

**Full Planning Application
at
107 Newington Road
Edinburgh
EH9 1QW**

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

Proposal: Change of use from shop to restaurant
Applicant: K J Smith.
Reference No: 04/03672/FUL

1 Purpose of report

To recommend that the application be **GRANTED** subject to;

Conditions

- 1 The development hereby permitted shall be commenced no later than five years from the date of this consent.
- 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 All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
- 4 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 & Strategy.

- 5 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.
- 6 The ventilation system shall be designed so that there is no requirement for the erection of an external flue or duct.

Reasons

- 1 In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
- 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.
- 6 In order to safeguard the character of the conservation area.

2 Main report

Site description

The site lies to the east of Newington Road. The property is the ground floor unit and is currently operating as a charity shop. Three storeys of residential are above the unit. The surrounding area is a mixture of residential and commercial properties. The neighbouring units on either side are both within retail use.

The property lies within the Southside Conservation Area. It is not listed.

Site history

There is no relevant planning history for the site.

Development

The application is for a change of use from shop to restaurant. The unit will be accessed at ground floor level from Newington Road where the new restaurant will seat 52. The kitchen, toilets and storage area are located to the rear of the unit.

No external alterations are proposed at this stage. Ventilation is to be achieved via the existing internal flue.

Consultations

Transportation

No objections.

Environmental and Consumer Services

No objections to this proposed development subject to conditions controlling noise and ventilation

Representations

Neighbour Notification was carried out on 30th September 2004 and the application was advertised on 22nd October 2004. Four letters of representation have been received. The Southside Community Council and the Newington Residents Association have made objections and neighbouring residents.

The main grounds of objections are as follows:-

The area has an over supply of restaurants.

Loss of a retail unit.

Policy

CENTRAL EDINBURGH LOCAL PLAN - The unit lies within a Secondary Shopping Frontage in an area of Housing and Compatible uses.

Relevant Policies:

Policy L2 (COMMERCIAL LEISURE USES) sets out criteria for assessing commercial leisure uses within the Retail and Office Cores, Mixed Activities Zone and other areas where commercial uses are present.

Policy S7 (PROTECTION OF SHOPPING USES) sets out criteria for assessing changes of use (within defined retail frontages) from a shop unit to a service or other non-retail use appropriate to a shopping area.

Policy H11 (HOUSING AMENITY) establishes a presumption against new development and changes of use likely to introduce increased levels of traffic or activity to the detriment of residential amenity or to the reasonable prospects of further residential development where this is an objective of the Local Plan.

Non-statutory guidelines 'RESTAURANTS, CAFES AND HOT FOOD SHOPS' provide guidance on the location of such uses and set out conditions to control their impact.

3 Conclusions and Recommendations

DETERMINING ISSUES

The determining issues are:

- do the proposals preserve or enhance the character and appearance of the conservation area? there being a strong presumption against the granting of planning permission of this is not the case;
- 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 in this location, b) there will be any adverse effects on residential amenity or road safety, and c) the proposals will be detrimental to the character and appearance of the conservation area.

a) The unit lies within a secondary shopping frontage, where there is a 40% limit on the non retail units within a frontage. The existing frontage has 24 units, of which 18 are authorised class 1 uses. This means there are 75% of the units in retail use. The proposal will retain 71% of units in retail use in compliance with Policy S7. The area is not identified as being within an Area of Sensitivity. It is not considered that there is an excessive concentration of commercial leisure uses.

The principle of the change of use to a restaurant is therefore acceptable.

b) Whilst the property is surrounded by residential properties, it has a commercial frontage and the character at street level is commercial. Restaurant use will not result in a level of increased activity such that residential amenity would be compromised. Environmental and Consumer Services are satisfied that the proposal is acceptable, subject to Standard conditions.

Road safety will not be compromised. The change of use of the premises is unlikely to lead to increased demand for on street parking, particularly as the unit is on a main route into the City Centre. Transportation have no objections.

c) The use is compatible with the character of this part of the Conservation Area. As no external alterations are proposed, there will be no impact upon the external appearance of the building or the conservation area. A condition is attached to insure against an external flue.

In conclusion, the principle of the use is acceptable in this location. It will not undermine the vitality and viability of the shopping centre, nor have an adverse impact on residential amenity or road safety and will not adversely affect the character and appearance of the conservation area.

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


pp **Alan Henderson**
Head of Planning and Strategy

Contact/tel Lynsey Townsend on 0131 529 4279 (FAX 529 3717)

Ward affected 50 -Prestonfield

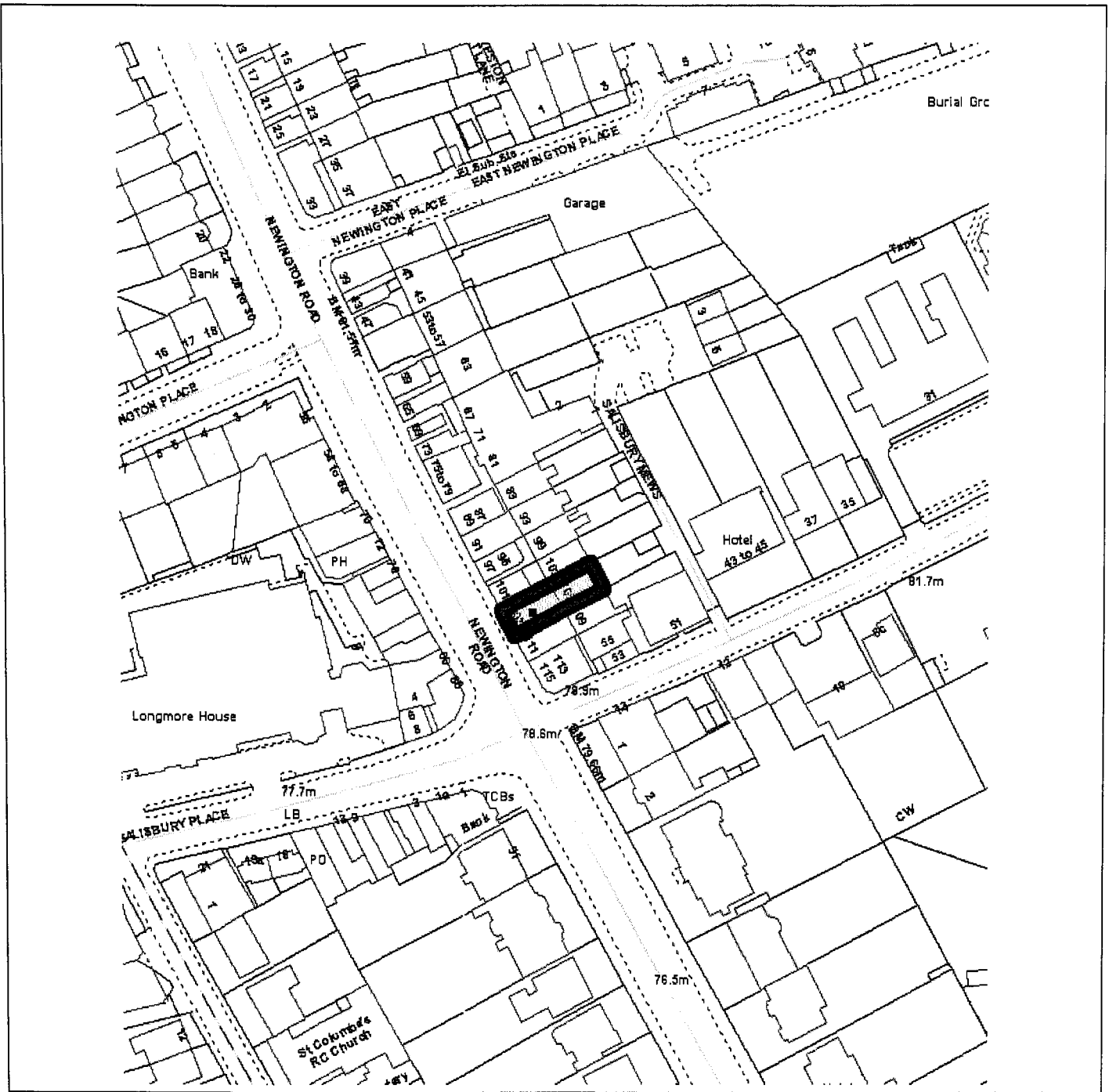
Local Plan Central Edinburgh Local Plan

**Statutory Development
Plan Provision** Housing and Compatible Uses

File

Date registered 4 October 2004

**Drawing numbers/
Scheme** 01-02



Reproduction from the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence Number 100023420 The City of Edinburgh Council 2004.

PLANNING APPLICATION

Address	107 Newington Road, Edinburgh, EH9 1QW		
Proposal	Change of use from shop to restaurant		
Application number:	04/03672/FUL	WARD	50- Prestonfield
THE CITY OF EDINBURGH COUNCIL			
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			