



Item no

8

Report no

Full Planning Application 09/01556/FUL

at

187 Great Junction Street**Edinburgh****EH6 5LQ**

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

DEPARTURE FROM THE DEVELOPMENT PLAN

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

The proposals do not comply with policy S5 of the North East Edinburgh Local Plan regarding the protection of shopping uses within defined retail frontages of district centres as the proposal will increase the percentage of non-retail use beyond the threshold. An exception is justified in this instance due to the finalised Edinburgh City Local Plan, the more up to date policies of which consider the change of use to be acceptable without detriment to the vitality and viability of the defined town centre.

1 Purpose of report

To consider application 09/01556/FUL, submitted by G Henderson Ltd. The application is for: **Change of use to restaurant/cafe**

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

2 The Site and the Proposal

Site description

The application site is the ground floor unit of a 4-storey tenement building located on the south-west side of Great Junction Street between its junctions with Bangor Road and Bonnington Road. The ground floor unit is currently vacant and the upper floors are in residential use. The surrounding area is characterised by commercial activities at street level with residential properties above.

This property is located within the Leith Conservation Area.

Site History

09.01.1991 - Permission was granted for a change of use from a shop to a Class 2 office (90/02982/FUL).

Description of the Proposal

Permission is sought to convert a vacant shop unit into a restaurant/cafe. There are no external alterations proposed. The opening hours will be 8am to 6pm daily.

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 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 principle of the proposed use is acceptable; and
- b) residential amenity will be adversely affected;

a) The application unit is located amidst an area supporting a mix of uses including a high retail presence. The retail offering in this area is protected, and the section of Great Junction Street that is situated between Bangor Road and Bonnington Road, within which the application unit sits, is a designated secondary frontage and therefore the proposal has to meet certain criteria.

The North East Edinburgh Local Plan stipulates that no more than 40% of the ground floor units in the secondary frontage shall be occupied by non-retail uses and that no more than 3 consecutive non-retail uses will be supported. However, the finalised Edinburgh City Local Plan, which represents the Council's latest planning policy thinking, designates this part of Great Junction Street within a town centre but not a protected frontage, and sets no minimum threshold. The criteria for such centres is that proposals would not result in four or more consecutive non-shop uses and that any non-retail use must be compatible with surrounding uses and not threaten the vitality or viability of the centre.

The proposal will result in 10 of the 17 units within the secondary frontage operating as non-retail uses. This figure equates to 59%. Whilst 59% exceeds the threshold outlined in the adopted local plan, the finalised plan does not seek to restrict the number of non-retail uses in such locations. The unit is flanked by two shop units and as such there will not be a row of four consecutive non-retail uses formed. The proposal will remove a vacant unit from the centre and therefore will aid the vitality and viability of the shopping centre.

The proposal is contrary to the adopted local plan but it does comply with the criteria set out in the finalised Edinburgh City Local Plan, which is at an advanced stage, and therefore the principle of the proposal is acceptable.

b) Such proposals have the potential to adversely affect residential amenity by way of noise and cooking odours. However, Services for Communities is satisfied that should restrictive planning conditions in relation to noise and ventilation be imposed, amenity will be safeguarded.

Residential amenity will be protected.

In conclusion, the proposal does not comply with the development plan but it is in accordance with the finalised local plan and would not prejudice residential amenity. There are no material considerations which outweigh this conclusion.

It is recommended that the Committee approves this application subject to conditions relating to noise and ventilation.



John Bury
Head of Planning

Contact/tel	Andrew Trigger on 0131 529 3931
Ward affected	A13 - Leith
Local Plan	North East Edinburgh Local Plan
Statutory Development Plan Provision	District Shopping Centre
Date registered	30 June 2009
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, Graham Dixon on 0131 529 3519.

Email: graham.dixon@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 david.emerson@edinburgh.gov.uk or henry.scullion@edinburgh.gov.uk

Application Type Full Planning Application
Application Address: 187 Great Junction Street
Edinburgh
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Consultations, Representations and Planning Policy

Consultations

Services for Communities (Environmental Assessment)

Environmental Health has no objections to the proposed development subject to the following condition:

- 1) *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.*
- 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) *Deliveries and collections, including waste collections, to be restricted to 07.00 - 20.00 hours Monday to Sunday.*
- 5) *The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to chimney head level to ensure that no cooking odours escape or are exhausted into any neighbouring premises, all to the satisfaction of the Head of Planning.*

Representations

No representations have been received.

Planning Policy

The application site is identified by the North East Edinburgh Local Plan within a district shopping centre. The finalised Edinburgh City Local Plan shows the site within the Leith town centre.

Relevant Policies:

Relevant policies of the North East Edinburgh Local Plan.

Policy S5 (PROTECTION OF SHOPPING USES - DISTRICT AND LOCAL CENTRES) sets out criteria for assessing changes of use (within defined retail frontages) from a shop unit to a non-retail use appropriate to a shopping centre.

Policy ED6 (LEISURE DEVELOPMENT) supports, and sets out criteria, for assessing leisure developments, principally within the Mixed Activities Zone in Leith and the Portobello Promenade area.

Policy H7 (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 the reasonable prospects of further residential development where this is an objective of the Local Plan.

Relevant policies of the Finalised Edinburgh City Local Plan.

Policy Ret 10 (Alternative Use of Shop Units – Elsewhere in Defined Centres) sets criteria for assessing the change of use of a shop unit to a non-shop use in defined centres (excluding core and primary frontages).

Policy Ret 12 (Food and Drink Establishments) sets criteria for assessing the change of use to a food & drink establishment.

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.

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** subject to the conditions below.

Conditions

1. The development hereby permitted shall be commenced no later than three 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. 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.
4. All music and vocals amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
5. Hours of deliveries and collections, including waste collections shall be restricted to 07.00 - 20.00 hours, Monday to Saturday only.

6. 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.

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

End

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Location Plan

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