

**Full Planning Application 05/01871/FUL
at
97- 99 Shandwick Place
(Canning Street Elevation)
Edinburgh
EH2 4SD**

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

1 Purpose of report

To consider application 05/01871/FUL, submitted by Cairnsouth Ltd (La Piazza).. The application is for: **Pave garden ground to form restaurant terrace (in retrospect)**

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

2 The Site and the Proposal

Site description

The application property is a ground floor restaurant situated within a three storey tenement building on the south side of Shandwick Place, immediately to the east of its junction with Canning Street.

The part of the premises subject to this application is an area of Council owned land, enclosed by railings, to the rear of the main building and fronting onto Canning Street.

The property is statutorily listed, category B, and is located within the New Town Conservation Area and the Edinburgh World Heritage Site.

Site history

20.11.91 - Change of use from retail to office refused (91/01985/FUL)

19.1.94 - Change of use from shop to office approved (93/02490/FUL)

12.3.96 - Shop to restaurant approved (95/02590/FUL)

6.9.96 - Alterations to shopfront approved (96/01077/FUL)

6.7.01 - Common repairs approved (01/01898/LBC)

28.5.02 - Enforcement complaint in respect of use of adjoining land (101 Shandwick Place) as a public house beer garden (02/00290/E01)

27.2.04 - Glazed screen to rear approved (03/04488/LBC)

23.11.04 - Enforcement complaint in respect of non-compliance with approved plans (04/00727/E33)

27.4.05 - Enforcement complaint in respect of unauthorised signage. (05/00253/A01)

Description of the Proposal

This is a retrospective application to change the use of an enclosed area of Council owned land to a paved terrace, which would be ancillary to the adjoining restaurant.

3 Officer's Assessment and Recommendations

DETERMINING ISSUES

The determining issues are:

- Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against the granting of permission;
- Do the proposals preserve the building or its setting or any features of special architecture or historic interest which it possesses? If they do not, there is a presumption against the granting of permission for the purpose of this issue, "preserve" in relation to a building, means preserve it either in its existing state or subject only to such alteration 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?

ASSESSMENT

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

- a) whether the proposed use is acceptable in this location;
- b) whether the proposals have an adverse impact on the building or its setting;
- c) whether the proposals have an adverse impact on the character or appearance of the conservation area;
- d) whether the proposals are detrimental to residential amenity or road safety.

a) The use of the area of land as an extension to the restaurant is considered to be acceptable in principle. Policy L2 (Commercial Leisure Uses) of the Central Edinburgh Local Plan supports potentially un-neighbourly uses in the Mixed Activities Zone, provided there is no adverse impact on existing residential amenity.

b) The laying out of the hard surface is in an area located to the rear of the listed building, contiguous with a single storey extension. Whilst the use of artificial stone paving is, in general resisted within the curtilage of a listed building, the land has not historically formed part of the planning unit, and is visually separated from the main building by the extension. In these circumstances the paving is not considered to adversely affect the setting of the listed building.

c) The character of the New Town Conservation Area is described in the Central Edinburgh Local Plan as follows: a planned urban concept of European significance, the New Town has an overriding character of Georgian formality. The First New Town, built to James Craig's 1767 plan, has experienced significant redevelopment, while the Second, Third and Fourth New Towns, which were laid out on estates to the north, east and west retain most of their original buildings. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area therefore lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves. Many of the New Town's buildings are listed category 'A' of national importance and the area contains some of the city's finest interiors.

Policy CD17 (Materials) of the Central Edinburgh Local Plan, encourages the use of traditional materials in developments within Conservation Areas. However, the formation of this hard surface is in a relatively small area of ground, located on a side street off Shandwick Place, and has a marginal impact on the immediate streetscape. In addition, the appearance and colour of the artificial stone used in the development is unobtrusive and sympathetic to the surrounding area, and has no adverse impact on the character and appearance of the Conservation Area.

d) The use of the paved area as an extension to the restaurant has the potential to cause late night noise and disturbance to the residential amenity of neighbouring residents. Two letters of objection from residents raise this issue, in addition to concerns from Environmental and Consumer Services. That Department has stated that the use of the area without any time restrictions would introduce unacceptable levels of late night noise, and have recommended that a condition be attached to the consent preventing the use of the paved area beyond 22:00. It also requested that a condition be imposed restricting noise, including amplified music from entering any neighbouring properties, although in practice this would be difficult to enforce and monitor as noise levels emanating from the premises may rise temporarily when doors are opened to access the area.

Whilst it is necessary to protect residential amenity in areas of mixed activities, there is a reasonable expectation that potentially un-neighbourly uses can be accommodated in these areas provided appropriate controls are imposed by way of conditions to prevent an unacceptable loss of residential amenity. By restricting the use of the area to no later than 22:00, a reasonable balance between promoting the vibrancy of the mixed activities zone and protecting residential amenity will have been achieved.

The proposals comply with the development plan and non-statutory policies, have no adverse effect on the character or appearance of the conservation area or the building and its setting, and have no detrimental impact on residential amenity or road safety.

There are no material planning considerations, which outweigh this conclusion.

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

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Alan Moonie on 0131 529 3909
Ward affected	30 - Dalry
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Mixed Activities Zone
Date registered	3 June 2005
Drawing numbers/ Scheme	01-02 Scheme 1

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.

If you require further information about this application you should contact the following Principal Planner, Martin Easson on 0131 529 3989. Email: martin.easson@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 blair.ritchie@edinburgh.gov.uk or sarah.boGUNOVIC@edinburgh.gov.uk

Application Type

Application Address:

Proposal:

Reference No: 05/01871/FUL

Consultations, Representations and Planning Policy

Consultations

Environmental and Consumer Services concerned that the proposals could potentially cause noise disturbance and loss of amenity for neighbouring residents. It recommends that the use of the terraced be restricted by condition to no later than 22:00 and that all music and vocals, amplified or otherwise be controlled as to be inaudible within any neighbouring premises.

Representations

Application advertised 17.6.2005. Two letters of objection received from neighbouring residents. Concerns relate to loss of residential amenity due to noise and smells.

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 site is identified in the Central Edinburgh Local Plan as a mixed activities zone, with an emphasis on promoting an appropriate mix of activities which contribute to local character and vitality.

Relevant Policies:

Policy CD4 (CONSERVATION AREAS) requires that developments in a conservation area retain all features which contribute to the area's character and appearance.

Policy CD17 (MATERIALS) sets out requirements for materials in new developments and seeks a greater use of stone, roofing slate and other traditional materials in appropriate cases.

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.

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.

Policy CD5 (CONSERVATION AREAS - REDEVELOPMENT) sets out the criteria against which new development in conservation areas will be assessed, and seeks to preserve or enhance their character and appearance.

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.

Application Type

Application Address:

Proposal:

Reference No: 05/01871/FUL

Conditions/Reasons associated with the Recommendation

Recommendation

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

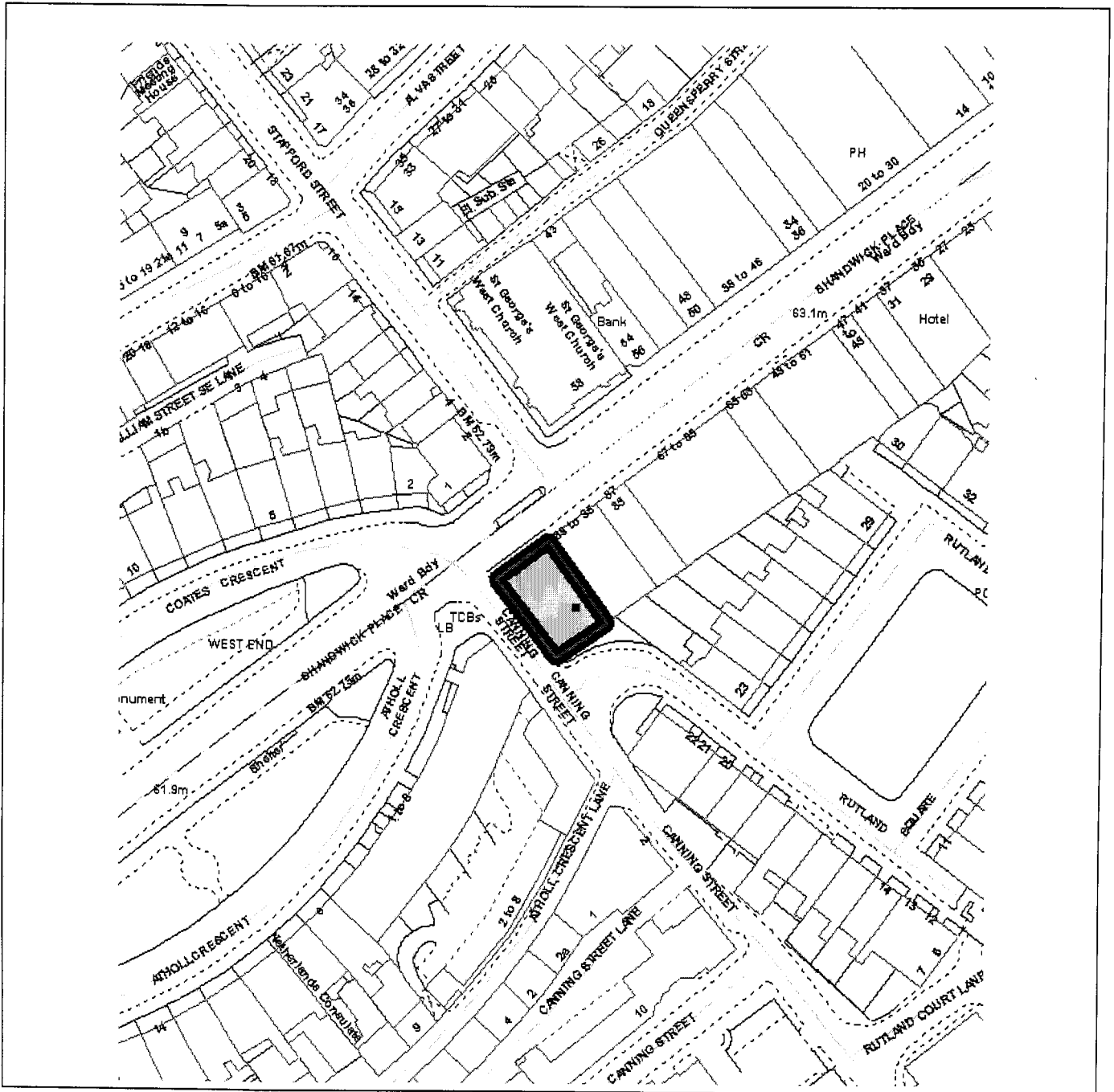
Conditions

1. The hours of operation shall be restricted to 0900 to 2200 hrs. daily, within the paved area which is the subject of this application.

Reasons

1. In order to safeguard the amenity of neighbouring residents and other occupiers.

End



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PLANNING APPLICATION

Address	97- 99 Shandwick Place, (Canning Street Elevation),		
Proposal	Pave garden ground to form restaurant terrace (in retrospect)		
Application number:	05/01871/FUL	WARD	30- Dalry
THE CITY OF EDINBURGH COUNCIL			
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			