

**Full Planning Application  
at  
35-37 Shandwick Place  
Edinburgh  
EH2 4RG**

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

**Proposal:** Change of use from licensed restaurant to a public house, in retrospect  
**Applicant:** DA Vincas Hotels Ltd.  
**Reference No:** 04/02570/FUL

**1 Purpose of report**

To recommend that the application be **GRANTED** subject to;

**Conditions**

1. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
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. 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 approved ventilation system shall be installed and tested for the escape of odours to the satisfaction of the Head of Planning & Strategy, prior to the use hereby approved being taken up.

5. The ventilation system shall be designed so that there is no requirement for the erection of an external flue or duct.

### **Reasons**

1. In order to safeguard the amenity of neighbouring residents and other occupiers.
  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 safeguard the character of the conservation area.
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## **2 Main report**

### **Site description**

The property is a commercial unit on the south side of the street. It was previously a coffee shop/takeaway (Filter:), and was a restaurant prior to that (The Pancake Place). Surrounding uses are commercial predominantly retail at street level. The upper floors are occupied by the Maitland Hotel.

The building is not listed, but it is within the New Town Conservation Area and the World Heritage Site.

### **Site history**

224/83 - Change of use and alterations from shop to licensed restaurant, granted 22/06/83.

2421/98 - Replacement shopfront approved 06/01/99.

### **Development**

The proposal is for the change of use of a licensed restaurant to a public house. No alterations are proposed to the exterior. The application is in retrospect.

## **Consultations**

### **Environmental and Consumer Services**

This Department has no objection to the above-proposed development, subject to the following conditions,

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. All music and vocals amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring noise sensitive premises.
3. The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour and the system shall be designed so that all cooking effluvia is ducted to at least chimney head level, no cooking odours escape or are exhausted into any neighbouring premises to the satisfaction of the Head of Planning.
4. The approved ventilation system shall be installed and tested for the escape of odours to the satisfaction of the Head of Planning, prior to the use hereby approved being taken up.

### **Representations**

The application was advertised on 30/07/04. One letter of representation has been received from the West End Community Council. The issue raised was a general comment that there has been an increase in anti-social behaviour in the area due to the increase in numbers of licensed premises, and that the situation needs to be reviewed regarding the number of licensed premises in the area.

### **Policy**

The site is identified by the CENTRAL EDINBURGH LOCAL PLAN as being within the Mixed Activities Zone. The property is within a district shopping centre on a secondary retail frontage.

#### Relevant Policies:

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.

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 L5 (LICENSED PREMISES) states that the change of use of premises under or in the midst of housing to a public house (or similar) will not be allowed

Non-statutory guidelines on 'LOCATION OF LICENSED PREMISES' support local plan policies on proposals for licensed premises in locations where the protection of residential amenity may also be an issue.

### **3 Conclusions and Recommendations**

#### **DETERMINING ISSUES**

The determining issues are;

- Do 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 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 the determining issues, the Committee needs to take account of the following specific considerations:

- a) Is this an appropriate location for a public house?
- b) Will there be any adverse effect on existing residential amenity?
- c) Will there be any adverse effect on the vitality/viability of the shopping centre?
- d) Will there be any adverse effect on the character of the conservation area.

a) Policy L2 supports such uses in the mixed activities zone provided there is no impact on existing residential amenity, and compliance with other policies/guidelines.

b) There is no residential property near to this site, and it is located on a busy commercial frontage on a busy classified road with a high number of bus services, and so there will already be a high ambient noise level in the area. This is not an area of sensitivity. It is unlikely that the location of a public house here will have any effect on residential amenity. The

nearest residential property is on the opposite side of the street. Environmental and Consumer Services have no objection subject to standard conditions.

c) As the unit is already recognised as a class 3 use in the up to date shopping survey, there is no impact on the vitality or viability of the shopping centre/secondary frontage.

There are no policies on over-concentration of commercial leisure uses, outwith areas of sensitivity.

d) The conservation area's character 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 character of the immediate vicinity of the application site is one of a busy commercial frontage, with a mixture of retail, commercial, and licensed premises. The property was previously a restaurant, and the proposal will not have any effect on amenity or character. No alterations are proposed. There will be no impact on the character or appearance of the conservation area.

It is therefore concluded that these proposals, which are retrospective, have no adverse effect on the vitality of the shopping centre, the level of residential amenity, or on the character or the appearance of the conservation area.

It is recommended that the Committee approves this application, subject to the conditions stated.

*Alan Henderson*

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**Alan Henderson**  
Head of Planning and Strategy

**Contact/Tel** Kingsley Drinkwater on 0131 529 3648 (FAX 529 3717)

**Ward affected** 30 -Dalry

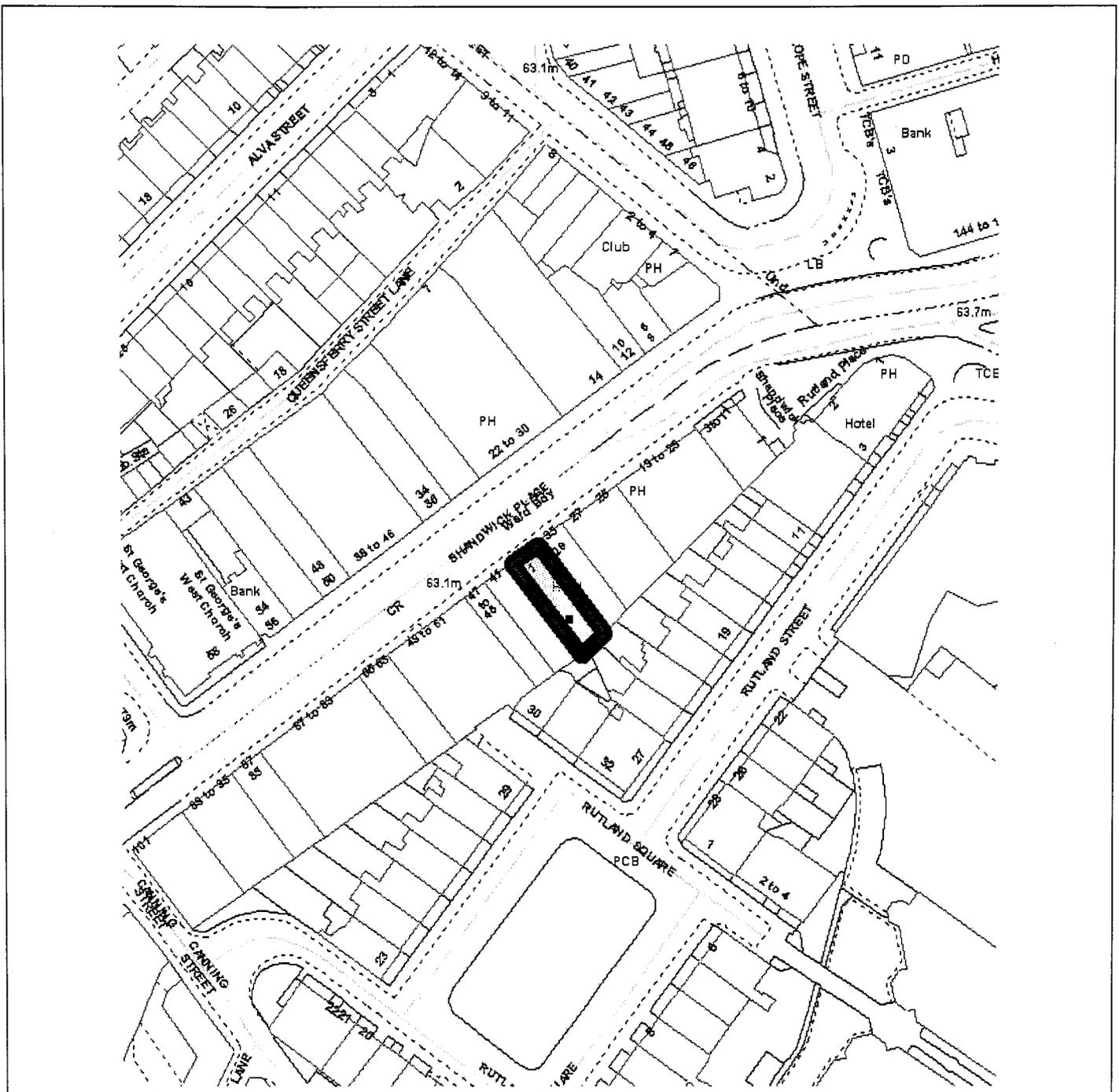
**Local Plan** Central Edinburgh

**Statutory Development  
Plan Provision** Mixed Activities

**File** AF

**Date registered** 16 July 2004

**Drawing numbers/  
Scheme** 01-3  
Scheme 1



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# **PLANNING APPLICATION**

<b>Address</b>	<b>35-37 Shandwick Place, Edinburgh, EH2 4RG</b>		
<b>Proposal</b>	<b>Change of use from licensed restaurant to a public house, in retrospect</b>		
<b>Application number:</b>	<b>04/02570/FUL</b>	<b>WARD</b>	<b>30- Dalry</b>
<b>THE CITY OF EDINBURGH COUNCIL</b>			
<b>THE CITY DEVELOPMENT DEPARTMENT- PLANNING &amp; STRATEGY</b>			