

Full Planning Application 04/03994/FUL

at

28 Main Street

Kirkliston

Edinburgh

EH29 9AA

Development Quality Sub-Committee of the Planning Committee

1 Purpose of report

To consider application 04/03994/FUL, submitted by Ms Dougan. The application is for: **To open a coffee shop/sandwich shop, this involves change of use from retail one to retail 3**

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

2 The Site and the Proposal

Site description

The property is a small retail unit located on Kirkliston Main Street. The unit was most recently used as a bakery and is currently vacant.

The property is at the end of a terrace which contains a mix of commercial and domestic properties. There is residential usage above and to the side of the property.

Site history

There is no previous planning history for this site.

Description of the Proposal

It is proposed to change the use of the premises from a class 1 bakery to a class 3 café. It is indicated that there will 11 seats, three tables, a service area and a toilet with a back shop area.

3 Officer's Assessment 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 need to consider whether:

- a) the proposed use is acceptable and safeguards residential amenity;
- b) there will be any adverse impact upon road safety.

a) Under the Ratho, Newbridge and Kirkliston Local Plan the existing land use zoning identifies the site as being in an area where residential amenity should be safeguarded. In this instance the property is already in commercial use and under the Finalised Rural West Edinburgh Local Plan it is identified as being within a protected retail frontage.

The Pre-inquiry Modifications from February/June 2004 state that in Kirkliston Main Street a change of use to a use falling within classes 1, 2, 3 or 4 is acceptable providing it is compatible with the centre's retail function. The policy goes on to state that the use should not be detrimental to the amenity of nearby housing or the retail character of the area. Cooking and hours of operation will be limited and subject to appropriate conditions the amenity of the neighbouring properties will be maintained. The proposed use is also compatible with the retail area.

b) There is unlikely to be any significant difference in the parking issues that face the area, compared to the current situation. Transportation have advised that they have no objections.

Subject to appropriate conditions the proposed use is acceptable and will ensure that the viability and vitality of the village centre will be retained.

There are no material planning considerations which outweigh this assessment.

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

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Kevin Murphy on 0131 529 3794
Ward affected	03 - Dalmeny/Kirkliston
Local Plan	Ratho, Newbridge and Kirkliston
Statutory Development Plan Provision	Housing
Date registered	17 November 2004
Drawing numbers/ Scheme	1-3 Scheme 1

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Consultations, Representations and Planning Policy

Consultations

Transportation

No objections

Environmental Services

No objections to the above application, subject to the following conditions:

- 1. 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.*
- 2. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.*
- 3. 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.*
- 4. Cooking, heating and reheating operations on the premises shall be restricted to the use of one microwave and two soup tureens only; no other forms of cooking, heating, or reheating shall take place without the prior written approval of the planning authority.*
- 5. The hours of operation shall be restricted to 08.00 to 16.00 hours daily.*

6. *Deliveries and collections, including waste collections, shall be restricted to 08.00 - 16.00, Monday to Saturday.*

Representations

A letter of representation was received raising the following points:

- Noise should be controlled;
- Access should be controlled;
- Parking should be controlled;
- The proposal would be a positive service within the Community

A letter from the Kirkliston Community Council and 7 petitions in support of the proposal were also received.

Full copies of the representations made against this application are available in Group Rooms or can be requested for viewing at the Front Counter, 1 Cockburn Street.

Planning Policy

The proposal lies within a housing area in the Ratho, Newbridge and Kirkliston Local Plan area where existing residential character and amenities are to be protected. The site is similarly allocated on the Draft West Edinburgh Local Plan, however the site also falls with the Kirkliston Conservation Area and is part of a protected retail frontage.

Relevant Policies:

Policy RN231 seeks to protect the residential character of the existing housing areas.

Policy RN234 seeks to protect and improve existing shopping centres and to retain local services.

Policy H6 protects the residential amenity within areas defined as "Housing and Compatible Uses" on the proposals map.

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.

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Conditions/Reasons associated with the Recommendation

Recommendation

To recommend that this application be **Granted** subject to the following

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 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.
4. Cooking, heating and reheating operations on the premises shall be restricted to the use of one microwave and two soup tureens only; no other forms of cooking, heating, or reheating shall take place without the prior written approval of the planning authority.
5. The hours of operation shall be restricted to 08.00 to 16.00 hours daily.
6. Deliveries and collections, including waste collections, shall be restricted to 08.00 - 16.00, Monday to Saturday
7. 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.

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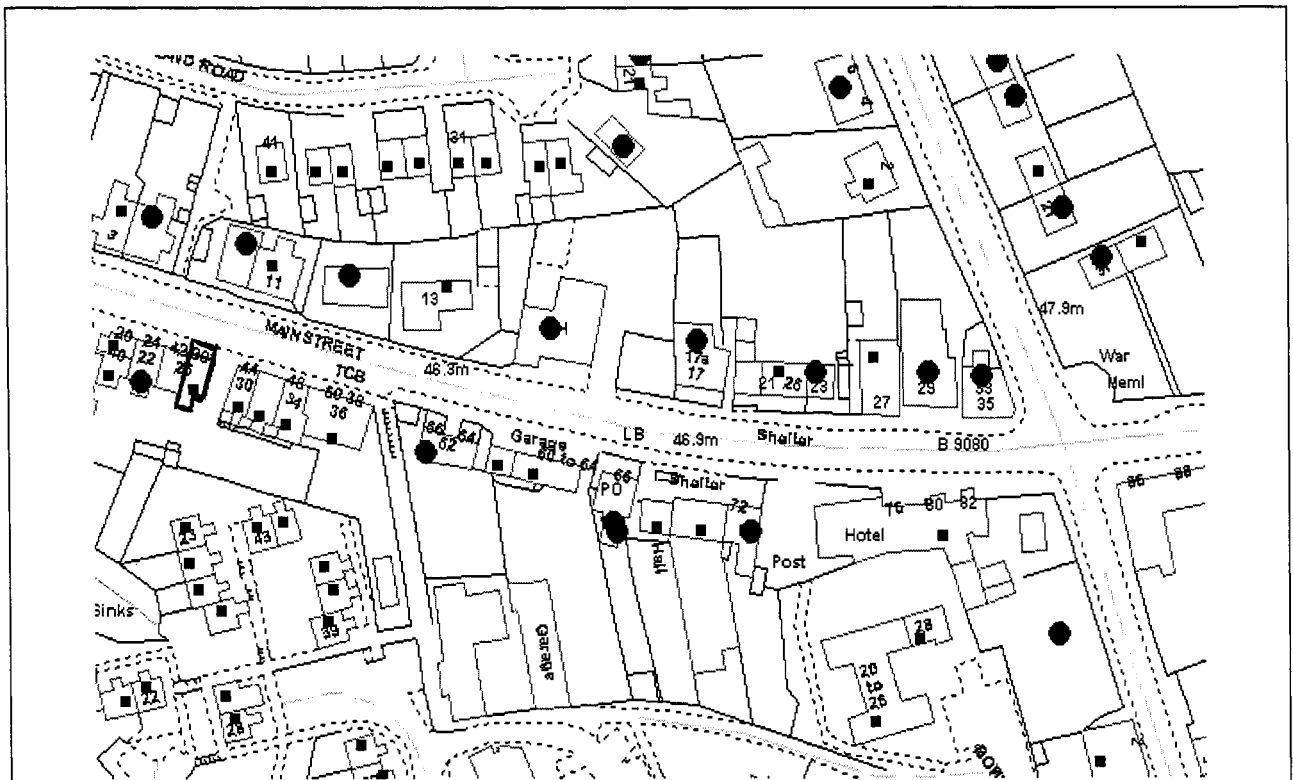
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Location Plan



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