

**Full Planning Application**  
**at**  
**103 High Street**  
**Edinburgh**  
**EH1 1SG**

---

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

**Proposal:** Part change of use from shop to shop + restaurant / cafe  
(restricted cooking) with alterations to rear to form access  
**Applicant:** Mr Kerr  
**Reference No:** 04/01079/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 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.
3. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
4. 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.

5. Cooking, heating and reheating operations on the premises shall be restricted to the use of a soup urn, two microwave ovens and a toasting machine only; no other forms of cooking, heating or reheating shall take place without the prior written approval of the planning authority.

### **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 ensure that the nature of the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.
- 

## **2 Main report**

### **Site description**

The site is a ground floor shop and restaurant in a four storey tenement building (Category B listed) on the north side of the High Street. The surrounding uses are mixed, with retail and commercial leisure uses being predominant at street level, and with some residential on the upper floors.

The site is within the Old Town Conservation Area and World Heritage Site.

### **Site history**

May 2004 - Listed building consent granted to restaurant/café with alterations to rear to form access (reference: 04/01079/LBC).

### **Development**

The proposal is for the part change of use from shop to shop and restaurant/café (restricted cooking) with alterations to the rear to form an escape route. The applicant wants to regularise the current operation,

which is operating as a café, and to open up the basement and convert this area to a shop thus creating a mixed use.

The development does not involve any external changes onto the High Street. Internally it is proposed to create a new stairway to serve the proposed retail unit in the basement and access new toilets.

## **Consultations**

### **Environmental Services**

This department has no objection to the application subject to the following conditions, which include cooking restrictions, which have been agreed with the applicant.

AM03C - 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.

AM10C - all music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.

AM12C - 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.

AM18C - cooking, heating and reheating operations on the premises shall be restricted to the use of a soup urn, two microwave ovens and a toasting machine only; no other forms of cooking, heating or reheating shall take place without the prior written approval of the planning authority.

## **Representations**

The application was advertised on 9th April 2004. Neighbour notification was issued on the 24th March 2004. There has been one letter of representation received on 14th April 2004 from the Edinburgh Old Town Association. The issues raised are;

1. loss of retail provision - infringement of Policy L3
2. Sanction of a current illegitimate use
3. Higher rent precludes ordinary retail use again.

## **Policy**

The building is a category 'B' listed in the Old Town Conservation Area. The site is identified by the Central Edinburgh Local Plan as being within the Mixed Activities Zone and on a speciality-shopping street.

### Relevant Policies:

Policy CD2 (LISTED BUILDINGS) sets out criteria for assessing proposals affecting listed buildings and seeks to safeguard their character and setting.

Policy CD3 (LISTED BUILDINGS - USES) establishes a presumption (with stated qualifications) in favour of retaining a listed building in (or restoring it to) its original use.

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 CD19 (BUILDING ALTERATIONS) sets out requirements for the design, form, materials and positioning of alterations and extensions.

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 S8 (PROTECTION OF SPECIALITY SHOPPING STREETS) sets out criteria for assessing proposals involving the loss of a shop unit within defined speciality shopping streets.

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 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.

Non-statutory guidelines 'SPECIALITY SHOPPING STREETS: CENTRAL EDINBURGH LOCAL PLAN POLICY S8: SUPPLEMENTARY PLANNING GUIDANCE' provides specific guidance in respect of such streets.

### 3 Conclusions and Recommendations

#### DETERMINING ISSUES

The determining issues are:

- whether the proposals preserve or enhance the character or appearance of the conservation area; there being a strong presumption against the granting of planning permission if this is not the case;
- Do the proposals preserve the building or its setting or any features of special architectural or historic interest? If they do not, there is a presumption against the granting of permission. For the purposes of this issue, "preserve", in relation to a 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;
- whether the proposals comply with the development plan;
- if the proposals do comply with the development plan, whether there are any compelling reasons for not approving them;
- If the proposals do not comply with the development plan, whether there are any compelling reasons for approving them.

#### ASSESSMENT

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

- a) the proposed change of use is acceptable in this location
- b) the proposals preserve or enhance the character or appearance of the listed building and the conservation area
- c) there will be an adverse affect on residential amenity

a) The premises are located within a section of the High Street, which has been classed as a speciality shopping area. Proposals, which result in a loss of a shopping use, will be opposed if likely to be detrimental to the particular shopping interest and character of the street. The emphasis here is on protecting and enhancing the character and appearance of both the building and the conservation area. Within Speciality Shopping Streets 60% of the units should remain in retail use. At present 57 of the 83 units that make up this street are in retail use. This equates to 69%. The loss of one retail unit would reduce this figure to 67%, which remains in compliance with policy S8.

b) The interior of this cafe has already been substantially modified and the proposal to build a stair from the ground floor to the basement is acceptable. Other internal alterations are also acceptable and will not affect the character of the listed buildings. Listed building consent has already been granted.

The proposals to alter the existing hatch from the rear courtyard to form an escape route with stairs up to ground level. The principle of a door and steps in this location is acceptable. There will be no adverse effect on the character of the listed building or the character and appearance of the conservation area.

c) The use is extending into the basement, with the creation of a new retail section and toilets that will be accessed by a new stairs from the first floor. There will be no additional plant or machinery installed to the premises. Environmental services have considered the proposals and have no objections subject to a number of conditions in order to protect residential amenity.

In conclusion, it is considered that the proposals represent an appropriate mix of uses for the site, that respects the character of the listed building and the character and appearance of the conservation area, with no detrimental impact on residential amenity. There are no material considerations, which outweigh this conclusion.

It is recommended that the committee approve this application subject to the conditions stated.

  
**Alan Henderson**  
Head of Planning and Strategy

**Contact/Tel** Mary Crowley on 529 3634

**Ward affected** 34 -Holyrood

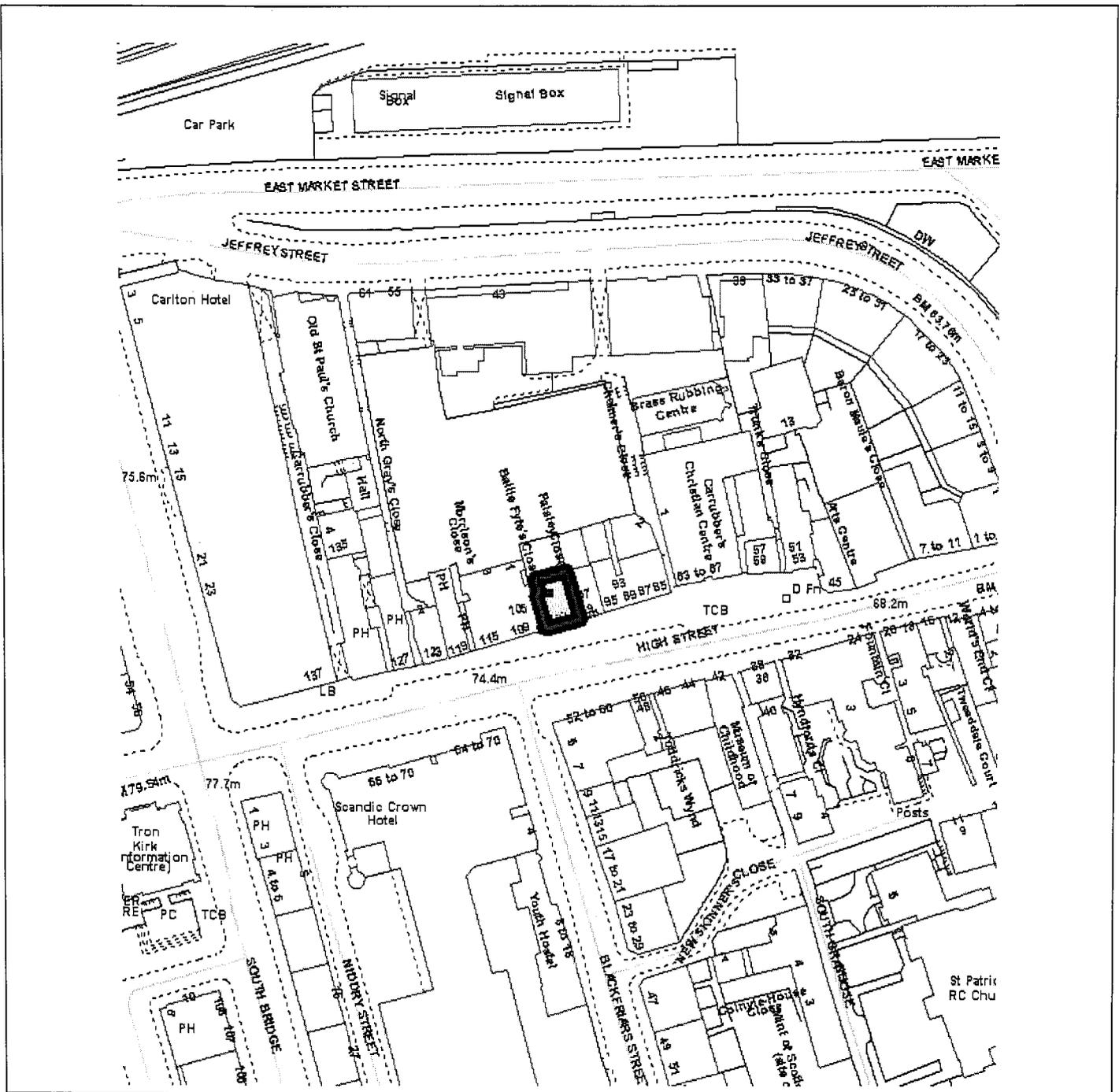
**Local Plan** Central Edinburgh Local Plan

**Statutory Development  
Plan Provision** Mixed Activities

**File**

**Date registered** 25 March 2004

**Drawing numbers/  
Scheme** 1-3



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**

<b>Address</b>	<b>103 High Street, Edinburgh, EH1 1SG</b>		
<b>Proposal</b>	<b>Part change of use from shop to shop + restaurant / cafe (restricted cooking) with alterations to rear to form access</b>		
<b>Application number:</b>	<b>04/01079/FUL</b>	<b>WARD</b>	<b>34- Holyrood</b>

THE CITY OF EDINBURGH COUNCIL  
**THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY**