

# Development Management Sub Committee

Wednesday 29 August 2018

**Application for Planning Permission 18/02343/FUL  
At 8 Morningside Road, Edinburgh, EH10 4DD  
Change of use from commercial (former bank) into a  
restaurant/bar with outside eating space to the front and  
erect two storey rear extension (as amended).**

<b>Item number</b>	7.1(a)
<b>Report number</b>	
<b>Wards</b>	B10 - Morningside

## Summary

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Works will retain the character and appearance of the conservation area. There is an acceptable impact on residential amenity subject to a condition limiting the hours of operation of the outdoor terrace to the front of the building. The impact on the existing church nursery has been addressed by amendment and is now acceptable. The claimed Right of Way will remain accessible. The proposal meets local development plan policies and non-statutory guidelines. No other considerations outweigh this conclusion.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LRET11, LHOU07, LEN04, LEN06, LEN03, LTRA02, LTRA04, NSG, NSLBCA, NSGD02, OTH, CRPMER,
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# Report

## **Application for Planning Permission 18/02343/FUL At 8 Morningside Road, Edinburgh, EH10 4DD Change of use from commercial (former bank) into a restaurant/bar with outside eating space to the front and erect two storey rear extension (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 site extends to 757 square metres and lies on the north-west corner of what is generally known as "Holy Corner" because of the four churches which stand on or close to each corner. It is currently occupied by a two storey building which, until recently, had operated as a bank since it was built, in the late 19th century. It has a concealed basement level (containing bank vaults). The building was listed category B on 16 October 2002.

As currently laid out, the bank has a tarmac on the car park to the front, holding up to eight vehicles and with two access/egress points. One very substantial tree stands at the north-east corner of the site, next to the Bruntsfield Place access. To the rear, an area of unused ground lies at lower level and contains a number of immature trees.

The front of the building faces onto the traffic-light controlled junction where two major arterial routes into the city (Colinton Road and Morningside Road) intersect with Bruntsfield Place, creating a busy junction.

The building is flanked by a modern supermarket to the west and large church to the north, both of which also drop to the lower basement level. Although the supermarket presents a wholly blank two storey wall to the site, the church is highly ornate on its side. It was listed category B on 14 December 1970. The church contains creche/nursery facilities at basement level.

This application site is located within the Merchiston and Greenhill Conservation Area.

#### **2.2 Site History**

There is no relevant planning history for this site.

## Main report

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### 3.1 Description Of The Proposal

The application proposes the change of use of the building to a restaurant and bar, including an extension to the rear at basement and ground floor levels, and the creation of an outdoor terrace to the front.

The extension has a footprint of around 130 square metres, occupying the entire rear outer area (other than a service strip between the structure and the boundary. This footprint is repeated at ground floor level. At first floor level, the form is reduced to around 16 square metres, and solely contains a lift to serve this top floor. This latter, more-visible element is built in stone with a pitched slate roof. The lower (hidden) sections have rendered walls. The main roof over this lower section is a green roof.

To the front, the majority of the existing car park is changed into a paved seating area. An enclosed toddlers' play area is added to the west side. A small area to the north-east is retained as tarmac to provide service access and informal parking (for up to six vehicles). The route between the two existing access points is retained.

#### Amendments

The scheme was amended in relation to the section closest to the church to the north, where the form on this northern edge was reduced to address daylight concerns.

Closure of the southern vehicle access (by gates) has also been amended to retain this opening as a pedestrian access, and address claims of a Right of Way.

### 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 consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the 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?

### 3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the change of use to restaurant/bar is acceptable in principle;
- b) the scale, form and design are appropriate to the character and appearance of the conservation area;
- c) the impact on the character of the listed building is acceptable;
- d) the impact on the setting of the listed church is acceptable;
- e) the impact on neighbouring amenity is acceptable;
- f) the impact on open space and trees is acceptable;
- g) parking and access are acceptable;
- h) issues relating to the claimed Right of Way are addressed;
- i) comments are addressed; and
- j) equalities and human rights are considered.

#### a) Principle of Use

Local Development Plan (LDP) policy Ret 11 considers Food and Drink Establishments. Policy Hou 7 considers Inappropriate Uses in Residential Areas. Section a) considers impact on amenity, section b) considers over-concentration.

The primary consideration is the potential impact upon residential amenity. However, despite its urban location, the property has no immediate residential neighbours. Its immediate neighbours are a supermarket and a church, neither of which raise concerns relating to residential amenity.

To the east (over Bruntsfield Place/Morningside Road) the property faces two further churches (one now the Eric Liddell Community Centre).

To the south, flats exist on the Colinton Road/Morningside Road corner. However, these lie across an existing busy traffic junction. The impact of any noise is therefore partially mitigated by noise from this existing junction. Environmental Protection does not object to the proposal subject to a limitation on hours of operation relating to the front terrace/beer garden. This is addressed by condition.

In relation to concentration of such uses, Morningside Road and Bruntsfield Place have very few bars: The Merlin and Canny Man some 750 metres to the south; and Bennett's Bar and the Golf Tavern around 1km to the east, and the Black Ivy (the former Bruntsfield Hotel ) around 700 metres east. Apart from smaller cafes and bistros the only substantial bar/restaurant in the area is Montpeliers on Bruntsfield Place. One new restaurant use has also been approved closer to the site on Bruntsfield Place but is not yet operational. There are no over-concentration issues which arise from the proposal and the area is not identified as such in the Non-statutory Guidelines.

The use complies with Ret 11 and Hou 7 and is acceptable in principle.

#### b) Impact on the Conservation Area

Merchiston and Greenhill Conservation Area Character Appraisal specifically mentions Holy Corner and makes reference to the former bank in one illustration.

LDP policy Env 6 considers the impact on the conservation area.

Although the extension is substantial, the change in ground level and bulk of the flanking buildings renders the basement and ground floor elements almost totally unseen. These elements do not impact on the appearance of the conservation area.

The first floor addition will be visible from the south-west (from Colinton Road), however this element is small and traditional in form and design. Although the area is not widely characterised by buildings occupying the bulk of the site, the flanking buildings both have this characteristic. In this context the footprint of the building is acceptable. The net impact on the character and appearance of the conservation area is minimal and acceptable.

Policy Env 6 is met.

#### c) Impact on the Listed Building

Policy Env 4 and Non-statutory Guidelines on Conservation Areas and Listed Buildings consider impact on the character of the listed building.

Although the bulk of the rear elevation is built over, this elevation is not of significant architectural quality. Infilling of the entire basement area in its own right is not controversial in this particular context. Equally the loss of the ground floor rear has little impact upon character.

Although the extension is substantial it remains subservient in visual terms, due to its context, as almost all of the extension is concealed from public view.

The special interest of the listed building is largely confined to its symmetrical frontage and relatively plain sides. Internally, the only rooms of interest are at first floor level and these are to be restored. The benefit of this restoration outweighs the minor impact to character of the rear alterations.

Works to the frontage, including removal of most of the tarmac, will generally improve the setting of the listed building.

The special interest of the listed building is preserved in compliance with policy Env 4.

d) Setting of the Listed Church

LDP policy Env 3 considers impact on the setting of listed buildings.

The form and footprint have been devised to retain the existing oblique view of all the neighbouring church buttresses, as seen in the glimpse view between the building and the church.

The setting of the church as seen in public views is therefore retained, complying with policy Env 3.

e) Impact on Amenity

LDP policy Des 5 considers impact on neighbouring amenity.

The impact of the use is discussed in section a) above.

The proposal has no adjacent residential neighbours and there is no impact upon any residential privacy or daylight.

The proposed extension will sit side by side with a large supermarket wall to its west, and no daylight issues arise on that side.

To the north, the proposal sits close to a church. The amended proposal has no impact upon the main church windows. The original scheme did have an impact upon the basement level church nursery in terms of its daylight. It is noted that this area was already overshadowed by the existing trees on the site. The zone closest to the church has been amended, and the bulk has been reduced in this area. The impact on the adjacent nursery is now acceptable and the requirements of policy Des 5 are met.

f) Trees and Open Space

LDP policy Env 12 considers impact on trees.

Whilst the rear area is open ground, it has never served as a garden in the conventional sense, as the building has been a bank for its entire existence. The area is not Open Space in terms of policy Env 18 Open Space Protection, as it is simply curtilage ground linked to the former commercial use.

The area is functionally substandard as an open space as it is heavily overshadowed on all sides by very tall structures; raising the height of this sunken area is acceptable.

All of the trees to the rear are immature. Of the trees which would be lost due to the proposed development, one immature silver birch is in excellent condition. However, none of the trees (including the birch) make any visual contribution to the wider area, as all lie hidden by the surrounding buildings.

As a hidden open space without public access, the loss of trees has little impact on the wider area.

Use of a green roof addresses the environmental issues (including water run-off). The green roof area is only marginally smaller than the area removed by development. This is acceptable.

#### g) Parking and Access

LDP policies Tra 2 and Tra 4 consider car park provision and its appearance.

The property has an existing car park across the entire frontage. Current guidelines seek to minimise car generation and the existing vehicle access sits awkwardly in relation to surrounding traffic lights. The application removes the existing car park. An area of tarmac is necessarily retained for servicing needs. An absence of parking meets current parking standards. A cycle store is requested and this is addressed by condition.

Visually, the car park is removed from the listed building frontage, addressing policy objectives, in relation to appropriate location of parking.

Access will primarily be restricted to off-street service needs. The applicant has illustrated that service vehicles will be able to turn within the site and can enter and leave the site in forward gear. The access point itself is unchanged, and the reduction in vehicle numbers represents a net improvement to road safety.

#### h) Claimed Right of Way

A claimed Right of Way has been recently registered across the existing front forecourt (Catalogue of Rights of Way (CROW) reference LC171).

The applicant has amended the scheme to leave the existing route open, thus avoiding the challenge of "closing the Right of Way".

Existing clutter on the adjacent public pavement (traffic lights, directional signs etc) are the responsibility of the Council not the applicant, and whilst it may be desirable to de-clutter the pavement, this burden cannot be placed upon the applicant.

#### i) Public Comments

The application attracted 233 representations: 86 in objection and 147 in support. This included objection from a local councillor and Bruntsfield Conservation Area Support Group.

Support letters focussed on the local need for such a facility and the quality of the operator. The accessibility of the proposal to disabled users and suitability for family use was also welcomed.

Objections are summarised:

#### **Material Comments**

- The use is inappropriate - addressed in section 3.3 a).
- The scale and form are over-dominant - addressed in 3.3 b).

- The design is inappropriate - addressed in 3.3 b).
- Rights of children/daylight to nursery compromised - addressed in 3.3 e).
- Parking and road safety concerns - addressed in section 3.3 g).
- Impact on pedestrian movement - addressed in section 3.3 h).
- Impact on residents - addressed in section 3.3 a) and 3.3 e).
- Impact on trees and "garden ground" - addressed in section 3.3 f).

### **Non-Material Comments**

- There are sufficient bars and restaurants/ competition
- Building should stay a bank

### **j) Equalities and Human Rights**

Many representations highlighted the good accessibility to disabled users. All levels of the building would be accessible both to disabled clientele and also to disabled staff.

### **Conclusion**

Although the rear extension to the building is large, it is almost wholly concealed by surrounding buildings (none of which are residential). Works to the interior and frontage represent an improvement.

The use is acceptable in the context of being on a main arterial route, and also provides a new use for a listed building.

Works will retain the character and appearance of the conservation area. There are no immediate residential neighbours. The impact on the existing church nursery has been addressed by amendment and is now acceptable. The claimed Right of Way will remain accessible. The proposal meets local development plan policies and non-statutory guidelines. No other considerations outweigh this conclusion.

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

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

#### **Conditions:-**

1. Prior to the use being taken up the extract flue and ventilation system (which shall be capable of 30 air changes per hour as shown on drawing no 3/7/03C) shall be implemented.
2. The use of the terraced seating area, shown hatched on drawing no. 11, shall be restricted to 0800 to 2100 hours, Monday to Saturday, and 0900 to 2000 hours on Sundays.
3. A cycle rack capable of holding at least 10 cycles shall be created within the front garden area, for the use of both staff and customers. Details to be submitted for further approval prior to works commencing and agreed facilities to be in place prior to the use being implemented.



## **Reasons:-**

1. In order to safeguard the amenity of neighbouring residents and other occupiers.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to meet Council cycle parking requirements.

## **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. 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.
3. 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.

## **Financial impact**

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

There are no financial implications to the Council.

## **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:**

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**

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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**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 8 June 2018.

233 representations were received. These are considered within section 3.3h) of the Assessment.

### **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 lies in the Merchiston & Greenhill Conservation Area.

### **Date registered**

24 May 2018

### **Drawing numbers/Scheme**

1,2b-7b,8a-10a,11,

Scheme 3

## **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 Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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

LDP 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.

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** '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, parking, streets and landscape, in Edinburgh.

### **Other Relevant policy guidance**

**The Merchiston & Greenhill Conservation Area Character Appraisal** emphasises the consistent domestic grain, scale and building mass; the high quality stone built architecture of restricted height, generous scale and fine proportions enclosed by stone boundary walls and hedges which define the visual and physical seclusion of the villas; the uniformity resulting from the predominant use of traditional building materials; and the predominance of residential uses within the area

# Appendix 1

## **Application for Planning Permission 18/02343/FUL At 8 Morningside Road, Edinburgh, EH10 4DD Change of use from commercial (former bank) into a restaurant/bar with outside eating space to the front and erect two storey rear extension (as amended).**

### **Consultations**

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#### **Roads Authority**

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant should be required to provide 10 cycle parking spaces for employees and customers (1 per 75m<sup>2</sup> GFA).

#### **Note:**

Current Council parking standards for this area permit up to 53 parking spaces for the 742m<sup>2</sup> proposed public house / restaurant. However, in view of the proximity of public transport and high density residential properties, the proposed 3 parking spaces are considered acceptable.

#### **Environmental Protection**

The applicant proposes to change the use of a former bank into a restaurant / bar, including an outside seating area to the front. The application follows on from 18/00804/FUL which was withdrawn. The site is located between an existing church and a retail Tesco express, with a busy road junction located to the front of the property. The nearest residential properties are located across the road to the south and to the rear north-west.

The applicant has provided details showing the location of the commercial kitchen extract at chimney pot level which is satisfactory to ensure cooking odours don't adversely impact any neighbouring properties. Environmental Protection shall recommend a planning condition is attached to any consent to ensure odours are adequately dispersed.

The outside terrace area has capacity for 70 seats and is located to the front of the property within the curtilage of the applicant's land. The adjacent south-east corner of the site will include a small children's play area. The area is overlooked by the residential properties across Colinton Road approximately 35m from the proposed development. It is noted that the background noise levels are high during day-time hours due to traffic noise. However, during night-time hours there is potential the terrace area may adversely impact the amenity of these residential properties. Environmental Protection shall recommend a planning condition is attached to any consent to control the hours of use.

Due to the distance from the residential properties the proposed plant should not adversely impact residential amenity, however an informative shall be recommended.

Therefore, Environmental Protection offers no objection, subject to the following conditions overleaf;

#### Conditions

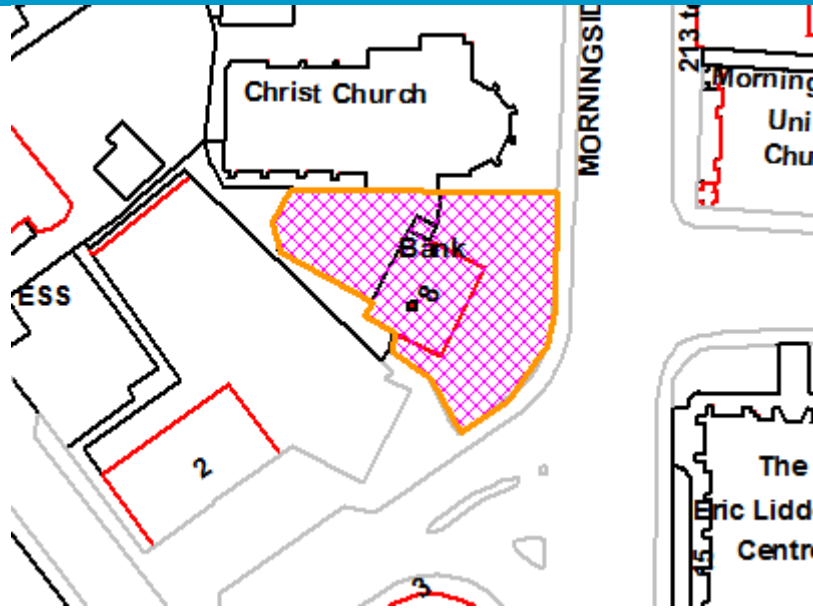
1. Prior to the use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as show on drawing no. 3/7/03C shall be implemented.
2. The use of the external seating area to be restricted to 0800 - 2100hours Monday to Saturday and 09:00 - 20:00 hours on Sunday's.

#### Informative;

1. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment.

## Location Plan

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