**Report of Handling**

**Application for Planning Permission 13/03608/FUL**

**At 10 - 11 Antigua Street, Edinburgh, EH1 3NH**

**Proposed extension to rear of restaurant and erection of two semi-detached 3 storey mews houses.**

**Item**

Local Delegated Decision

**Application number**

13/03608/FUL

**Wards**

A11 - City Centre

**Links**

**Policies and guidance for this application**

LPC, CITH1, CITD3, CITE6, CITE3, CITE4, CITE11, CITT4, NSG, NSGD02, NSLBCA, NSP, CRPNEW,

**David R. Leslie**

Acting Head of Planning and Building Standards

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**Summary**

Proposals comply with relevant policies, preserve character and appearance of conservation area, have no adverse effect on character or setting of listed building and have no detrimental impact on residential amenity or road safety.

**Recommendations**

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

**Equalities impact**

The application has been assessed and has no impact in terms of equalities or human rights.

**Consultation and engagement**

**Pre-Application Process**

Pre-application discussions took place on this application.

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

Advertised on 20 September 2013. Four representations received from neighbours, comprising two supporting comments, one objection and one general comment. Material grounds of objection are:

- infringement on privacy;

- noise from deliveries and waste collection;

- noise from customers outside;

- on-street parking problems.

Support comments are as follows:

- proposed houses will complement existing ones and complete street;

- design of proposed restaurant extension will avoid overlooking residential properties.

General comments are as follows:

- deliveries/waste collection should be restricted to office hours;

- additional trees/planting and sedum roof would improve environmental quality of area.

Comments regarding right of way are non-material in planning terms.

**Background reading / external references**

To view details of the application go to

Planning and Building Standards online services

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**1. Background**

**1.1 Site description**

Restaurant occupying adjoining ground floors of four storey and attic, sandstone constructed, late 18th century tenement, category B listed (item no. 49145), World Heritage Site.

Car park to rear on south side of South Gayfield Lane.

This property is located within the New Town Conservation Area.

**1.2 Site History**

February 1996 - consent granted for change of use from retail (Class 1) to cafe and restaurant (Class 3) 96/10339/FUL

April 2000 - consent granted for alterations and extension to restaurant (00/00445/FUL and 00/00445/LBC).

December 2011 - consent granted for installation of two external ventilation pipes at rear of property (11/03514/FUL and 11/03514/LBC).

**Related Planning History**

November 2001 - consent granted for residential development of terraced houses at 3-5 South Gayfield Lane (00/01600/FUL).

**2. Main report**

**2.1 Description Of The Proposal**

The development is for the erection of a semi-detached mews building to the rear of the existing car park on South Gayfield Lane and rear extension to the existing restaurant.

The traditionally detailed mews building measures 9.3m x 11m with ridge height of 9.2m and eaves height of 6.2m. The front (lane) elevation will be finished in natural sandstone and the rear (garden) elevation will be wet dash harled. The structure will have a natural slate roof with timber framed windows.

A 14.5m x 6.1m garden serving occupiers of the new mews dwellings will be formed between this structure and the new restaurant extension. A service lane will be formed alongside the garden, accessed via a pend in the new mews building. The garden will be separated from the service lane by a sandstone boundary wall.

The existing 3.3m x 8.2m extension to the rear of the restaurant will be demolished and replaced with a 12.8m x 10m flat roofed structure finished in sandstone recycled from the demolished extension.

**2.2 Determining Issues**

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?

**2.3 Assessment**

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

a) the proposed use is acceptable in this location;

b) the proposals have an adverse impact on the character or appearance of the conservation area or listed building;

c) the proposals are detrimental to residential amenity or road safety.

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a) Policy Hou 1 of Edinburgh City Local Plan supports new housing development within the urban area, subject to compliance with other local plan policies. This development does comply as demonstrated in paragraphs b) and c) below.

b) The New Town Conservation Area Character Appraisal identifies the key characteristics of this part of the New Town as:

- the grid hierarchy of grand streets, lesser streets, lanes and mews;

- terraces of buildings with regular building plot widths and the consistent relationship of building lines to the layout of streets;

- the overwhelming retention of buildings in their original design form with a standard materials palette, including blonde sandstone and slated pitched roofs.

Consent was granted in 2001 for a terraced row of mews dwellings to South Gayfield Lane. The proposed semi-detached mews property matches the general proportions of these dwellings and the historic mews building to the north. While the proposed building will not be physically attached to the existing mews structures on either side, it will complete the street visually as the remaining gaps will be narrow. This separation is necessary for reasons of access to an existing residential property entered at the rear of 12 Antigua Street and the fact that the 2001 mews development finishes short of the mutual boundary to the south.

The proposed mews building is appropriately scaled to respect the gradient of the lane and is traditionally detailed in keeping with the rest of the mews row. Conditions have been applied to ensure that the sandstone construction is detailed to match the historic mews structure. The use of wet dash harl is acceptable on the rear elevation given that render was approved on the 2001 mews development. The new structure will enhance the area by filling a gap in the street and visually concealing existing unattractive backland development.

Two rowan trees within the existing car park area were removed without permission earlier this year. A condition has been applied to ensure that two replacement rowan trees will be planted in the new mews garden in appropriate locations.

The existing restaurant extension is of no historic or architectural significance, therefore its replacement with a new extension is acceptable in principle. While the proposed extension is significantly larger in terms of footprint, it reflects the scale of the existing outshoot of the neighbouring property to the south. The new structure will project further into the rear curtilage than the adjacent outshoot. However, this is the result of the fact that the tenements on Antigua Street lie at an angle to South Gayfield Lane. A further element is the fact that the entire rear garden of the end tenement of the block has been covered in the past by an industrial shed-type building. Therefore, in this particular context, an extension of the proposed scale is acceptable.

As regards the effect on the character of the listed building, the existing extension covers the entire width of the rear elevation at basement level. The proposed extension, although longer, has a slightly lower ridge height (by approximately 0.5m) and will have no detrimental impact on the appearance of the listed building.

In terms of design, the proposed structure is utilitarian in form but will be refined by a parapet roof and finish in sandstone recycled from the existing extension. A condition has been applied to ensure that the construction detailing matches that of the rear elevation of the listed building. The blank nature of the structure is necessary for privacy and sound insulation, given that the new extension will house a kitchen and additional restaurant seating which will be in proximity to existing and new residential properties. While a sedum roof would create a sense of green space from elevated views, a grass roof would be unlikely to survive in this relatively shaded location.

There is the possibility of important archaeological remains on the site, therefore a condition has been applied to ensure that a watching brief is carried out prior to construction.

c) There are no privacy or overshadowing concerns regarding the proposed new mews development or restaurant extension. Occupiers of the new mews dwellings will only directly overlook their own communal garden and the latter will be screened from the neighbouring garden by an existing high stone boundary wall. Any overshadowing will fall on land used by the restaurant or occupiers of the new mews dwellings.

Environmental Assessment has requested further information on ventilation and noise breakout. This has been provided as follows.

Firstly, there are previously planning consents for the erection of two ducts up the rear of the building (11/03514/FUL and 11/03514/LBC) which allow for a minimum of 30 air changes per hour. This extract is at roof level. The new kitchen will also reuse the existing flue, which is currently in place internally serving the existing kitchen.

As regards noise breakout, the proposed restaurant extension is completely enclosed without any windows or rooflights. The only exception is an escape door which leads out to the back area. There is an existing rear entrance which is nearer to the windows of the tenement above than the new escape door will be. Although the extended restaurant will be in proximity to the new mews dwellings and closer to the existing mews properties than the existing extension, the enclosed nature of the new structure will ensure that there is no significant noise breakout which would have a detrimental impact on residential amenity. Louvres in the rear wall of the new extension will vent internal air conditioning.

Environmental Assessment has also requested a noise impact assessment. However, given the information provided above, a noise impact assessment is not considered necessary in this particular situation.

This is an existing use and deliveries and waste collection will continue as existing. The imposition of conditions on delivery/waste collection times would therefore be inappropriate and non-enforceable.

In terms of on-street parking difficulties the existing car park is not used by residents of the area, therefore its loss will have no significant effect on the demand for on-street parking. However, as off-street parking is only being provided for one of the new mews dwellings, Transport has requested a financial contribution to the City Car Club and this has been agreed by the agent.

**3. Recommendations**

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

**3.2** **Conditions/reasons**

**Conditions**:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

2. Small samples of masonry work for the mews building, boundary wall and restaurant extension hereby approved, indicating courses, surfacing finish and pointing, shall be prepared for inspection on site and shall be approved in writing by the Planning Authority before work commences on site.

3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.

4. Two rowan trees (Sorbus aucuparia) of at least extra-heavy standard size shall be planted within the garden of the mews house hereby approved. A plan showing the proposed location of the trees shall be submitted to and approved in writing by the Planning Authority before work commences on site.

5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development, and thereafter shall be maintained by the applicants and/or their successors to the entire satisfaction of the planning authority; maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.

**Reasons**:-

1. In order to enable the Head of Planning Authority to consider this/these matter/s in detail.

2. In order to enable the Head of Planning Authority to consider this/these matter/s in detail.

3. In order to safeguard the interests of archaeological heritage.

4. In order to safeguard the character of the conservation area.

5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

**Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded in relation to the Edinburgh City Car Club

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

**Statutory Development**

**Plan Provision**

Central Edinburgh Local Plan, Urban Area.

**Date registered**

6 September 2013

**Drawing numbers/Scheme**

01 - 04, 05a + 06a

Scheme 2

**David R. Leslie**

Acting Head of Planning and Building Standards

**Links - Policies**

**Relevant Policies:**

**Relevant policies of the Edinburgh City Local Plan.**

Policy Hou 1 (Housing Development) supports housing on appropriate sites in the urban area, and on specific sites identified in the Plan.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Env 6 (Conservation Areas Development ) sets out criteria for assessing development in conservation areas.

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.

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

Policy Env 11 (Landscape Quality) establishes a presumption against development which would adversely affect important landscapes and landscape features.

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

**Relevant Non-Statutory Guidelines**

**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 and landscape, in Edinburgh.

**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** 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**

**Consultations**

**CECAS (Archaeology)**

The site lies within the UNESCO World Heritage Site in particular on eastern limits of the New town. The site also lies on/adjacent to the limits of the medieval burgh and settlement of Broughton which was subsumed by the Georgian and Victorian expansion of Edinburgh's New Town and on the edge of the 18th century village of Picardy. The site itself occupies the rear gardens of a Georgian tenement built at the beginning of the 19th century around 1804. Historic map evidence indicates that a now demolished building (probable mews) was constructed to the rear of the gardens in the 1830s/40s.

The site is regarded as being of archaeological interest relating to the development of the Georgian/Victorian New Town. This application must therefore be considered under terms of the Scottish Government’s Scottish Planning Policy (SPP), PAN 2/2011 and Scottish Historic environment Policy (SHEP) and also CEC's Edinburgh City Local Plan (adopted 2010) policy ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The construction of the current car-park has undoubtedly had an affect upon the survival of archaeological remains relating to the above mention Victorian building and potential underlying remains and therefore the construction of the new building is regarded as having a low archaeological impact. Nevertheless significant remains may still survive in situ and it is recommended that a condition be attached to consent, if granted, to ensure that a programme of archaeological works (watching brief) is undertaken during construction in order to excavate, record and analysis any associated significant archaeological deposits.

If consent is granted it is recommended that these programme of works be secured using the following condition;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, reporting and analysis) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

**Environmental Assessment**

Additional information should be provided relating to the following:

1. A new kitchen is proposed. Please confirm the cooking odour ventilation arrangements for the site. The following should be confirmed to be supported by Environmental Assessment:

a. the ventilation must attain a minimum of 30 air changes per hour.

b. the extract point should be above roof ridge height of the existing tenements as a minimum.

c. if an existing internal flue is proposed it should be checked for integrity by a suitably qualified person who confirms that the flue is in intact and able to take the liner proposed.

d. if a new flue is proposed or additional ductwork to connect to an existing flue, appropriate drawings should be provided to the planning officer and Environmental Assessment.

2. Noise breakout

The area to the rear is quieter and less masked by road traffic noise therefore please provide a noise impact assessment which demonstrates how the restaurant intends to ensure that patron/plant noise from the restaurant to the rear will not be audible within any nearby residential properties including the new residential property proposed in this application. The residential mews on the lane and the residential properties above the existing restaurant on Antigua street are likely to be most affected by any noise.

**Transport Planning**

No objections to the application subject to the following conditions being applied.

Prior to issuing of consent the applicant shall enter into a suitable legal agreement to make provision for the following:

Contribute the sum of £1000 for the upkeep of the car club. (Reason: 50% off street parking is being provided for the two dwellings and on-street parking in the vicinity outwith controlled times is high and in order to discourage car use the contribution is sought - one dwelling will benefit from one year's free membership to the club.) Contribution payable on commencement of development.

Informative

The applicant should be advised that they will be eligible for one residential parking permit for each new property in accordance with TE committee decision of 04 June 2013.

END