

**Full Planning Application 05/03413/FUL
at
13 West Richmond Street
Edinburgh
EH8 9EF**

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

1 Purpose of report

To consider application 05/03413/FUL, submitted by Mr + Mrs Chan. The application is for: **Change of use from shop to restaurant**

It is recommended that this application be **GRANTED** subject to the conditions in Appendix B.

2 The Site and the Proposal

Site description

The application property is located on the south west side of West Richmond Street. The unit is currently vacant and is situated in a row of shops at ground floor level with residential flats above.

The property is not listed. It is within the South Side Conservation Area.

Site history

July 2005 - Application for change of use from shop to restaurant refused. (ref 05/01654/FUL)

Description of the Proposal

The application is for a change of use from a retail unit to a restaurant. A limited amount of internal alterations are proposed to provide kitchen and toilet facilities. There are no alterations planned for the exterior. The operating hours will be from 8am to 8pm.

3 Officer's Assessment and Recommendations

The determining issues are:

- Do the proposals preserve or enhance the character and appearance of the conservation area? there being a strong presumption against the granting of planning permission of this is not the case;
- 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

In order to address the determining issues the committee needs to take into account whether:

- a) The proposal will preserve or enhance the character and appearance of the conservation area
 - b) The proposed change of use will have a detrimental effect on the 'area of sensitivity' and
 - c) The proposal will have any affect upon neighbour and residential amenity.
- a) The character of the conservation area is summarised in the local plan as follows:

The buildings of the South Side are predominantly tenemental, with examples of Georgian and Victorian architecture in the Scottish style. Wallhead gables, once common in many Scottish cities, are a particular feature of many buildings. The development of the area started in the late eighteenth century, although several villas predate this, with the construction of George Square, laid out as a spacious speculative housing development by James Brown in 1766. The expansion of the South Side continued into the nineteenth century with the construction of late Georgian squares (such as St Patrick's Square and Hill Square); subsequent development resulted in a high density mix of flats, shops, pubs, schools and churches. The University of Edinburgh

occupies much of the northern part of the conservation area with several significant buildings (eg Medical School and McEwan Hall) as well as more recent, and less sympathetic, academic buildings.

There are no external alterations proposed and therefore there will be no impact on the character and appearance of the conservation area.

The previous application (05/01654/ful) proposed hours of operation from 10am to 11pm, which gave rise to concerns that the proposed change of use would have a detrimental impact on residential amenity. The proposal was contrary to adopted policy and guidelines and the application was refused.

The present application proposes that the hours of operation will be from 8am to 8pm. This is considered to be acceptable and accords with non-statutory guidelines.

The area is allocated as a 'Mixed Activities' zone, within which an appropriate mix of uses is to be encouraged. The character of the area is mixed residential / commercial with residential flats occupying the upper levels and commercial retail and other commercial units at street level. The property is not in a shopping centre, but is within a group of shops and commercial leisure uses,. Accordingly, there is no objection to the loss of the shop unit and a commercial use is acceptable.

c) Environmental and Consumer Services have raised no objections subject to conditions which cover issues of noise and ventilation. The change of use would not have a detrimental effect on the residential amenity of the neighbouring properties subject to the required ventilation systems and noise attenuation being put in place.

It is recommended that the committee approves this application subject to conditions which cover the issues of noise attenuation and ventilation.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Dorothy Amyes on 0131 529 3905
Ward affected	33 - Southside
Local Plan	Central Edinburgh
Statutory Development Plan Provision	Mixed Activities
Date registered	3 November 2005
Drawing numbers/ Scheme	

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, Ian Dryden on 0131 529 3464. Email: 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 blair.ritchie@edinburgh.gov.uk or sarah.bogunovic@edinburgh.gov.uk

Application Type Full Planning Application
Application Address: 13 West Richmond Street
Edinburgh
EH8 9EF

Proposal: Change of use from shop to restaurant

Reference No: 05/03413/FUL

Consultations, Representations and Planning Policy

Consultations

Environmental and Consumer Services

There are concerns with the siting of a restaurant below a tenemental property with regard to the protection of amenity of the neighbouring residents. If the following conditions, listed below, are attached to the consent and the applicant can demonstrate that they can achieve the required standards of insulation and ventilation, then this Department would offer no objections. Conditions are recommended in relation to ventilation, noise and hours for deliveries and waste collection.

Environmental and Consumer Services recommends that details on the mitigating measures the developer is proposing to provide, in order to protect the amenity neighbouring residents from noise, is forwarded to the Department. The applicant should be advised that it would be prudent to take expert advice in respect of this condition and to ensure full compliance with said standards before use is taken up. Trying to comply with this condition retrospectively can be very difficult and often costly.

Representations

Neighbour notification was carried out on 9 October 2005. The application was advertised on 11 November 2005. One letter of objection was received from the South Side Association. The grounds for the objection are that the area has a surfeit of restaurants and another such establishment will add to the already existing imbalance of uses of commercial properties.

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

Central Edinburgh Local Plan - Mixed Activities Zone. The property also lies within an area of sensitivity.

Relevant Policies:

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 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 L3 (LEISURE USES - RESTRAINT) requires particular care to be taken to prevent an excessive concentration of commercial leisure uses in the following areas of mixed but essentially residential character: Tollcross, Grassmarket and Nicolson Street/Clerk Street and environs.

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 'COMMERCIAL LEISURE USES: CENTRAL EDINBURGH LOCAL PLAN POLICY L3: SUPPLEMENTARY PLANNING GUIDANCE' provides specific guidance in respect of such uses in identified areas of sensitivity.

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.

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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 hours of operation shall be restricted to 08 00 to 20 00 daily.
3. 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.
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. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
6. 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.
7. Deliveries are to be restricted to 08:00-20:00hours, Monday to Saturday

8. Waste collections are to be restricted to 08:00 - 20:00 hours, Monday to Saturday
9. Details on the mitigating measures proposed to protect the neighbouring residents from noise shall be agreed in writing with the Head of Planning and Strategy in consultation with the Director of Environmental and Consumer Services and implemented prior to the opening of the restaurant.

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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PLANNING APPLICATION

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Proposal	Change of use from shop to restaurant		
Application number:	05/03413/FUL	WARD	33- Southside
THE CITY OF EDINBURGH COUNCIL			
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			