

18 November 2013

Dear Councillor XXXX,

Planning Sub-Committee: Charlotte Chapel conversion from a church to a super-pub
204 Rose Street, Planning Application 13/02020/FUL

I am writing on behalf of a resident group opposed to the above application (Report recommendation is for granting), item 9.3a on the agenda for the Planning Sub-Committee meeting this Wednesday, 20 November.

Hearing requested

A request has been made by all three of our city-centre Councillors Rankin, Doran & Mowat for deferral of the item to a hearing. This would allow residents and our councillors to speak. This is particularly important because we believe the Report Recommendation before you has been poorly judged, does not reflect the full facts and neither is it a correct interpretation of Planning Policy. This is an important location at the west end of Rose Street, the front door to Charlotte Square and with significant implications for police & council resourcing to deal with another super-pub. Please vote to defer this item to a hearing.

Strong opposition: community council, residents, councillors and businesses

Residents quickly organised following official comment period and this represents an exemplary process in the absence of community engagement by the Baptist Chapel, the applicant or the Planning department. There have been 22 objections, 44 petition signatures, two public meetings - one attended by Councillor Mowat, and the second with the Police attended by Councillor Doran, a presentation by residents at the New Town & Broughton Community Council attended by Councillor Rankin and Mark Lazarowicz MP, and much press coverage in the Evening News (all copied to Planning including meeting notes). Business objectors (both were notified neighbours) include Petra Biberbach, Chief Executive of Planning Aid for Scotland, and Marcello Ventisei, general manager of Crowne Plaza Edinburgh. We believe the Report Recommendation does not accurately reflect the degree of objection by residents and others to the application.

When the Report says that late comments 'are not material' this does not mean they should be ignored. We understand the sub-committee have full access to the individual letters of objection. The objection dated 13 August 2013 from the Community Council is particularly succinct.

Grounds for refusal

In our opinion, the application should be refused because it fails to comply with both part a (detrimental impact on residents) and part b (excessive concentration of licensed premises) of **Policy Ret 12** Food and Drink Establishments in the Edinburgh City Local Plan; the policy is quoted in full:

'The change of use of a shop unit or other premises to a licensed or unlicensed restaurant, café, pub, or shop selling hot food for consumption off the premises (hot food take-away) will not be permitted:

a) if likely to lead to an unacceptable increase in noise, disturbance, on-street activity or anti-social behaviour to the detriment of living conditions for nearby residents or

b) in an area where there is considered to be an excessive concentration of such uses to the detriment of living conditions for nearby residents.'

Likewise residential amenity is protected by **Policy Ret 6** Entertainment and Leisure Developments - Preferred Locations, which states;

'Planning permission will be granted for high quality, well designed arts, leisure and entertainment facilities and visitor attractions in the Central Area, at Leith and Granton Waterfront and in a town centre, provided:

b) the proposal is compatible with surrounding uses and will not lead to a significant increase in noise, disturbance and on-street activity at unsocial hours to the detriment of living conditions for nearby residents.'

Our summary comments to the Report Recommendation are below. This is accompanied by 2 pages of graphic illustration (previously copied to planning).

1) Rose Street residents are an important part of a mixed-use city centre: The Report Recommendation fails to highlight this application is the 'tipping point' for numerous residents who will consider leaving the area if it is granted. Contrary to what many believe there is an established residential quarter beside the Charlotte Chapel; 76 flats in the immediate vicinity (SEE – attached graphics). When multiplied by 2.4 people per flat a total of 182 residents will be impacted. These flats are on all sides of the Charlotte Chapel, the closest is only 6m from the property where music and singing accompanying Church services can be clearly heard (and enjoyed). Residential uses are crucial to the mixed use character & history of the street, and an important check to an area which could easily become 'just shops' or 'just pubs'.

2) Planners have ignored their own Environmental Assessment: Residents are stunned that a clear understanding of the cumulative impact of the super-pub on residential amenity is completely ignored in the Report Recommendation. The Council's own Environmental Assessment concludes that the super-pub is *'likely to significantly and noticeably increase the ambient noise climate to the detriment of occupants of surrounding residential properties.'* We ask the sub-committee members to carefully read the Environmental Assessment included in the report. The level of resident objection concurs with the findings of the Environmental Assessment. Councillors might wish to interrogate Principal Planners, who ignore the opinion of their colleagues, on what basis then do they judge the existing situation and the impact of the super-pub. In terms of break-out noise from the super-pub there will always be moments when management of the premises fail; side-doors kept ajar for smokers going in and out, heavy base acoustic music which is uncontrollable with a limiter and large groups arriving for dedicated events in the function suite, to name a few.

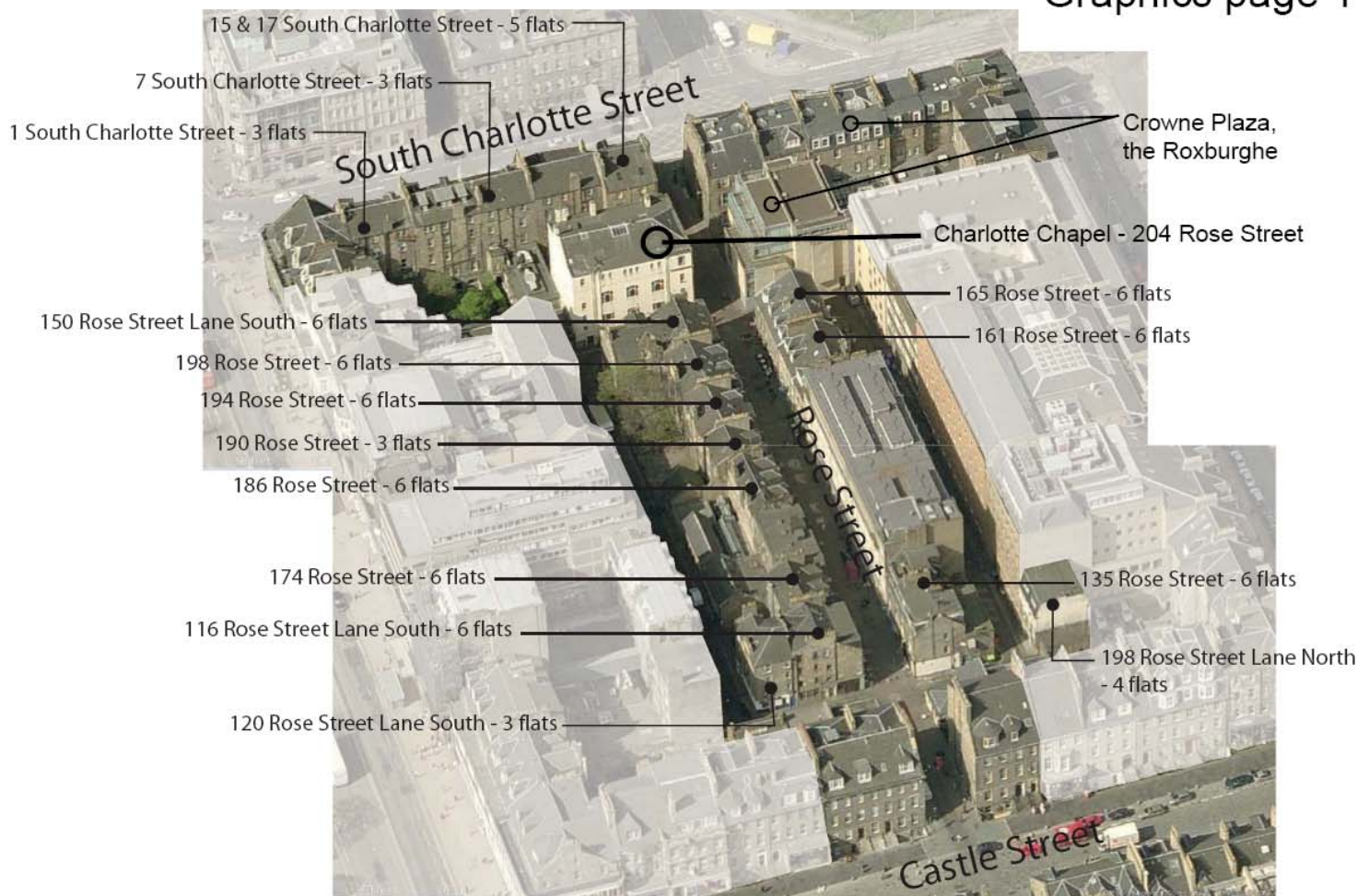
3) Super-pubs don't belong on Rose Street: The Report Recommendation is inconsistent in its presentation of pub occupancy capacities and, rather alarmingly, accedes to the applicant's explanation that the super-pub will run at a lower than stated capacity and should therefore be compared to a traditional pub on Rose Street. Should the member's, like the residents, ask - What other reason than to maximise profit would the applicant have for purchasing such a large building? In order to allow a true comparison with existing venues only the 'official maximum allowed' can be used – of course venues are not always full. The application is for a capacity of 910; this will be larger than either the Dome (capacity=706), Standing Order (capacity=360) or Tiger Lilly (capacity=658). (SEE – attached graphics). Unlike these, with their front doors on a wide George Street and no immediate residents, the application fronts onto narrow Rose Street and lane and, has residents on all sides. The application is 6.5 times the capacity of Scots Bar (capacity=140) immediately across the lane and 13 times the capacity of bar 1780 (capacity=70) diagonally across Rose Street. The super-pub is clearly out of character with existing small pubs and bars along the entire length of Rose Street. Rose Street should not be compared to George Street.

4) 'Excessive concentration' of pubs between Castle Street & South Charlotte Street– The members may wish to ask the Principal Planner how 'excessive concentration' of pubs has been judged (required for Policy Ret 12). The residents have mapped every licensed premise (excluding restaurants) along Rose Street and noted the official capacity of each (SEE – attached graphics). It is unclear to residents how Planning or Licensing are adequately monitoring provision when such straightforward analysis tools do not exist. Our stretch of Rose Street (between Castle Street & South Charlotte Street) has 7 pubs (excluding restaurants), more than any other block. However when looking at the occupancy capacities of Rose Street, block by block, and adding the proposed 910 capacity the results are alarming. Our block will have twice the capacity of any other!

5) Existing building use and marketing of the building: The Report Recommendation does not give adequate weight to the loss of an important community & religious use. There is no evidence with the application that the feasibility of other uses, more acceptable to residents, has been seriously explored. The application before the Sub-Committee represents the 'easiest' use but one that is not fitting its location as the front door to Charlotte Square, the centrepiece of the New Town within the World Heritage Site. A super-pub, and the street drink-fuelled activity that emanates from it, will exacerbate the pressure on police & council resources. Refusal of this application would send a clear signal to the building owner (instead of relying on the advice of the pub applicant) to seriously explore alternative uses.

Yours sincerely, Neil Simpson
On behalf of residents at
the west end of Rose Street

150 Rose Street Lane South
t. 0131 226 6369



Flats at Rose Street between Castle Street and South Charlotte Street

30 July 2013



View 2: rear of 15 South Charlotte Street

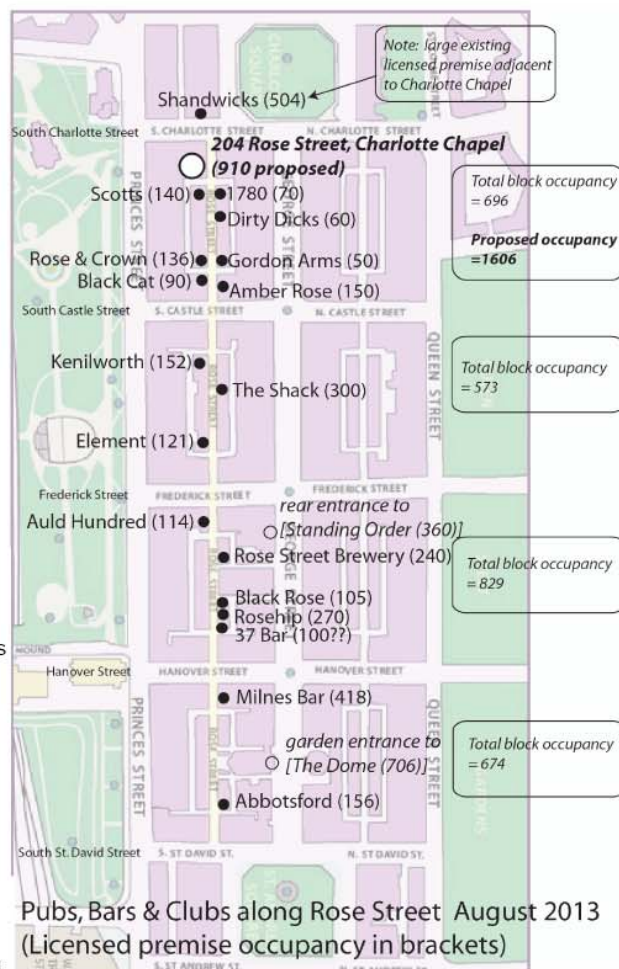


View 3: Rose Street Lane South (RSLs)

Applicant - Glendola Leisure, owners of: Frankenstein - George IV Bridge
 3 floors, 3 bars, sports screens 'We are the perfect venue for your Stag or Hen parties, Birthday parties, work do's, Corporate functions - you name it we do it!!!' Open from midday until 1am And until 2am Friday to Sunday
Waxy O'connors, Glasgow - 18th century Dublin candlemaker legendary for 'ability to consume copious quantities of beer and whiskey'; Glasgow - 3 floors, 6 bars, office parties and large corporate functions. a 1am licence; big screens for all major sporting events. Planners say they are saying 'family focussed' **BUT Euan Robb, a spokesman for Waxy O'Connor's**. See themselves competing with 3 sisters in the Cowgate - and "a lot of opportunity for music and private functions and parties."



Images & text from Way Oconnors website.
 Where are the families??

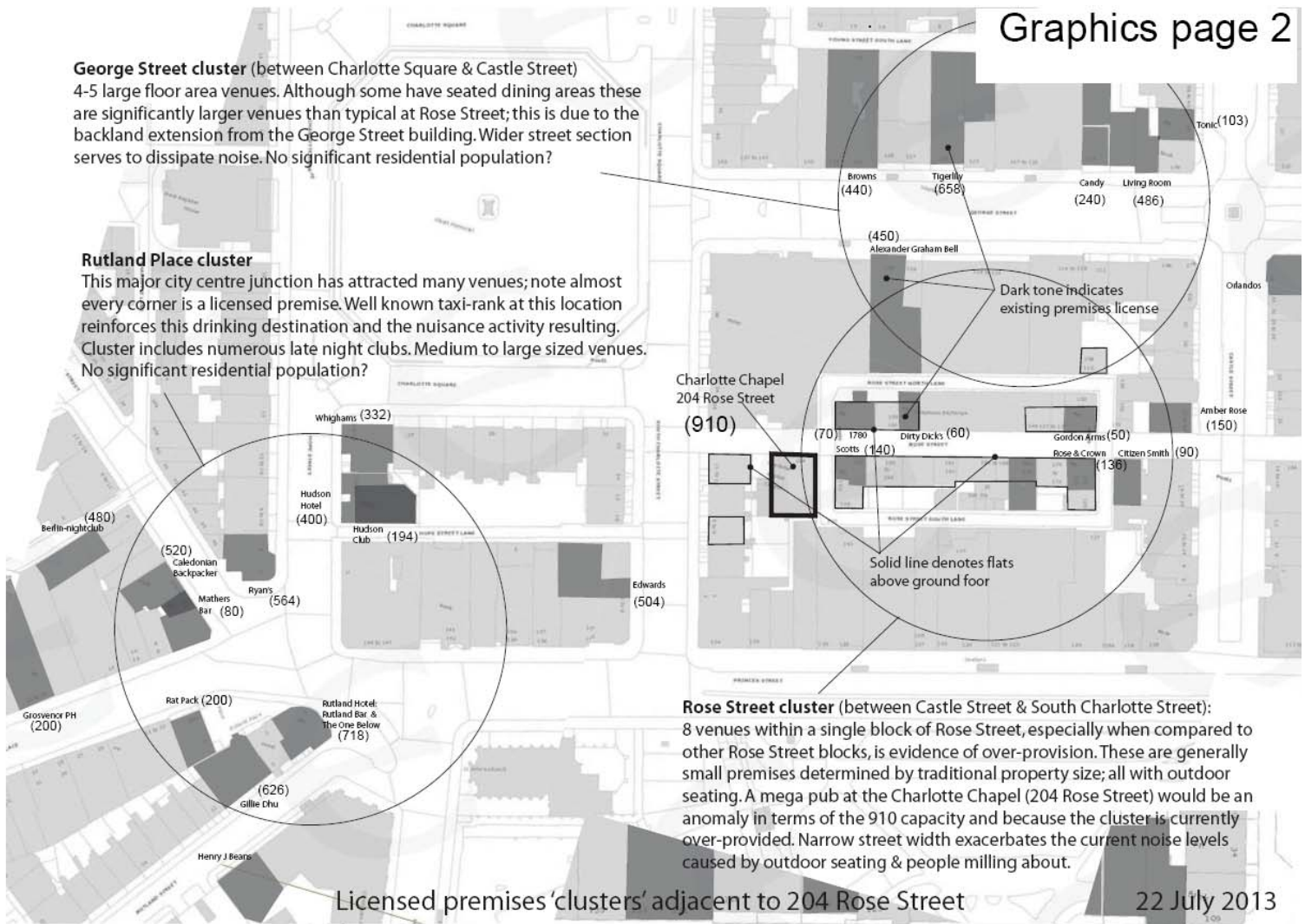


George Street cluster (between Charlotte Square & Castle Street)

4-5 large floor area venues. Although some have seated dining areas these are significantly larger venues than typical at Rose Street; this is due to the backland extension from the George Street building. Wider street section serves to dissipate noise. No significant residential population?

Rutland Place cluster

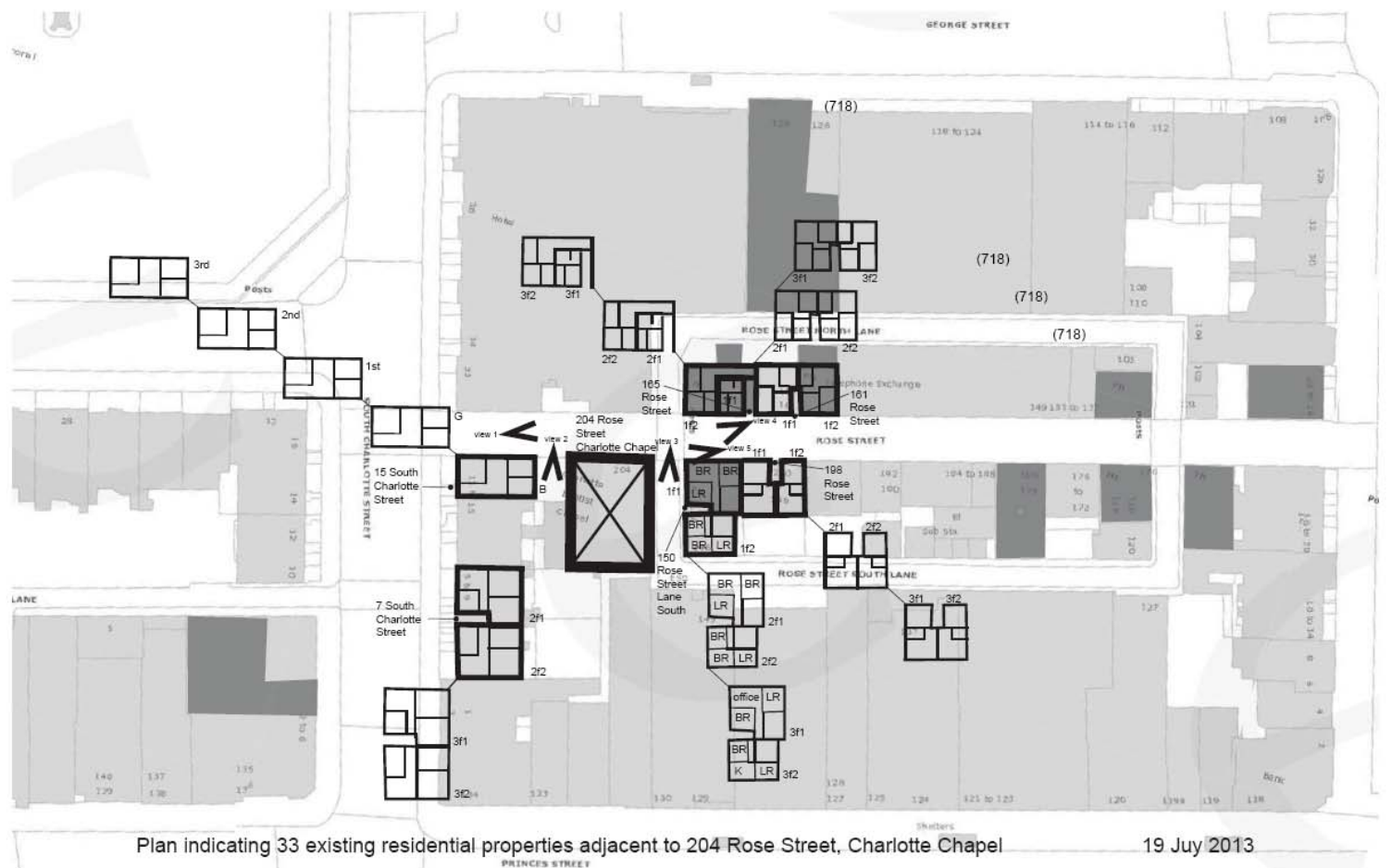
This major city centre junction has attracted many venues; note almost every corner is a licensed premise. Well known taxi-rank at this location reinforces this drinking destination and the nuisance activity resulting. Cluster includes numerous late night clubs. Medium to large sized venues. No significant residential population?



Rose Street cluster (between Castle Street & South Charlotte Street):
8 venues within a single block of Rose Street, especially when compared to other Rose Street blocks, is evidence of over-provision. These are generally small premises determined by traditional property size; all with outdoor seating. A mega pub at the Charlotte Chapel (204 Rose Street) would be an anomaly in terms of the 910 capacity and because the cluster is currently over-provided. Narrow street width exacerbates the current noise levels caused by outdoor seating & people milling about.

Licensed premises 'clusters' adjacent to 204 Rose Street
Occupancy capacity indicated in brackets

22 July 2013



Plan indicating 33 existing residential properties adjacent to 204 Rose Street, Charlotte Chapel

19 July 2013