

**Full Planning Application**  
**at**  
**7-10 Commercial Street**  
**Edinburgh**  
**EH6 6JA**

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

**Proposal:** Change of use from office to café /bar and residential (as amended to include ventilation details).

**Applicant:** Richard Hilton

**Reference No:** 03/00844/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 cafe/bar use hereby approved being restricted to Class 3 (Food and Drink) of the Town & Country Planning (Use Classes) (Scotland Order 1997, and for no other purpose.
3. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
4. 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.

5. 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.
6. The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to ridge level to ensure that no cooking odours escape or are exhausted into any neighbouring premises, all to the satisfaction of the Head of Planning & Strategy.
7. The approved internal ventilation system shall be installed and operational to the satisfaction of the Head of Planning & Strategy, before the change of use is effected.

## **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.
7. In order to safeguard the amenity of neighbouring residents and other occupiers.
8. **Note:** It would be prudent for expert advice to be sought in respect of condition 5 prior to construction commencing, to ensure that compliance is possible.

## **2 Main report**

### **Site description**

The application site comprises a ground floor unit on the south side of Commercial Street, with tenement flats and offices above. There are ten commercial units within the specific block: three restaurants/café's, one public house, three offices, one hairdressers and one vacant retail unit, and the application premises, currently a vacant office.

Leith Custom House is opposite.

The surrounding area is generally mixed commercial and residential, with a high level of leisure use.

### **Site history**

27 January 2003 - Planning permission granted for change of use and alteration to mixed residential/retail (02/01935/FUL).

### **Development**

The application is for a change of use and alteration from an office to residential at the rear and above and a café /bar to the front, facing Commercial Street.

### Amendment

Details of the proposed ventilation system have been submitted.

The café has seating for 22 persons, and is ventilated by means of an internal flue through the existing chimney. The residential accommodation comprises a bedroom, bathroom and garage on the ground floor and a bedroom/living/dining/kitchen space on the upper level.

An application for listed building consent for the alterations to the building has been approved.

### **Consultations**

#### **Environmental Services**

With reference to the above application this Department has concerns about the provision of a cafe/bar existing residential property.

To protect the amenity of the surrounding residents this Department recommends that the business is restricted to class 3 use only.

With regard to the internal arrangements of the residential part of this [proposed change of use, if a second bedroom is considered necessary, this Department would strongly recommend the ground floor bedroom is relocated to the mezzanine floor to prevent a bedroom being located so close to the restaurants kitchen.

Finally, this Department recommends that the ownership and occupancy of the cafe/bar and adjoining residence are tied.

#### **Environmental Services - Further comments received on 5.6.03**

Further to my previous memorandum of 28 April 2003, I write now with the conditions which this Department would recommend be attached to the consent.

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

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.

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.

It would be prudent for expert advice to be sought in respect of this condition to ensure that compliance with this condition is possible. Trying to comply with this condition retrospectively is very difficult and often costly.

The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to ridge level to ensure that no cooking odours escape or are exhausted into any neighbouring premises, all to the satisfaction of the Head of Planning.

## **Transport**

No objections.

## **Representations**

It has been certified that neighbours were notified, and the application was advertised on 18 April 2003.

Four letters have been received, objecting on grounds of overconcentration of food and drink uses, loss of residential amenity, loss of shopping facilities and parking.

## **Policy**

North East Edinburgh Local Plan - Mixed Activities Zone - Emphasis on promoting an appropriate mix of activities which contribute to the area's character and vitality.

### Relevant Policies:

Policy E18 (LISTED BUILDINGS) sets out criteria for assessing proposals affecting a listed building and its setting, including alterations, extensions and changes of use.

Policy E21 (CONSERVATION AREAS - GENERAL): requires proposed development within a conservation area to retain all features which contribute to the character and appearance of the area.

Policy E22 (CONSERVATION AREAS - REDEVELOPMENT): sets out criteria against which new development in conservation areas will be assessed.

Policy E25 (DESIGN OF NEW DEVELOPMENT - OBJECTIVE): encourages new development of the highest possible standard.

Policy E26 (QUALITY OF NEW DEVELOPMENT): sets out general design requirements for new development, and requires particular attention to be paid to main approach roads to the city centre and seafront and waterfront locations.

Policy ED1 (MIXED ACTIVITIES ZONE) supports in principle a range of uses within a defined 'Mixed Activities Zone' and encourages an appropriate mix of uses within it that could contribute positively to its character and vitality.

Policy ED6 (LEISURE DEVELOPMENT) supports, and sets out criteria, for assessing leisure developments, principally within the Mixed Activities Zone in Leith and the Portobello Promenade area.

Policy H7 (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 the reasonable prospects of further residential development where this is an objective of the Local Plan.

Policy S6 (PROTECTION OF SHOPPING USES - NEIGHBOURHOOD NEED) seeks the retention of existing shopping facilities in shopping use where there is a clear neighbourhood need.

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 or enhance 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 these determining issues, the Committee needs to consider whether:

- (a) the proposed alterations to the building will have an adverse effect on the character or appearance of the Conservation Area

(b) neighbouring residential amenity will be adversely affected

(c) the proposed use will result in an overprovision of leisure uses in the vicinity.

(a) LEITH CONSERVATION AREA CHARACTER STATEMENT

*The Leith Conservation Area covers the extent of the historic town, including the Madeira Area (Leith's 'First New Town'), and also Leith Walk - the town's main link with Edinburgh City Centre. The character of the Conservation Area derives from Leith's history both as a port and as an independent burgh. Several fine Georgian and Victorian warehouses survive, some now converted for residential or office use; in many cases these were initially built to hold wine and dry goods, although many were converted in the late 19th Century to serve the whisky industry. A rich mixture of civic buildings and mercantile architecture survive, particularly at Bernard Street and The Shore. Significant earlier buildings include Lamb's House and St Ninian's Manse (both early 17th Century); although many more recent buildings have been built, the present street pattern of The Shore closely follows that of the historic town.*

*The Inner Harbour of the Water of Leith provides a vibrant focus for the Conservation Area, with buildings along The Shore forming an impressive waterfront townscape. The Conservation Area also covers the older parts of Leith Docks, containing many early features including listed dock buildings and the Victoria Bridge, a scheduled Ancient Monument.*

*The Madeira area retains a largely Georgian domestic character, with stone buildings and slate roofs predominating; some of the Georgian buildings retain astragaled windows and doors with fanlights. Many of the roads are setted, the main exception being Prince Regent Street; stone garden walls are a feature of this area. North Leith Parish Church provides a visual focus to this mainly residential area, which also includes major public buildings such as Leith Library and Town Hall.*

*Leith Walk remains the main artery linking the centre of Edinburgh to the old burgh of Leith. It is characterised mainly by Victorian tenements with shops and pubs at the ground floor level. There are a number of Georgian survivals, most notably Smith's Place dating from 1814. Between Smith's Place and Albert Street lies a series of tenemented streets, mainly designed by John Chesser.*

*Building types within the Conservation Area, vary but are traditionally of stone with slate roofs; however more recent building has generally used block or render and traditional brick where previously found. Pockets of public housing development of the 1960s and 1970s, of a contemporary character, fall within the expanded Conservation Area. Open space is concentrated at Leith Links, which provides a spacious contrast to the relatively dense settlement pattern of the remainder of the Conservation Area.*

The proposed alterations are acceptable, and have already been granted Listed Building Consent. There will be no adverse effect on the character or appearance of the Conservation Area.

(b) The proposed use is for a Class 3 cafe. It is not considered that this will have a significant impact on surrounding residential amenity, given the imposition of the recommended conditions. Transport has raised no objections on parking grounds.

(c) The site is within the Mixed Activities Zone, where an appropriate mix of leisure Activities is to be encouraged. Commercial Street is a busy thoroughfare with a leisure related ambience, particularly during the evening. The proposed cafe is relatively small (22 seats are illustrated). The street is not a protected shopping frontage, therefore retail uses cannot be specifically encouraged or protected.

The specific frontage contains a bar, an extension to which has been granted on Appeal, and three restaurants/cafés. The proposal would bring the level of commercial leisure use to 50% of the frontage. This is not considered to be significant overprovision, given the Local Plan land use allocation as Mixed Activities. There are no Policies in the Local Plan, or Non statutory Guidelines, which specifically restrict commercial leisure uses on a percentage basis.

It is not considered necessary to link ownership of the restaurant and flat, given the physical separation of the two uses.

The proposal will also contribute to the preservation and enhancement of a listed building.

The proposals comply with the relevant Local Plan Policies and Non-statutory guidelines.

There are no material considerations which outweigh this conclusion.

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** Michael Paton on 0131 529 3902 (FAX 529 3706)

**Ward affected** 12 -Newhaven

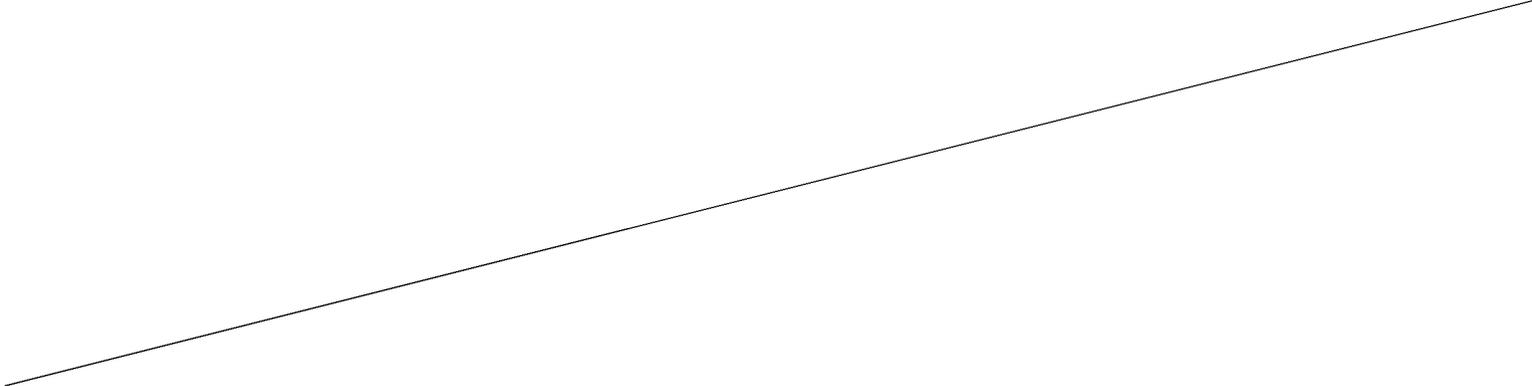
**Local Plan** North East Edinburgh

**Statutory Development  
Plan Provision** Mixed Activities Zone

**File**

**Date registered** 7 April 2003

**Drawing numbers/  
Scheme** 01-03; 05-07  
Scheme 2





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# **PLANNING APPLICATION**

<b>Address</b>	<b>7-10 Commercial Street</b>		
<b>Proposal</b>	<b>Change of use from office to cafe/bar and residential (as amended to include ventilation details).</b>		
<b>Application number:</b>	<b>03/00844/FUL</b>	<b>WARD</b>	<b>12- Newhaven</b>
<b>THE CITY OF EDINBURGH COUNCIL</b>			
<b>THE CITY DEVELOPMENT DEPARTMENT- PLANNING &amp; STRATEGY</b>			