

Full Planning Application 07/03343/FUL
at
27B Raeburn Place
Edinburgh
EH4 1HU

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

DEPARTURE FROM THE DEVELOPMENT PLAN

This development proposed by this application is a departure from the development plan:

Whilst the proposed change of use is contrary to the adopted local plan, it complies with the finalised local plan and is acceptable.

1 Purpose of report

To consider application 07/03343/FUL, submitted by S Montgomery. The application is for: **Change of use to class 3 (cafe)**

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

2 The Site and the Proposal

Site description

The site is a ground floor, street level, commercial unit on the south side of Raeburn Place. It has residential above, set back from the street frontage, and commercial either side. This pattern is typical of the street.

The building is Category C(S) Listed and is within the New Town Conservation Area and the World Heritage Site.

This property is located within the New Town Conservation Area.

Site History

18th September 2007 Internal refurbishment including erecting drywall partitions, installation of 4 new doors, providing additional services with appropriate fittings (i.e. 2 x whb + 2 sinks) all with no structural changes, existing shopfront to be retained, just repainted (07/03343/LBC).

Description of the Proposal

It is proposed to change the use of this street level commercial unit from Class 1 (Retail) to Class 3 (Café Use). Physical alterations include painting the shopfront and installing two louvers to the rear elevation for ventilation.

The application form states that opening hours are to be 9am to 7pm and that the proposed business use is as a juice bar/café serving a maximum of 15 seated customers with cold and heated (not above 30 degrees) food and drinks.

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 plan, are there any compelling reasons for approving them?

ASSESSMENT

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

- a) The change of use is acceptable in terms of the relevant retail protection polices within the development plan,
- b) The physical alterations would have an adverse impact on the appearance of the listed building or the conservation area.
- c) There would be an adverse impact on residential amenity.

a) The Central Edinburgh Local Plan states that no further changes of use away from Class 1 are permitted if the percentage of Class 1 units in a protected frontage is less than 80% of the total. In this case, the percentage of Class 1 units between 1 and 77 Raeburn Place is less than 80%. Therefore, the proposal to move a further unit away from Class 1 is contrary to the adopted Local Plan.

In terms of the Finalised Local Plan, the number of non-retail uses should not exceed a third of all units. With the current number of non-retail units there would be space for a further loss of a Class 1 unit.

The finalised local plan, as an up-to-date statement of planning policy is a material consideration in determining applications. The change of use is acceptable as it complies with emerging policy.

b) The selected colour for the painting of the shop front is appropriate for use within a conservation area. The exit points for the ventilation on the rear elevation would be small and flush with the masonry. The property would not be adversely affected by these proposals nor would the character or appearance of the conservation area.

c) Residential amenity would not be compromised by the proposed change of use, subject to the adherence of the recommended conditions controlling noise, vibration, limiting cooking and servicing hours. There are other Class 3 uses in the area.

In conclusion, the use is acceptable, physical alterations will not have a detrimental impact on the listed building or conservation area and residential amenity will be protected.

It is recommended that Committee approves this application, subject to the conditions relating to the restriction of noise, vibration, cooking and servicing hours.



Alan Henderson
Head of Planning and Strategy

Contact/tel	David Shepherd on 529 3924
Ward affected	A05 - Inverleith (NEW)
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Housing and Compatible Uses
Date registered	21 August 2007
Drawing numbers/ Scheme	1-2. 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, Anna Grant on 529 3521. Email: 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 gavin.king@edinburgh.gov.uk or carol.richardson@edinburgh.gov.uk

Application Type Full Planning Application

Application Address: 27B Raeburn Place
Edinburgh
EH4 1HU

Proposal: Change of use to class 3 (cafe)

Reference No: 07/03343/FUL

Consultations, Representations and Planning Policy

Consultations

Services for Communities: Environmental Assessment

No objections subject to conditions restricting noise, vibration, cooking and delivery hours.

Representations

The application was advertised on 31 August 2007. Two letters of objection have been received from neighbours raising concerns relating to noise, smell and visual impact of the ventilation system and noise and smell of the use itself (these points are addressed in assessment c).

Other points raised are not planning related and are not material 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 site is within the Central Edinburgh Local Plan area under a Housing and Compatible Uses land use designation. It is also within the Finalised Edinburgh City Local Plan area.

Relevant Policies:

Relevant policies of the Central Edinburgh Local Plan

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

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

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 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.

Relevant policies of the Edinburgh City Local Plan

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Policy Ret 9 (Alternative Use of Shop Units – Primary Frontages in the City Centre and Town Centres) sets criteria for assessing the change of use of a shop unit to a non-shop use in primary frontages in the City Centre and town centres.

Relevant Non-Statutory Guidelines

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.

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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. No food should be cooked or re-heated on the premises except in a single microwave oven, a toaster/pannini grill and a soup kettle.
6. Deliveries and collections, including waste collections, to be restricted to 0700 hours to 2000hours Monday to Saturday.

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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