storage area serving the bar, but these uses are physically separated from the bar area by a generous stair leading to the offices on the upper floors. The building containing the bar, does not physically adjoin the application site, but

instead links to an early 19th century warehouse to its north. The latter was converted to office and residential use some 15 years ago, and forms a buffer between the building containing the bar and the application site. The applicant's property therefore links solely to the east side of the converted warehouse, and does not physically adjoin the building containing the bar.

The south facing windows of the property to be converted face partly down the lane towards Bernard Street, and partly to the rear of the Georgian building through which it is accessed. The gap between the buildings, on the right hand side of the lane, is filled with a flat roofed structure, over which these windows look.

All surrounding buildings are listed and the whole area lies in the core of Leith Conservation Area.

Site history

22.8.1995 - Previous application for change of use to residential approved (but not taken up within 5 year period)

19.6.1997 - Consent for bank at 28 Bernard Street to change to a bar/restaurant.

22.8.2000 - Expiry of previous consent for change of use to residential.

Description of the Proposal

The application proposes change of use from an existing first floor office to residential use. A two bedroom flat is created, with aspect to front and back.

The property is accessed via a door on Bernard Street within a commercial ground floor, which leads to the property through a long passageway.

No physical alterations are proposed as part of the application.

The application is a simple repeat application of the previous consent for residential which expired in 2000.

3 Officer's Assessment and Recommendations

DETERMINING ISSUES

The determining issues are

- Do the proposals preserve or enhance the character and appearance of the conservation area? If they do not, there is a presumption against the granting of planning permission.

- Do the proposals comply with the development plan?
- If they do, are there any compelling reasons for not approving them?
- If they do not, are there any compelling reasons for approving them?

ASSESSMENT

In order to determine this application the Committee should consider

- a) The effect of the proposal on the character and appearance of the conservation area
- b) The level of residential amenity available to the unit
- c) Privacy and daylight to neighbouring properties

a) Conservation Area Character Statement

The Leith Conservation Area covers the extent of the historic town, including the Madeira Area (Leith's 'First New Town'), and also Leith Walk - the town's main link with Edinburgh City Centre. The character of the Conservation Area derives from Leith's history both as a port and as an independent burgh. Several fine Georgian and Victorian warehouses survive, some now converted for residential or office use; in many cases these were initially built to hold wine and dry goods, although many were converted in the late 19th Century to serve the whisky industry. A rich mixture of civic buildings and mercantile architecture survive, particularly at Bernard Street and The Shore. Significant earlier buildings include Lamb's House and St Ninians Manse (both early 17th Century); although many more recent buildings have been built, and present street pattern of The Shore closely follows that of the historic town.

The Inner Harbour of the water of Leith provides a vibrant focus for the Conservation Area, with buildings along The Shore forming an impressive waterfront townscape. The Conservation Area also covers the older parts of Leith Docks, containing many early features including listed dock buildings and the Victoria Bridge, a scheduled Ancient Monument.

The Madeira area retains a largely Georgian domestic character, with stone buildings and slate roofs predominating; some of the Georgian buildings retain astragaled windows and doors with fanlights. Many of the roads are setted, the main exception being Prince Regent Street; stone garden walls are a feature of this area. North Leith Parish Church provides a visual focus to this mainly residential area, which also includes major public buildings such as Leith Library and Town Hall.

Leith Walk remains the main artery linking the centre of Edinburgh to the old burgh of Leith. It characterised mainly by Victorian tenements and pubs at the ground floor level. There are a number of Georgian survivals, most notably Smith's Place dating from 1814. Between Smith's Place and Albert Street lies a series of tenemented streets, mainly designed by John Chesser.

Building types within the Conservation Area vary but are traditionally of stone with slate roofs; however more recent building has generally used block or render and traditional brick where previously found. Pockets of public housing development of the 1960s and 1970s, of a contemporary character, fall within the expanded Conservation Area. Open space is concentrated at Leith Links, which provides a spacious contrast to the relatively dense settlement pattern of the remainder of the Conservation Area.

The use is appropriate and this mixed area and proposal has no adverse effect on the character or appearance of the conservation area.

Policy H3 supports conversion to residential. This is particularly relevant where the property has previously been residential.

b) The application is a repeat of the earlier application for change of use to residential, which was not taken up. It is noted that consent remained live up to 2000, well after the conversion of the bank on Bernard Street to a bar and restaurant. The use therefore could legitimately have been created after formation of the nearby bar.

The proposed flat does not physically adjoin any public area within the public house, and lies closest to the toilet facilities within that premises.

The relationship to the licensed premises is less onerous than the residential component within the converted warehouse to the immediate west of the application site, which physically adjoins the licensed property, but even that is separated by a wide stair leading to upper office levels. The Department is unaware of any complaints from the closer residential property within the converted warehouse relating to the licensed premises.

The layout of the proposed flat is unchanged since the previous approval and remains a through and through unit. Although it has limited outlook down the lane to the south, it has open outlook over the rear yard. Although daylight is slightly compromised in the south-east section of the proposed flat, the overall daylight remains reasonable, particularly when taking north-facing windows into account. The unit is considered to have adequate amenity.

c) The land to the rear (north) is undevelopable, being surrounded by existing windows. The proposal will not prejudice any rights on this land.

To the south the windows in the eastern corner lie only 5m from windows in the rear of the Bernard Street block. The windows opposite are both non-residential and do not give rise to privacy issues in policy terms.

No additional overshadowing is caused to any neighbouring property.

It is noted that there are no material changes in circumstance since the expiry of the last consent. The applicant would have been entitled to change the use to residential after the adjacent building changed to bar use, up until 2000.

The revocation of the consent for dwellings above the public house was at the Council's request to the owner of the public house, who originally also owned the levels above. This is not relevant to the current decision, since these clearly would have suffered a direct nuisance from the pub, having a direct connection, unlike this premises which are physically separate.

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



for **Alan Henderson**
Head of Planning and Strategy

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|---|---|
| Contact/tel | Stephen Dickson on 0131 529 3901 (FAX 529 3706) |
| Ward affected | 22 - Lorne |
| Local Plan | North East Edinburgh |
| Statutory Development Plan Provision | Mixed Activities |
| Date registered | 26 April 2005 |
| Drawing numbers/ Scheme | 1 Scheme 1 |

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Control Portal: www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner, Ian Dryden on 0131 529 3464. Email: ian.dryden@edinburgh.gov.uk.

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail blair.ritchie@edinburgh.gov.uk or sarah.bogunovic@edinburgh.gov.uk

Application Type Full Planning Application
Application Address: 24A Bernard Street
Edinburgh
EH6 6PP
Proposal: Change of use from office to flat
Reference No: 05/01378/FUL

Consultations, Representations and Planning Policy

Consultations

Environmental and Consumer Services

Environmental Health has concerns regarding this proposed development. However, it has been confirmed by Planning that the dwelling does not structurally connect to the bar, but is connected to a converted warehouse, now also used as residential premises. The dwelling is in the area that least noise breakout is expected to occur from the bar, as it is separated by a stairwell to offices and the bar toilets. Therefore, due to the fact that the application premises was previously a residential dwelling and there are other residential premises close by and surrounding the "Cougar Lounge" on all sides, this Department has no objection to this proposed development.

Representations

The application was advertised on 13th May 2005.

Two representations were received, both on behalf of the nearby public house.

These highlighted potential nuisance from the pub to the house and feared prejudice to their operation.

It was pointed out that consent for dwellings above the public house was revoked.

Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.

Planning Policy

The property lies in an area of Mixed Activities in the Leith Conservation Area as shown in the NEELP.

Relevant Policies:

Policy H3 (HOUSING - CONVERSION OF NON-RESIDENTIAL BUILDINGS) encourages, and sets out criteria for assessing, the change of use of suitable non-residential buildings to housing.

Appendix B



Application Type Full Planning Application
Application Address: 24A Bernard Street
Edinburgh
EH6 6PP
Proposal: Change of use from office to flat
Reference No: 05/01378/FUL

Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **GRANTED** subject to the conditions below.

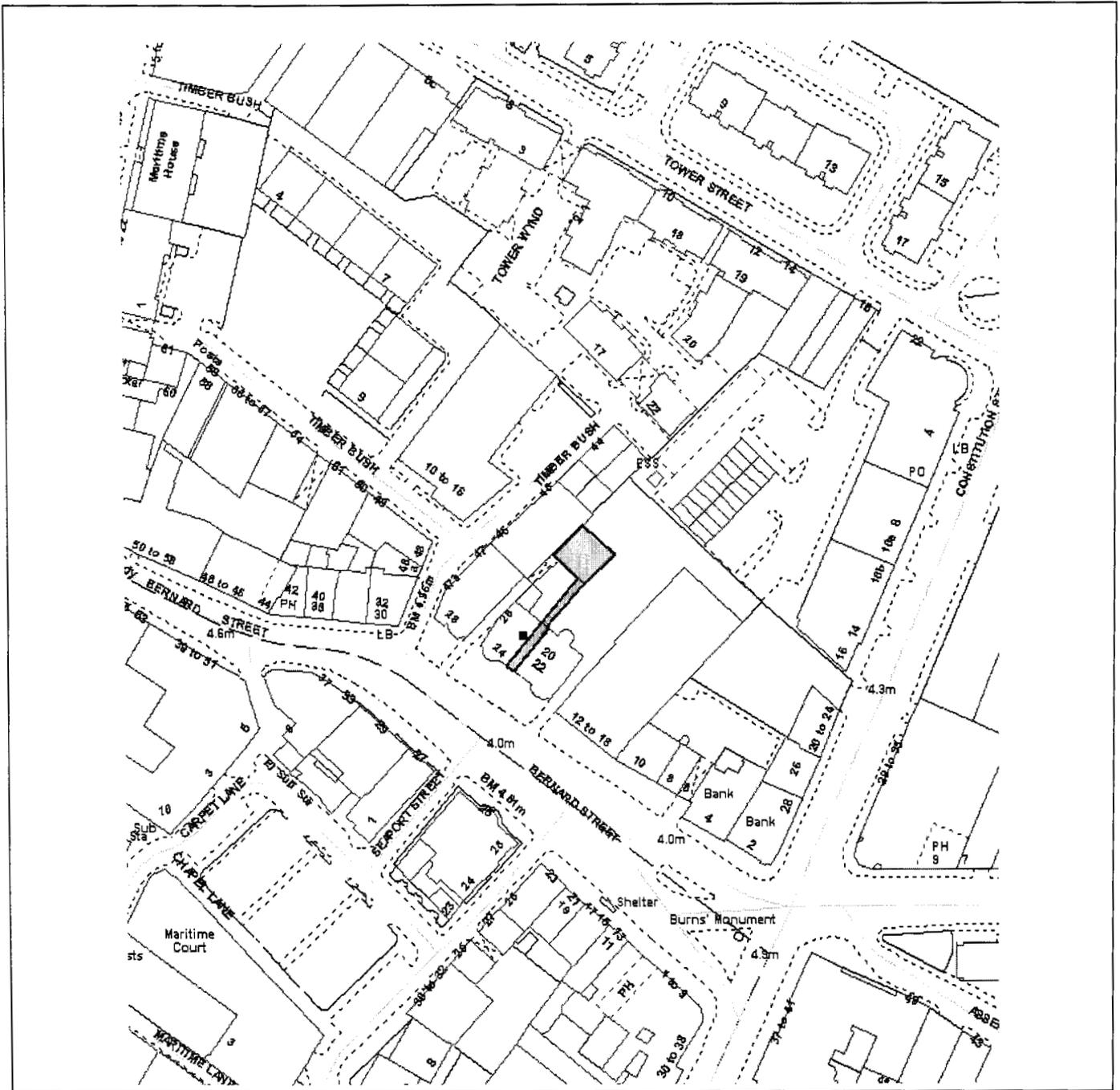
Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

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PLANNING APPLICATION

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|---|---|-------------|------------------|
| Address | 24A Bernard Street, Edinburgh, EH6 6PP | | |
| Proposal | Change of use from office to flat | | |
| Application number: | 05/01378/FUL | WARD | 22- Lorne |
| <p>THE CITY OF EDINBURGH COUNCIL</p> <p>THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY</p> | | | |