



Item no  
Report no

**14**

**Planning Permission 10/02239/FUL**  
**at**  
**4 - 6, 7 - 9 North Bank Street**  
**Edinburgh**  
**EH1 2LP**

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**Development Management Sub-Committee  
of the Planning Committee**

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## **1 Purpose of report**

To consider application 10/02239/FUL, submitted by Omni Taverns Ltd. The application is for: **Unit 4 + 6: Change of use for unit 6 from retail class 1 to restaurant class 3. Unit 7: Change of use from bank class 2 to restaurant class 3.**

It is recommended that this application be **GRANTED** subject to the conditions below.

## **2 The Site and the Proposal**

### **Site description**

The application relates to a series of three consecutive commercial units. Nos. 4-6 North Bank Street are part of a six storey and attic property which was originally built in the late 17th century and was re-constructed in the late 19th century. The property is category A listed (ref. 51552) and was listed on 14.12.1970. The two units within this property are currently in retail (class 1) use.

The unit within Nos 7-9 North Bank Street is part of a four storey and attic late 19th century neo-Jacobean property which is category B (ref. 30064) and was listed on 12.12.1974. The unit at No 7 North Bank Street was a bank (class 2) and is currently vacant.

The properties lie within the World Heritage Site.

This property is located within the Old Town Conservation Area.

### **Site History**

There is no relevant planning history for this site.

### **Pre-Application Process**

There is no pre-application process history

### **Description of the Proposal**

The application proposes the linking of the three commercial units and a change of use of No. 6 North Bank Street and No. 7 North Bank Street to class 3 use. No 4. North bank Street would be retained as class 1 (retail) use.

There are no external alterations except the restoration of a currently sealed hatch in the stall-riser/ pavement at no 4. The required ventilation is to be accommodated internally.

## **3. Officer's Assessment and Recommendation**

### **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 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?

## **ASSESSMENT**

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

- a) the use is acceptable;
- b) there is an adverse impact on residential amenity;
- c) the proposals preserve or enhance the character and appearance of the conservation area.

a) The units are within the Central Area of the Edinburgh City Local Plan but are not within any defined retail centre or retail frontage. The change of use of one of the units from retail is therefore acceptable.

Policy Ret 12 (Food and Drink Establishments) outlines the acceptability of the change of use of a shop unit or other premises to a class 3 use, which relates to protecting residential amenity. Environmental Assessment raises no objections to the use and recommends a number of conditions to protect residential amenity relating to ventilation, noise, music and hours of deliveries.

The Edinburgh Planning Guidance on Food and Drink Establishments supports Class 3 use in principle throughout the Central Area. The units are not within an area of sensitivity for food and drink establishments and therefore it not deemed that there is an excessive concentration of such uses within this particular location.

b) Subject to standard environmental conditions on ventilation, noise, music and deliveries, the change of use should cause no loss of amenity to residents.

c) The external works are minor in nature do not require planning permission

In conclusion, the proposals comply with the development plan and non-statutory guidance. Residential amenity will be protected. There are no other material considerations which outweigh this conclusion.

It is recommended that the Committee approves the application subject to the conditions stated.

## **REASON FOR DECISION**

The proposals comply with the development plan and non-statutory guidelines and have no adverse effect upon neighbouring amenity.



**John Bury**  
Head of Planning

<b>Contact/tel</b>	Stephen Dickson on 0131 529 3529
<b>Ward affected</b>	A11 - City Centre
<b>Local Plan</b>	Edinburgh City Local Plan
<b>Statutory Development Plan Provision</b>	Central Area
<b>Date registered</b>	4 August 2010
<b>Drawing numbers/ Scheme</b>	1-4,5a,6a, 7-8 Scheme 2

#### **Advice to Committee Members and Ward Councillors**

The full details of the application are available for viewing on the Planning and Building Control Portal: [www.edinburgh.gov.uk/planning](http://www.edinburgh.gov.uk/planning).

If you require further information about this application you should contact the following Principal Planner,  
Anna Grant on 529 3521. Email: [anna.grant@edinburgh.gov.uk](mailto:anna.grant@edinburgh.gov.uk).

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail [Gillian.ferrier@edinburgh.gov.uk](mailto:Gillian.ferrier@edinburgh.gov.uk) or [jack.dunn@edinburgh.gov.uk](mailto:jack.dunn@edinburgh.gov.uk)

## Appendix A



<b>Application Type</b>	Planning Permission
<b>Application Address:</b>	4 - 6, 7 - 9 North Bank Street Edinburgh EH1 2LP
<b>Proposal:</b>	Unit 4 + 6: Change of use for unit 6 from retail class 1 to restaurant class 3. Unit 7: Change of use from bank class 2 to restaurant class 3.
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## Consultations, Representations and Planning Policy

### Consultations

#### Transport

No objections.

#### Historic Scotland

*We have considered your consultation and comment as follows:*

*We note that this consultation relates to the impact on the setting of the category A listed building which forms a component of the proposed works. As there is limited change proposed to the exterior of the building and we note that any proposed signage will be subject to a separate application, we have limited comment, but would encourage that consideration is given to the use of applied lettering in this proposal rather than large signboards.*

*We also note that there are changes to the interior of the building which may require listed building consent and would take this opportunity to provide some comments on these proposed changes. Although we acknowledge that the proposed suspended ceiling will leave the existing cornice work and column capitals intact we would not normally expect integral architectural features to be covered by a lowered ceiling where this could be avoided, and we would encourage that consideration is given to whether lowered ceilings are required in this instance. We also note that the proposals include the removal of an existing stair to the basement. We would not normally expect features such as this to be removed, where they are part of the original plan form, and would ask that your Council is content that the feature is not original or makes no contribution to the special architectural interest of the property before considering it is acceptable for it to be removed.*

*Consideration should also be given to the proposed opening between numbers six and seven which will erode part of the original spine wall separating the two properties. We would encourage that the opening is of an appropriate scale to read in the plan form as an enlarged doorway to ensure that the two separate plots can be distinguished once the change is completed.*

*Notwithstanding our comments above, we confirm that your Council should proceed to determine the application without further reference to us.*

### **Services for Communities**

*The proposal is a change of use from class 2 office to create a retail unit with an associated class 3 restaurant attached. The applicant has provided details of an internal flue system to discharge cooking odours at roof height. In order to protect residential amenity conditions have been proposed to control noise breakout from the commercial activities outlined.*

*Environmental Health has no objections to this proposed development subject to the following conditions:*

- 1) The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to chimney head level to ensure that no cooking odours escape or are exhausted into any neighbouring premises, all to the satisfaction of the Head of Planning.*
- 2) The design and installation of any plant machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.*
- 3) The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any neighbouring living apartment.*
- 4) All music and vocals, amplified or otherwise shall be so controlled as to be inaudible within any neighbouring premises.*
- 5) Deliveries and collections, including waste collections, to be restricted to 07.00 to 19.00 hours, Monday to Sunday.*

## **Representations**

The application was advertised on 13th August 2010.

Ten objections were received from neighbouring residents. Reasons for objection were:

1. Loss of retail (addressed in section a) of the Assessment)
2. Overprovision of class 3 units (addressed in section a) of the Assessment).
3. Concerns regarding potential noise nuisance (addressed in section b) of the Assessment).

Other non-material issues, such as pavement width were also raised.

***Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.***

## **Planning Policy**

The property lies in the Central Area of the Edinburgh City Local Plan.

### **Relevant Policies:**

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

Policy Ret 12 (Food and Drink Establishments) sets criteria for assessing the change of use to a food & drink establishment.

Policy Ret 10 (Alternative Use of Shop Units – Elsewhere in Defined Centres) sets criteria for assessing the change of use of a shop unit to a non-shop use in defined centres (excluding core and primary frontages).

#### **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** 'FOOD AND DRINK ESTABLISHMENTS' provide guidance on the location of such uses and set out conditions to control their impact.

## Appendix B



<b>Application Type</b>	Planning Permission
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### Conditions/Reasons associated with the Recommendation

#### Recommendation

It is recommended that this application be **GRANTED**

#### Conditions

1. The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to a suitable exhaust point to ensure that no cooking odours escape or are exhausted into any neighbouring premises, all to the satisfaction of the Head of Planning.
2. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
3. The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any neighbouring living apartment.
4. All music and vocals amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
5. Deliveries and collections including waste collections shall be restricted to 07.00 to 19.00 hours, Monday to Sunday.

**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 safeguard the amenity of neighbouring residents and other occupiers.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.

**INFORMATIVES**

It should be noted that:

1. It should be noted that signage will require additional permission for both Advertisement Consent and Listed Building Consent.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

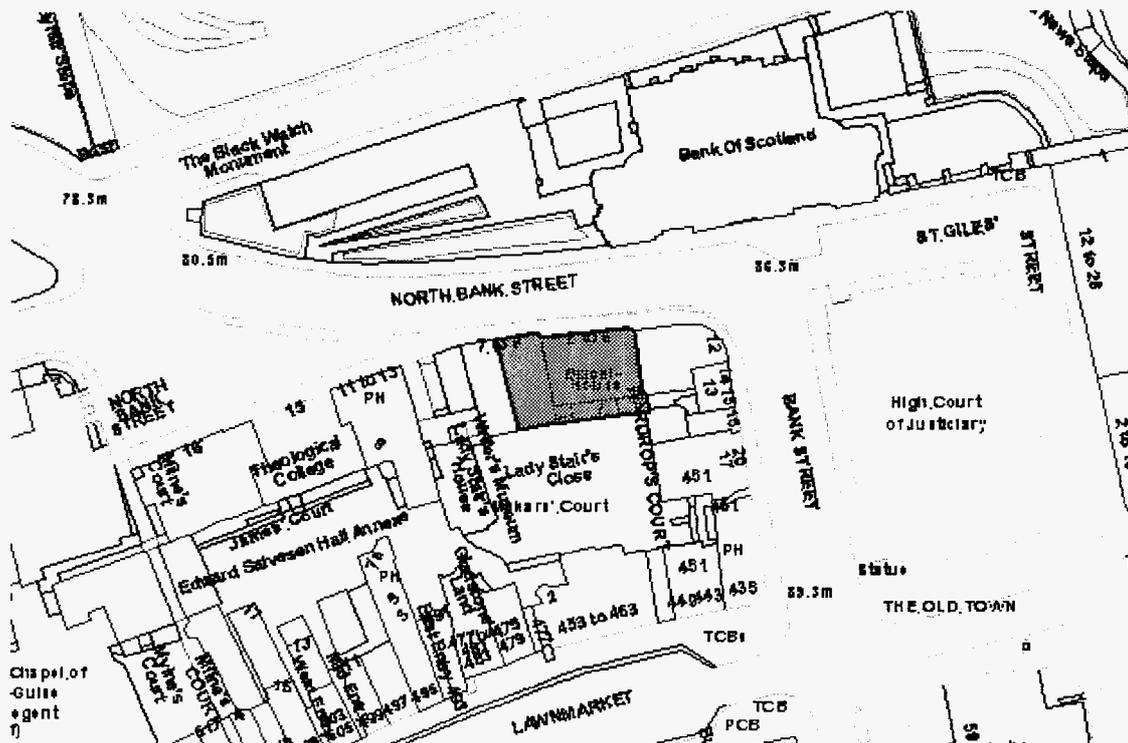
**End**

## Appendix C

**Application Type** Planning Permission

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### Location Plan

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