

# Development Management Sub Committee

Wednesday 20 March 2019

**Application for Planning Permission 18/10093/FUL  
At 61 Leith Street, Edinburgh,  
Single storey extension, partial change of use, external  
alterations, landscaping and other associated works.**

<b>Item number</b>	4.4
<b>Report number</b>	
<b>Wards</b>	B11 - City Centre

## Summary

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The proposals comply with the Local Development Plan and non-statutory guidelines and have no adverse effect on the character or appearance of the conservation area. The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

## Links

<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LRET11, LRET02, LRET07, LDES12, LEN06, LEN01, LTRA02, LTRA03, LDEL01, NSG, NSBUS, NSLBCA, NSGD02, NSMDV, NSP, CRPNEW,
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# Report

## **Application for Planning Permission 18/10093/FUL At 61 Leith Street, Edinburgh, Single storey extension, partial change of use, external alterations, landscaping and other associated works.**

### **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 the Omni Centre on the east side of Picardy Place at the foot of Calton Hill. The centre contains various entertainment and leisure uses including a cinema, restaurants, bars, a hotel and gym. A multi-storey car-park occupies the lower levels.

The surrounding area is in mixed, predominantly commercial, use including offices, hotels, restaurants, bars and shops.

The site is within the World Heritage Site and in proximity to the category A listed buildings on Calton Hill, including Observatory House, Transit House and Crawford Dome (reference 27603, listed on 19 April 1966).

This application site is located within the New Town Conservation Area.

#### **2.2 Site History**

27 October 1999 - planning permission granted for a multi-use development, including health and fitness, nightclub, restaurants, retail, hotel and offices (application reference 98/03338/FUL).

24 January 2001 - planning permission granted for an amendment to the previous consent for the erection of a multi-use development to include health and fitness, restaurants, bars, hotel, cinemas and office (application reference 00/03345/FUL).

01 May 2012 - planning permission granted for the change of use from a nightclub (Class 11: Assembly and Leisure) to a restaurant (Class 3: Food and Drink) at The Theme Bar (Unit 9) (application reference 12/00857/FUL).

## **Main report**

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

The application is for a the erection of a single storey, predominantly glazed, flat-roofed extension measuring approximately 675 square metres in area on the south elevation, for mixed Class 1 (retail), Class 3 (cafe/restaurant), sui generis (bar) and Class 11 (entertainment and leisure) uses. The extension will incorporate existing Units 6 and 7 and associated circulation space (approximately 897 square metres) to form a single unit of approximately 1572 square metres in area with the potential for subdivision.

The main entrance on Greenside Place and side entrance on Upper Greenside Lane will be reconfigured with portal entrances incorporating canopies.

#### Supporting Document

The following key documents have been submitted in support of the application and area available to view on the Planning and Building Standards Online Services:

- Planning Statement;
- Design and Access Statement;
- Noise Report;
- Flood Risk Assessment and Drainage Strategy; and
- Preliminary Environmental Risk Assessment.

### **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 development is acceptable in principle in this location;
- b) the proposals are acceptable in terms of scale, form, design and materials;

- c) the proposals preserve or enhance the character or appearance of the conservation area;
- d) the proposals harm the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site;
- e) the proposals are detrimental to residential amenity, road safety or infrastructure;
- f) any impacts on equalities or human rights are acceptable; and
- g) public comments have been addressed.

### **a) Principle**

The site is located within the City Centre as designated by the Edinburgh Local Development Plan (LDP).

The development proposes a range of uses as follows:

#### Public House (Sui Generis)

This site is within the commercial core of the city centre and there is no residential accommodation in close proximity. There is no LDP policy regarding the number or concentration of public houses in the city centre.

#### Restaurant/Cafe (Class 3)

Policy Ret 11: Food and Drink Establishments sets the criteria for judging when a Class 3 use will not be acceptable, with the aim of ensuring that such establishments do not have a detrimental impact on the amenity of nearby residents. The proposed Class 3 use in this busy city centre location will not cause any significant disruption.

#### Retail (Class 1)

LDP Policy Ret 2 supports retail development in the city centre retail core, provided the proposal provides high quality, commercial attractive units, reinforces the vitality of the shopping streets in the retail core and helps to create a safe and attractive pedestrian environment.

Retail use in this location would complement the major new retail development at the St James Centre. The loss of the seating area and trees to accommodate the proposed extension will be mitigated by the provision of an enhanced public realm in Picardy Place as part of the St James Centre redevelopment scheme.

#### Entertainment/Leisure Class 11)

LDP Policy Ret 7 states that planning permission will be granted for high quality, well designed entertainment and leisure facilities in the city centre, provided the proposal can be integrated satisfactorily into its surrounds with attractive frontages and will not lead to a significant increase in noise, disturbance and on-street activity to the detriment of nearby residents.

The development will be an appropriately designed, relatively small-scale addition to an established cinema and mixed-use facility and will not generate any significant additional noise, disturbance or on-street activity.

Subject to compliance with other LDP policies, the development is acceptable in principle.

### **b) Scale, Form Design and Materials**

The proposed extension is low-lying and relatively small-scale in comparison to the massing of the Omni Centre building and will maintain an appropriate ratio of solid to void on the south elevation which is defined by glazing at ground floor level with stone above.

The proposed palette of materials is high quality and in keeping with the existing construction materials of the main building and the glazing pattern will maintain the rhythm of the Omni Centre's curtain walling. The sedum roof will complement similar roofs on the Omni and adjacent office building to soften the transition from the green landscape of Calton Hill to the hard landscaping of the city's East end.

At present, the existing units terminate onto an elevation which is blocked by existing planters and the proposed extension will provide these units with a greater street presence from Leith Street. The existing break in massing between the Omni Centre and the adjacent office building provides a visual breathing space and views to Calton Hill. However, this space is underused at present as a place to stop, due to its location between two large buildings, cluttered appearance with six wide-base planters and use as a through route between Leith Street and Greenside Row.

This lost space will be replaced by more effective public spaces as part of the public realm works associated with the redevelopment of the St James Centre. The important qualities of the existing space, namely the views to Calton Hill and visual break in the massing of the two large flanking buildings will not be lost. The existing trees are young specimens so their loss is acceptable in these circumstances and a condition has been applied to ensure that an element of tree-planting is provided in the development.

The existing entrances to the Omni Centre are not obvious at ground level and are lost elements within the extensive, glazed facades, lacking obvious wayfinding from the street. There is no hierarchy of entrances to direct visitors into the building nor is it obvious what the building houses is in terms of uses.

The proposed portal entrances will give the building strong visual markers to identify the building, including its main entrances and various uses and the associated canopies over both entrances will provide low level shelter for visitors. The dark-finished metal construction materials will be in keeping with the structural elements of the main building and signage will be the subject of a separate application.

The proposals are therefore acceptable in terms of scale, form, design and materials.

### **c) Character and Appearance of Conservation Area**

LDP Policy Env 6 permits development within a conservation area which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal.

The New Town Conservation Area Character Appraisal identifies the key characteristics of the First New Town as:

- *Georgian and early Victorian rectilinear development of grand formal streets lined by fine terraced building expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces with controlled vistas and planned views;*
- *the important feature of terminated vistas within the grid layouts and the long distance views across and out of the conservation area.*

The proposed extension and new entrances are relatively small-scale, appropriately designed additions to the existing Omni Centre building and will have no impact on the essential character of the New Town Conservation Area, including views of Calton Hill and its listed buildings.

The proposals will therefore preserve the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

### **d) Outstanding Universal Value of World Heritage Site**

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The development comprises a relatively small and appropriate addition to an existing modern building and will therefore have no detrimental impact on the character of appearance of the Georgian New Town, nor its relationship with the medieval Old Town.

The development will therefore cause no harm to the Outstanding Universal Value of the Old and New Towns of World Heritage Site, in compliance with Edinburgh Local Development Plan Policy Env 1.

### **e) Residential Amenity, Road Safety and Infrastructure**

#### Residential Amenity

There are no residential properties in close proximity to the site, so the development will have no detrimental impact on residential amenity.

## Road Safety

The site is on a major public transport route with numerous bus services and a tram stop nearby on York Place and Waverley Station is easily accessible on foot or by bus. The Omni Centre is also well served by cycle routes from the city centre and Leith Walk and ample secured cycle parking is provided in the car park below. The proposed uses are unlikely to encourage or generate significant additional car journeys to the centre and the existing multi-storey car park has over 1000 spaces.

In terms of accessibility, level access will be maintained to the Omni Centre and provided for the proposed extension.

## Infrastructure

The applicant has agreed to enter into a legal agreement with the Council to contribute the sum of £118,338 (based on 675sqm pubs/restaurant in Zone 1) to the Edinburgh Tram. An informative has been added requiring the conclusion of a legal agreement to secure this sum.

The proposals are not therefore detrimental to residential amenity, road safety or infrastructure.

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

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

## **g) Public Comments**

### Material Objections

- overprovision of bars in this area - this has been addressed in section 3.3 a).
- overdevelopment of Omni Centre and negative impact on design integrity - this has been addressed in section 3.3 b).
- negative impact on character of New Town Conservation Area and World Heritage Site - this has been addressed in sections 3.3 c) and d).
- spoil views to Calton Hill - this has been addressed in section 3.3 b).
- loss of trees and public green space - this has been addressed in section 3.3 a) and b).
- potential noise from bar - this has been addressed in section 3.3 e).
- adverse impact on new traffic system on Picardy Place - this has been addressed in section 3.3 e).
- no cycle parking provided - this has been addressed in section 3.3 e).

## Non-material Objections

- The grounds of objection relating to health and safety impacts, access for emergency vehicles, disruption during construction works, increase in crime and violence, impact on the trade of existing businesses and the proposed signage are non-material in planning terms.

## **Conclusion**

The proposals comply with the Local Development Plan and non-statutory guidelines and have no adverse effect on the character or appearance of the conservation area. The development has no detrimental impact on residential amenity, road safety or infrastructure. 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. A fully detailed landscape plan, which shall include tree-planting and details of all hard and soft surface treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
2. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

#### **Reasons:-**

1. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
2. In order to ensure that the approved landscaping works are properly established on site.

#### **Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded to ensure that the applicant contributes the sum of £118,338 to the Edinburgh Tram. The sum will be indexed as appropriate and the use period will be 10 years from the date of payment.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.



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.
4. 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.

## **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**

Pre-application discussions took place on this application.

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

The application was advertised on 7 December 2018. A total of 63 representations were received comprising 62 objections, including one from the Architectural Heritage Society of Scotland and one general comment.

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 City Centre as defined in the Edinburgh Local Development Plan.

**Date registered**

29 November 2018

**Drawing numbers/Scheme**

01 - 19,

Scheme 1

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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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 Ret 2 (City Centre Retail Core) sets criteria for assessing retail development in or on the edge of the City Centre Retail Core.

LDP Policy Ret 7 (Entertainment and Leisure Developments - Preferred Locations) identifies the City Centre, at Leith and Granton Waterfront and town centres as the preferred locations for entertainment and leisure developments.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

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

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

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 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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

**Non-statutory guidelines** on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

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

**The New Town Conservation Area Character Appraisal** states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

# Appendix 1

## **Application for Planning Permission 18/10093/FUL At 61 Leith Street, Edinburgh, Single storey extension, partial change of use, external alterations, landscaping and other associated works.**

### **Consultations**

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#### **Roads Authority**

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

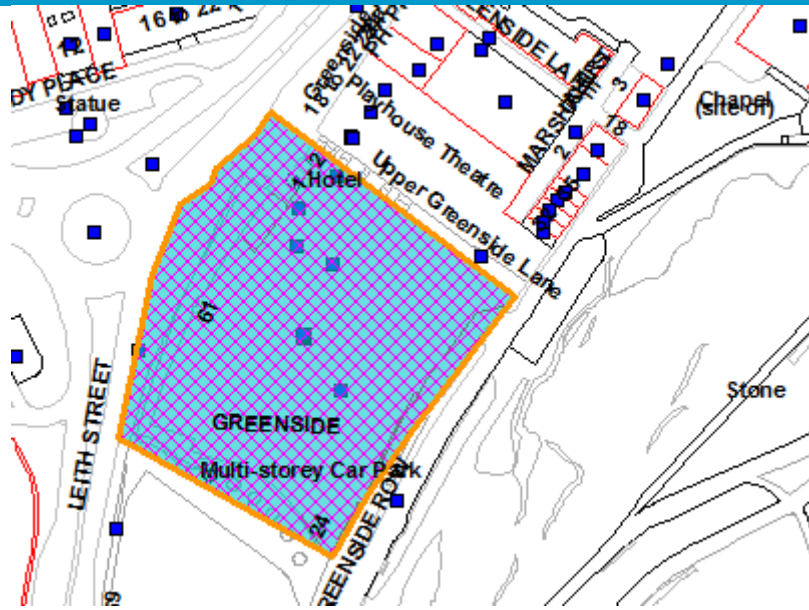
- 1. The applicant will be required to contribute the sum of £118,338 (based on 675sqm Class 3 use pubs/restaurant in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
- 2. A minimum of 6 secured cycle parking provision required under the Council's 2017 parking standards for the proposed extension in Zone 1.*

#### *Note*

- a) Tram contribution for alternative use classes are as follows; 675sqm pubs/restaurant in Zone 1 = £118,338; 675sqm retail unit in Zone 1 = £61,782; 675sqm class 11 in Zone 1 = £0*
- b) The proposed extension removes the on-street benches and trees and therefore eliminates the place function of the street.*
- c) No parking spaces being proposed.*

## Location Plan

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