

Full Planning Application
at
17 Main Street
Midlothian
Balerno
EH14 7EQ

Development Quality Sub-Committee
of the Planning Committee

Proposal: Renewal of extension to opening hours
Applicant: Mr M. Mohammed
Reference No: 03/00869/FUL

1 Purpose of report

To recommend that **GRANTED** subject to;

Conditions

1. Hours of operation shall be restricted to 0900 hours to 2230 hours Sunday to Thursday and 0900 to 2300 hours Friday and Saturday.

Reasons

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

2 Main report

Site description

The premises are located on the eastern side of Balerno Main Street, within the pedestrianised area. The property is a two storey, stone built, detached building with a slate roof. The premises are a ground floor unit used as a coffee shop, bistro and takeaway with a part retail use. There are two flats above, with an office to the rear. Surrounding uses are residential, a public house and shops. A narrow access lane exists to the south of the premises which serves residential property. A wider lane exists to the north of the property which leads to a public car park.

The premises are within the Balerno Conservation Area.

Site history

1990: Planning permission was refused for a change of use from 2 residential flats to offices at 19a and 19b Main Street (843/90/14)

November 1990: Appeal dismissed for change of use from two residential flats to offices at 19a and 19b Main Street (P/PPA/LA/726)

July 1994: Application for change of use to hot food takeaway was withdrawn (A01205/94)

February 1999: Planning permission was granted for a change of use of the premises to coffee shop, bistro and takeaway, retention of part retail use and installation of ventilation system. This consent was subject to conditions on noise, ventilation, an hour restriction of 0900 hours to 2000 hours daily and a condition that public access to and from the property will be via the front Main Street entrance only.

July 2000: Planning permission was granted for a change of use from dwelling to office at number 19.

May 2002: Planning permission was granted for a limited period of one year for an extension of opening hours of the Take away Bistro to 0900-2230 hours Sunday to Thursday and 0900-2300 hours Friday to Saturday.

Development

The proposal is to renew the previously approved extension of the opening hours. This would be 0900-22.30 hours Sunday to Thursday and 0900- 2300 hours Friday to Saturday. All other aspects of the authorised use remain unchanged.

Consultations

Environmental and Consumer Services

No objections.

Representations

The application was advertised on 28 March 2003. No representations have been received.

Policy

Currie Balerno Local Plan:

The site is within an area designated as Housing.

Finalised Rural West Edinburgh Local Plan:

The site is within an area designated as Housing and Compatible Uses.

It is also a designated protected retail frontage.

The site is within the Balerno Conservation Area.

Relevant Policies:

Currie Balerno Local Plan

Policy 2.32 states that the residential character of existing housing areas will be maintained and that changes of use or new developments which would result in loss of amenity or of residential accommodation will not be permitted.

Finalised Rural West Edinburgh Local Plan

Policy H5 protects the residential amenity with areas defined as housing and compatible use.

Policy E36 seeks the retention of all features which contribute to the special character and appearance of Conservation Areas.

Policy E37 seeks to protect the special character and interest of Conservation Areas by ensuring high quality and sensitive development. The demolition of an existing building, if approved, shall not take place before an application for a replacement building has been approved and the contract let. Applications for outline planning permission in Conservation Areas must be accompanied by full contextual elevational drawings.

Policy R1 seek to protect existing shops within local centres and other small parades of shops. Proposals for the change of use of a retail unit will be assessed according to the proportion of non-retail units in the frontage. within the defined frontages of Queensferry, Currie and Balerno, proposals which would result in the consecutive location of more than three "shop units" in non-retail use, or would be detrimental to residential amenity, will not be permitted.

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.

3 Conclusions and Recommendations

DETERMINING ISSUES

The determining issues are:

-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 consider:

a) whether the proposals are detrimental to residential amenity.

a) Balerno Main Street is an area of a mixed use nature. Residential properties are mixed in with retail units, hot-food take aways and public houses. This application is to continue the previously granted extension of the hours of opening only. The street is not a quiet residential street in the evenings and the extension of hours at these premises would not be detrimental to residential amenity.

This has been confirmed following the previous limitation in hours which was granted for a year only to monitor the use.

Environmental Services have no objection to the proposal and it is considered that the same hours of operation should be applied to these premises. Given that no problems relating to the operation of premises have been reported it is considered that it would be unreasonable to impose another limitation on the period of consent.

The proposal complies with the relevant policies and guidelines.

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

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel David McFarlane on 0131 529 3512 (FAX 529 3716)

Ward affected 01 -Balerno

Local Plan Currie Balerno

**Statutory Development
Plan Provision** Conservation Area, Retail Frontage

File

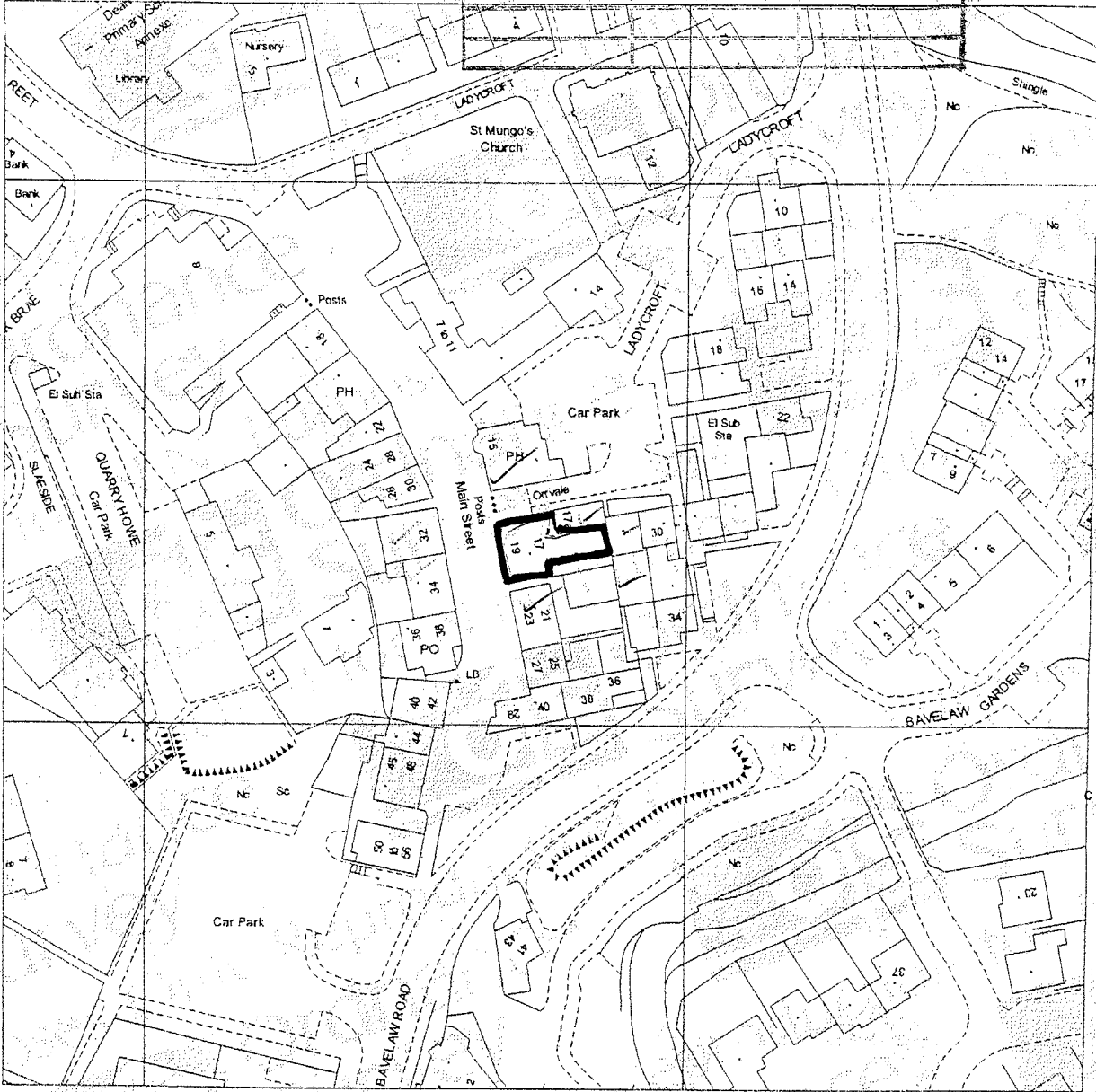
Date registered 19 March 2003

**Drawing numbers/
Scheme** 1

Siteplan®

PLANNING & STRATEGY		
DRAWING No.	01	
DO REF	03/00269/RU	
17 MAR 2002		
MEETING	AGENDA ITEM	DECISION

1:1250 Scale



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16 MAY 2002

0 20 40 60 80 Metres

PLANNING & STRATEGY		
DRAWING No.	18546	
DO REF	02/745/RU	
7 MAR 2002		
Centre coordinates : 316374mE 666433mN		
National Grid sheet reference at centre of this Siteplan: NT1666SW.		
Supplied by : Mason Land Surveys Ltd		
Serial Number : 886		