

Development Management Sub-Committee Report

Wednesday 29 June 2022

**Application for Planning Permission
84 Joppa Road, Edinburgh, EH15 2ET**

Proposal: Alteration to from small window extensions.

**Item – Committee Decision
Application Number – 22/00181/FUL
Ward – B17 - Portobello/Craigmillar**

Reasons for Referral to Committee

The application has been referred to Development Management Sub Committee because 36 objections and 1 letter of support have been received. Consequently, under the Council's Scheme of Delegation the application must be determined by the Development Sub-Committee

Recommendation

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

Summary

The proposals comply with the Edinburgh Local Development Plan and the Council's non-statutory guidance. The design, form and choice of materials for the alterations are compatible with the character of the existing building and surrounding area. It would not have a materially detrimental effect on neighbouring properties. No other material considerations outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site lies on the north side of Joppa Road, to the east of the Promenade. It is a one and a half storey, modern building which is part of Joppa Pumping Station responsible for waste water, sewage treatment and disposal. There is an existing café in this part of the building which was formerly used as public conveniences.

The proposal does not lie within a conservation area, but the boundary of Portobello Conservation Area lies immediately to the west of the site.

Description Of The Proposal

The proposal is for changes to the window style in two glazed extensions and the retention of the vestibule to the western elevation.

Supporting Information

No further details were submitted.

Relevant Site History

19/03841/FUL
84 Joppa Road
Edinburgh
EH15 2ET
Change of Use of former public conveniences to form cafe.
Granted
24 September 2019

21/01717/FUL
84 Joppa Road
Edinburgh
EH15 2ET
Variation to consent 19/03841/FUL for cafe, class 3, to form small window extensions.
Granted
9 June 2021

Other Relevant Site History

No other Relevant Site History

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 25 January 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 28 January 2022;

Site Notices Date(s): Not Applicable;

Number of Contributors: 37

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policy Env 6
- LDP Design policies Des 1, Des 5 and Des 12
- LDP Shopping policy Ret 11

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering LDP policy Env 6.

Impact on the setting of the conservation area

The proposal does not lie within a conservation area, but the boundary of Portobello Conservation Area lies immediately to the west of the site.

The existing building is of a functional design. The proposed alterations are well designed and are relatively minor. On the north elevation, the new windows give a greater vertical appearance. Additional windows are proposed at ground floor level retaining the existing proportions. The glazed vestibule and existing canopy over the entrance doors has been retained as part of the proposals.

The proposal complies with LDP policy Env 6 as it does not impact on the setting of the conservation area.

Principle of Development

The authorised use of the premises is as a class 3 unit, with an incidental takeaway function.

The principle of the use of the building is therefore established.

Scale, Design and Materials

LDP Policy Des 1 (Design Quality and Context), states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area.

LDP Policy Des 12 (Extensions and Alterations) states that planning permission will be granted for alterations to existing buildings which are compatible with the character of the existing building.

The design and form of the window alterations and changes to the vestibule are compatible with the character of the existing building. The choice of materials and positioning would be appropriate, relative to the character of the existing buildings and the neighbourhood character.

The proposal complies with LDP policies Des 1 and Des 12.

Amenity

LDP Policy Des 5 (Development Design - Amenity) states that planning permission will be granted where it can be demonstrated that the amenity of neighbouring properties is not adversely affected in relation to noise, daylight, sunlight, privacy or immediate outlook.

The new windows would look onto a public open area, and there would be no overlooking or loss of privacy to neighbouring properties.

The development complies with LDP Policies Des 5.

Road Safety and Car Parking

There are no changes to the existing parking arrangements and the site is well served by public transport.

Conclusion in relation to the Development Plan

The proposals comply with LDP Policies Env 6, Des 1, Des 5, Des 12 and Ret 11. The proposed alterations are compatible with the character of the existing building would retain the character of the building and the setting of the conservation area.

b) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The development proposes appropriate alterations to an existing building, which would protect the adjacent historic environment.

The proposed development complies with SPP principles 3 and 10, as it supports good design and the six qualities of successful places. It would protect and enhance the historic environment and protect the amenity of nearby residents.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The National Planning Framework 4 has been consulted on but has not yet been adopted. Therefore, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

material considerations

- increased noise and disturbance - assessed in section b)
- takeaway in residential area - assessed in section b)
- takeaway element increased - assessed in section b)
- car parking and increased traffic - assessed in section b)

non-material considerations

- type of restaurant proposed - fish/chip not upmarket - not part of the planning process
- number of covers increased - not part of the application
- provision of alcohol - not part of the application
- some table could sell alcohol without food - not part of the planning process
- later license not appropriate in residential area as it allows alcohol to be served late in the evening - not part of the planning process
- possibility of outside tables encroaching onto public land - not part of the application
- increased opening hours - not part of the application
- increased waste ' not part of the application
- possibility of external queuing for takeaway food - not part of the application
- possibility of loud music and public benches being removed - not part of the application
- applicant shows little respect to neighbours - not part of the planning process
- delivery drivers park on double yellow lines and drive too fast - not part of the planning process
- applicant owns other commercial businesses which serve mediocre food, erratic opening times and disrespect to neighbours - not part of the planning process
- bandstand area used as meeting place, quiet place to enjoy the view and proposal may encroach onto this area - not part of the application
- lease requires public toilets - these don't appear accessible more accessible public toilets - not part of the application
- Joppa end of Promenade may become like area around The Boathouse with more alcohol being consumed - not part of the application
- as liquor license has been granted the premises could turn into a pub - not part of the application
- neighbouring properties are historic and do not have windows with sound proofing - not part of the application

Conclusion in relation to identified material considerations

The proposals are in compliance with the other material considerations that have been identified above.

Overall conclusion

The proposals comply with the Edinburgh Local Development Plan and the Council's non-statutory guidance. The design, form and choice of materials for the alterations are compatible with the character of the existing building and surrounding area. It would not have a materially detrimental effect on neighbouring properties. No other material considerations outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

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. 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.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 18 January 2022

Drawing Numbers/Scheme

1-4, 6,7

Scheme 1

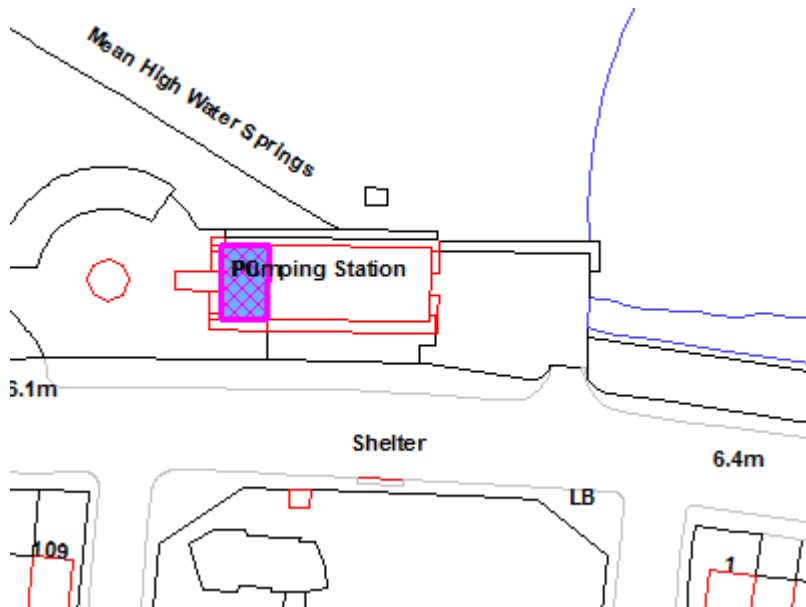
David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer
E-mail: jennifer.zochowska@edinburgh.gov.uk

Summary of Consultation Responses

No consultations undertaken.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420