

Full Planning Application
at
50 Cockburn Street
Edinburgh
EH1 1PB

Development Quality Sub-Committee
of the Planning Committee

Proposal: Change of use to coffee shop : class 3
Applicant: Euthymios Angelis.
Reference No: 04/03216/FUL

1 Purpose of report

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

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
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. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
4. Cooking, heating and reheating operations on the premises shall be restricted to the use of one microwave oven, one soup urn and one toaster **** 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 0800 to 1800 Monday to Sunday. Deliveries to and from the premises restricted to same days

and times.

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.
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 amenity of neighbouring residents and other occupiers.

2 Main report

Site description

The property is a ground floor commercial unit on the south side of Cockburn Street. It is between Jackson's Close and Fleshmarket close. There is a residential/therapy centre use above. The last use of the ground floor was as a bookmakers.

It is within the Old Town conservation area and the World Heritage Site.

It is B-listed.

Site history

May 1993 Listed Building Consent granted for the reinstatement of the doorway and stonecleaning.

July 1993 Planning permission granted for the change of use from residential to Class 2 (93/00545/FUL).

February 1994 Planning permission granted to alter the shopfront (93/02809/FUL).

Development

It is proposed to change the use of the premises from a Betting Office to a Class 3 (Coffee Shop). There are no physical alterations proposed as part of this application.

Consultations

Environmental and Consumer Services

The information submitted is insufficient to make a detailed assessment. However, based on the available information there are no objections subject to conditions restricting the noise of plant, machinery, equipment, music and vocals, the cooking, heating and re-heating operations and the hours of operation.

Representations

One letter of representation was received from the neighbour above. The following concerns were raised:

1. Odours,
2. Noise,
3. Appearance of the listed building and the conservation area.

Other concerns are not material planning issues.

Policy

The site is within the Central Edinburgh Local Plan area under a Mixed Activities Zone land use designation. Cockburn Street is identified as a speciality shopping street.

Relevant Policies:

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

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 S8 (PROTECTION OF SPECIALITY SHOPPING STREETS) sets out criteria for assessing proposals involving the loss of a shop unit within defined speciality shopping streets.

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 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 planning permission. For the purposes of this issue, "preserve", in relation to a building, means preserve 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 enhance or preserve the character and 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 consider whether:

- a) The proposal would affect the character and appearance of the listed building or of the conservation area,
- b) the change of use is acceptable in principle,
- c) the proposals are detrimental to residential amenity.

a) There are no physical alterations proposed as part of this application. The premises are capable of catering for a class 3 use without compromising the character or appearance of the listed building or the conservation area.

b) The property is within the Mixed Activities Zone where class 3 uses can be acceptable provided that they are compatible with residential properties. There would not be an unacceptable concentration of class 3 usage in the immediate locality.

The unit is within a speciality shopping street. Betting office is use Class 2 and so no retail use would be lost as a result of this change of use. The proposed use would be open during shopping hours and would not adversely affect the vitality of the street.

The principle of the use is acceptable.

c) The class 3 use can exist without adversely affecting residential amenity. Conditions have been attached to restrict noise, cooking and hours of operation to protect nearby residents.

There would be no detrimental effect on residential amenity.

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 Shepherd on 0131 529 3956 (FAX 529 3717)

Ward affected 34 -Holyrood

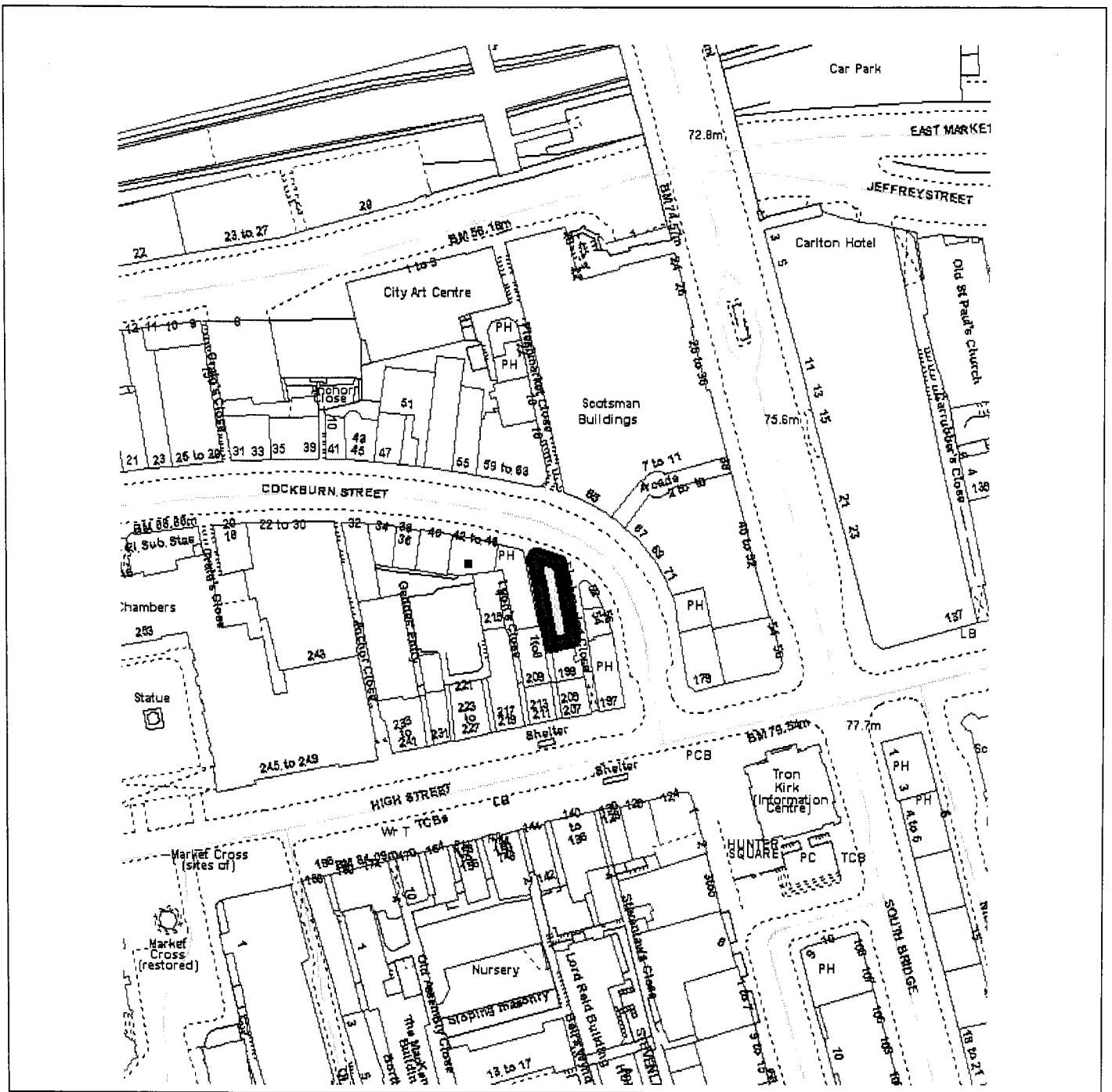
Local Plan Central Edinburgh

**Statutory Development
Plan Provision** Mixed Activities Zone

File

Date registered 6 September 2004

**Drawing numbers/
Scheme** 1.



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PLANNING APPLICATION

Address	50 Cockburn Street, Edinburgh, EH1 1PB		
Proposal	Change of use to coffee shop : class 3		
Application number:	04/03216/FUL	WARD	34- Holyrood
THE CITY OF EDINBURGH COUNCIL			
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			