

**Full Planning Application 05/03449/FUL
at
58 Newington Road
Edinburgh
EH9 1QN**

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

1 Purpose of report

To consider application 05/03449/FUL, submitted by Mr Yau. The application is for: **Alterations and change of use from restaurant to form hot food take-away with restricted opening hours and ancillary seating area**

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

2 The Site and the Proposal

Site description

The site is the ground floor unit of a four storey tenement building located on the west side of Newington Road, close to its junction with West Newington Place.

Commercial units are located on the ground floor of the tenement building with residential units above. The ground floor shopping units at no's 58-68 project forward of the building line at street level.

The property is a category B listed building, it is located within the Southside Conservation Area.

Site history

91/02193/FUL. Change of use only from DIY shop to restaurant. APPROVED
11.03.1992

Description of the Proposal

The proposal comprises the change of use from a restaurant to a hot food takeaway with ancillary seating and the installation of a new shopfront. It is proposed to alter the existing double doorway into a single doorway, reduce the size of the fascia panel and install glazing above the doorway. The stallriser is to be a steel finish. A window is to be introduced to the side elevation.

3 Officer's Assessment and Recommendations

DETERMINING ISSUES

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 preserve the building or its setting or any features of special architectural or historic interest? If they do not, there is a presumption against the granting of permission. For the purposes of this issue, "preserve", in relation to a 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 use is acceptable in this location

b) The proposal will be detrimental to the character or appearance of the conservation area or the listed building

c) There will be any adverse effect upon residential amenity or road safety.

a) The premises are located within a secondary frontage where only 40% non-retail use is permitted. There are sixteen units within the designated frontage. The proposed change of use would result in six units in non-retail use, which would result in 38% of the frontages being in a non-retail use. This is in accordance with the provisions of local plan policy. The proposal would not result in the consecutive location of more than three non-retail units. The principle of a change of use is therefore considered acceptable.

b) The Southside Conservation Area character is described 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 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 (e.g. Medical School and McEwan Hall) as well as more recent and less sympathetic, academic buildings.

The use is appropriate to this part of the conservation area.

There are a number of varying styles of frontages within the area. There is no evidence of any of the existing original frontage remaining. It is therefore considered that the alterations are acceptable in terms of design and use of materials.

The proposal will not have a detrimental impact on the character and appearance of the building and conservation area.

c) There is some debate as to whether the restaurant use was ever taken up. There has been some evidence that a takeaway operation was being run from the premises without consent. At present the premises are vacant and not in use. Environmental and Consumer Services are satisfied that the proposal is acceptable, subject to the conditions which cover the issues of noise attenuation and ventilation requirements.

It should also be noted that a reduction in the operating hours of the premises is proposed. The proposed takeaway will cease trading at 8pm, five hours earlier than the restaurant consent which allowed operation until 1am.

There will be no detrimental impact on residential amenity.

There are no particular transport issues with the proposal.

In conclusion, the change of use is to a hot food takeaway acceptable in this location and complies with the development plan and non-statutory guidance. It will not undermine the vitality and viability of the area, nor will there be an adverse impact on residential amenity, the character and appearance of the listed building and conservation area or road safety.

It is recommended that the committee approves this application subject to the conditions covering noise, ventilation and hours of operation.


PP **Alan Henderson**
Head of Planning and Strategy

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|---|--------------------------------|
| Contact/tel | Chris Cornell on 0131 529 3665 |
| Ward affected | 50 - Prestonfield |
| Local Plan | Central Edinburgh Local Plan |
| Statutory Development Plan Provision | Housing and Compatible Uses |
| Date registered | 24 October 2005 |
| Drawing numbers/ Scheme | 1-4 |

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: 58 Newington Road
Edinburgh
EH9 1QN
Proposal: Alterations and change of use from restaurant to form hot food take-away with restricted opening hours and ancillary seating area
Reference No: 05/03449/FUL

Consultations, Representations and Planning Policy

Consultations

Environmental Consumer Services

With reference to the above, this Department offers no objections subject to the following conditions

All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.

The design, installation and operation 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.

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

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

The application was advertised on 04.11.2005. Two letters of objection were received, including the Newington Residents Association and Southside Community Council. Reasons for objection include:

- There is already an excessive amount of hot food takeaways in the area to the detriment of the local community.
- Increase in noise, litter and associated smells would have a detrimental impact on residential amenity.

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 property is located within the Central Edinburgh Local Plan Housing and Compatible Uses land use designation. It is located within a secondary shopping frontage.

Relevant Policies:

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 CD17 (MATERIALS) sets out requirements for materials in new developments and seeks a greater use of stone, roofing slate and other traditional materials in appropriate cases.

Policy CD19 (BUILDING ALTERATIONS) sets out requirements for the design, form, materials and positioning of alterations and extensions.

Policy CD20 (WINDOW ALTERATIONS) sets out different levels of control for window alterations for listed buildings, non listed buildings in conservation areas and non listed buildings in defined areas of window control.

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.

Non statutory Guidelines on Commercial Frontages supplement Local Plan Policies by providing guidance on shop frontages, shop front security, adverts and signs and blinds and canopies.

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

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

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 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.

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Reference No: 05/03449/FUL

Conditions/Reasons associated with the Recommendation

Recommendation

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

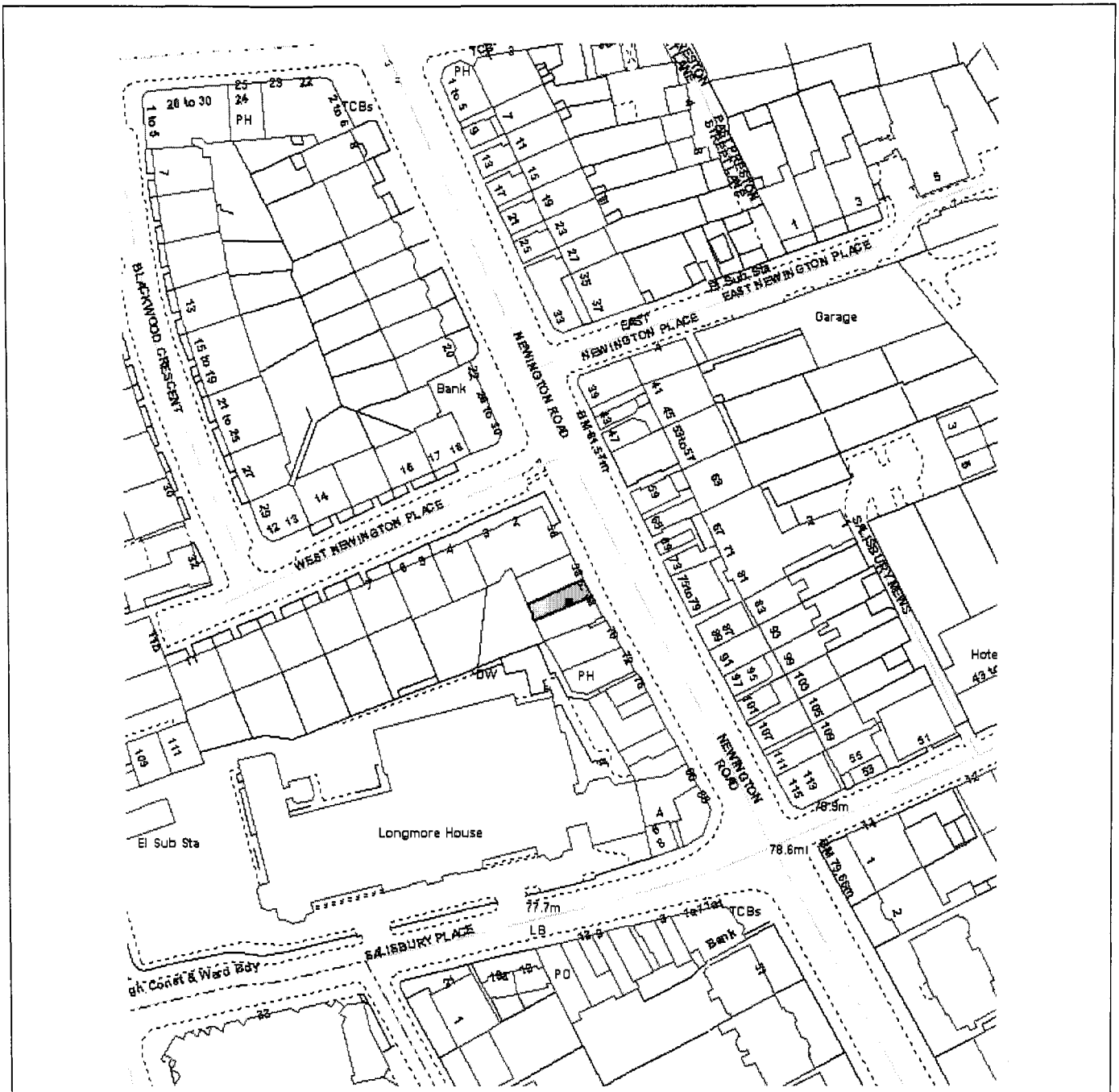
Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
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. 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. 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.
6. The hours of operation shall be restricted to 10am-8pm
7. 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 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 safeguard the amenity of neighbouring residents and other occupiers.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. In order to retain and/or protect important elements of the existing character and amenity of the site.

End



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PLANNING APPLICATION

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|---|---|-------------|-------------------------|
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| THE CITY OF EDINBURGH COUNCIL | | | |
| THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY | | | |