

**Full Planning Application 06/03231/FUL**  
**at**  
**26 Hamilton Place**  
**Edinburgh**  
**EH3 5AU**

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

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**1 Purpose of report**

To consider application 06/03231/FUL, submitted by Beanscene. The application is for: **Change use of shop to café class 1 to 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 site relates to a vacant retail unit (formerly 'Loud & Clear') on the ground floor and basement of a 4 storey ashlar tenement block on the east side of Hamilton Place. The site is located between St Stephens Place public walkway to the south and the entrance to a common stair to flats at no.28 to the north. A public convenience building and Lancers Brassiere are located to the west, opposite the site.

Access to a rear communal garden is gained from both St Stephens Place and through a rear access door within the application site. Residential units are located to the rear of the site, on either side of St Stephens Place.

The building is a category B listed building designed by Archibald Scott 1825 and was listed on 02.08.2001 (LB Ref: 48104).

This property is located within the New Town Conservation Area.

## **Site History**

Two related applications and are presently pending consideration:

06/03231/LBC - Listed Building Consent for minor internal works and new signage.

06/03231/ADV - Advertisement Consent for fascia sign and projecting sign.

## **Description of the Proposal**

It is proposed to change the use of the property from a shop to a cafe. The area on the ground floor is 120m<sup>2</sup> and 91m<sup>2</sup> at basement level. The service counter will be located on the ground floor together with seating and an accessible WC. A store area, preparation area, further seating and two WCs will be available on the basement level.

Some minor internal alterations are proposed with regard to the existing stud partition walls on ground floor level and stair access to the basement level. These alterations will be considered under the Listed Building Consent Application presently pending consideration (ref 06/03231/LB).

The existing shop front and fascia are to be retained incorporating a new 'Beanscene' logo on black polyvinyl. In addition etched logos are proposed on the glass frontage and a new projected sign in a black polyvinyl finish are proposed. These elements of the application are to be considered under the advertisement consent presently pending consideration (ref 06/03231/ADV).

The applicants have submitted an operational statement detailing the following:

- The hours of opening will be Monday to Saturday 7.00am to 11pm and Sunday 9am to 11pm.
- All foods will be prepared for presentation display. Cooking methods will be microwave oven, closed vessel Bain-marie soup urn and toaster.
- The volume of music played on the premises is played through an audio playback system.

## **3 Officer's Assessment and Recommendations**

### **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 preserve the building or its setting or any features of special architectural or historic interest which it possesses? If not, there is a presumption against the granting of permission. For the purposes of this issue, “preserve”, in relation to the 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.

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, are there any compelling reasons for approving them?

## **ASSESSMENT**

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

- a) The proposed use is acceptable in this location
- b) The change of use will have a detrimental impact on residential amenity
- c) The proposals will preserve or enhance the character and appearance of the conservation area and the listed building
- d) There will be any adverse effect on road safety

a) The site lies within an area identified in the local plan as a District shopping centre. The frontage within which the application site is situated is not afforded any special protection as a primary or secondary frontage. As such the criteria applied under Policy S7 (including a restriction on consecutive location) do not apply in this instance. Whilst the application involves the loss of a retail unit, the proposal will retain a commercial character prevalent at street level on Hamilton Place. Commercial Leisure uses are accepted in areas where there are other established commercial uses. The proposed use will contribute to the vitality of the area and complement the existing role of Hamilton Place as part of a designated district shopping centre.

b) There are a number of flats located directly above the application site (no. 22 Hamilton Place) as well as to the rear of the site along St Stephens Place. A communal garden, to which the application site has access, is located on St Stephens Place. The applicants have specified the opening times as 7am to 11pm Monday to Saturday and 8am to 11pm on Sunday. Representations have been received relating to potential noise from live music and disturbance which may be created by the proposed use. In this respect Services for Communities (Environmental Assessment) have raised no objections subject

to conditions relating noise from plant and equipment, limitation of cooking facilities, restricted delivery and collection times and restricted access to the rear of the premises. These conditions will ensure that there will be no undue impact on neighbouring amenity.

c) The character of the conservation area is summarised in the 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.*

The proposal is for a change of use of the existing vacant retail unit. There are a number of established commercial uses located at street level on Hamilton Place and so there will be no material change to the character of the conservation area. The existing shop incorporates a 6.2m frontage which will be retained as part of this application. The main changes proposed relate to the erection of new signage. Some minor alterations are proposed internally relating to the relocation of stud partition walls (these internal alterations are not however for consideration under this particular application). As the proposal does not diminish the architectural integrity of the building nor remove any features which contribute to the character of the conservation area, the proposal will preserve the character and appearance of the conservation area and listed building.

d) Hamilton Place and indeed Stockbridge falls within a controlled parking zone. A number of public parking spaces are available on Hamilton Place and the immediate surrounds. The application site does not present any opportunity to create additional public parking spaces on site. Transport Planning have considered this application and have raised no objections given the site location within an established District Shopping Centre. Transport Planning have a general requirement of 2 cycle parking spaces being provided (one for employees and one for visitors). This provision cannot be accommodated within the application site given the site constraints, which are similar to those of many other tenement properties throughout the city.

In conclusion, the proposed change of use of the existing retail unit to a café will not have a detrimental impact on the character and appearance of the conservation area or listed building. It will not unduly affect the residential amenity of the area and will not prejudice road safety.

It is recommended that the Committee approves this application, subject to the conditions on noise from plant and equipment, limitation of cooking facilities, restricted delivery and collection times and restricted access to the rear of the premises.

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

<b>Contact/tel</b>	Carolyn Lee on 529 4279
<b>Ward affected</b>	17 - Stockbridge
<b>Local Plan</b>	Central Edinburgh Local Plan
<b>Statutory Development Plan Provision</b>	District Shopping Centre
<b>Date registered</b>	25 August 2006
<b>Drawing numbers/ Scheme</b>	01-08 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](http://www.edinburgh.gov.uk/planning).

If you require further information about this application you should contact the following Principal Planner, Ian Dryden on 0131 529 3464. Email: [ian.dryden@edinburgh.gov.uk](mailto:ian.dryden@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 [gavin.king@edinburgh.gov.uk](mailto:gavin.king@edinburgh.gov.uk) or [carol.richardson@edinburgh.gov.uk](mailto:carol.richardson@edinburgh.gov.uk)

**Application Type** Full Planning Application  
**Application Address:** 26 Hamilton Place  
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## Consultations, Representations and Planning Policy

### Consultations

#### Services for Communities - Environmental Assessment

*No objections subject to the following conditions:*

- 1. Cooking, heating and reheating operations on the premises shall be restricted to the use of two microwaves, two soup tureens, and two toasters; no other forms of cooking, heating, or reheating shall take place without prior written approval of the planning authority.*
- 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. Deliveries and collections, including waste collections shall be restricted to 08.00 to 20.00, Monday to Saturday.*
- 6. The exit to the rear of the premises shall be used for emergency purposes only and the garden area shall not be used for normal business purposes.*

*Raised no objection subject to the use of the rear garden being restricted by condition and a condition controlling noise*

## **Transportation Planning**

*No objection subject to 1 cycle space being provided in a secure and undercover location for employees and 1 cycle space to be provided for visitors.*

## **Representations**

The application was advertised on 08 September 2006. Five letters of representation were received including one from the St Stephens Community Association and Ward Councillor Dixon

The material points of objection/concern are:

- a) Issue of principle, taken account of in assessment a:
  - The need for another cafe in the vicinity
- b) Residential amenity issues, taken account of in assessment b:
  - Noise from music and WC extractor fan
  - Disturbance
- c) Impact on the conservation area, taken account of in assessment c:
  - Loss of character
- d) Parking issues, taken account of in assessment d:
  - Increased pressure on parking

Other issues raised including litter, loitering of smokers, the prevalence of chain stores and franchises and the attraction of noisy/disruptive customers are not considered to be material planning considerations.

***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 application site lies within an area designated as a District Shopping Centre within the Central Edinburgh Local Plan. In addition the site falls within the New Town Conservation Area.

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

Policy CD23 (SHOPFRONT DESIGN) promotes high standard shopfront design and sets out criteria for assessing shopfront proposals.

Policy CD24 (SHOP SIGNS) sets out criteria for assessing proposals involving shop signs and shopfront advertising, including illuminated signs.

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 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.

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## Conditions/Reasons associated with the Recommendation

### Recommendation

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

### 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 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.
5. Cooking, heating and reheating operations on the premises shall be restricted to the use of two microwaves, two soup tureens, and two toasters only; no other forms of cooking, heating or reheating shall take place without the prior written approval of the planning authority.
6. Deliveries and collections, including waste collections shall be restricted to 8.00 to 20.00, Monday to Saturday.
7. Prior to the occupation of the development, the exit to the rear of the premises shall be secured for use in the event of an emergency only.

## 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.
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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.
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7. 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.

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End

