

**Full Planning Application 06/01934/FUL  
at  
22 Coates Crescent  
Edinburgh  
EH3 7AF**

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

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**1 Purpose of report**

To consider application 06/01934/FUL, submitted by Mr Shahid Chowdhury. The application is for: **Proposed restaurant on ground floor and basement, with external alteration to form door and window at basement level and use of cellars for ancillary storage**

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

**2 The Site and the Proposal**

**Site description**

The property is part of a three storey stone built building with basement area located on the corner of Coates Crescent and Manor Place. The property is a category A listed building. The proposal relates to the ground floor and basement unit of the building. The first and second floors (accessed from Manor Place) are currently used as a private health clinic.

The property is located within the New Town Conservation Area and World Heritage Site and is surrounded by properties of a similar style and nature.

This property is located within the New Town Conservation Area.

## **Site History**

92/00802/LBC - Remove basement staircase. Permitted development. 12.05.1992

05/03638/FUL - Application for a ground floor restaurant withdrawn in May 2005 in order that the description of the proposal included proposed alterations at basement level.

06/01556/LBC - Application for listed building consent granted in July 2006 for internal alterations: Removal of several stud partitions and reinstatement of original apartments, hallway and stone stair. Minor structural works to ground and first floor (as amended).

## **Description of the Proposal**

It is proposed to change the use of the ground and basement floor of the property from office accommodation to restaurant, with external alterations to form a door and window at basement level and use of cellars for ancillary storage.

The applicant is for a licensed restaurant with hours of operation from 12noon–3pm and 5pm–midnight. There will be no take-away operation.

Ventilation will be via the existing internal chimneys which will be fully lined and a ventilation system has been designed to ensure that there will be no emissions from the kitchen operation. An engineers report for consideration by Environmental Assessment has been submitted with the application.

Waste will be stored in sealed containers which will be stored in one of the six underground cellars accessed from the external basement area. The waste will be removed on a daily basis.

Dining areas will be located at the front of the property on both ground and basement floor levels, with the kitchen at the rear of the basement adjacent to 3 Manor Place. An existing window in the proposed kitchen is to be removed and a new fire escape door fitted. Two small electric service lifts (dumb waiters) will be installed to connect the two floors.

At the rear of the property adjacent to no 21 Coates Crescent the top casement of an existing timber casement window will be replaced with a proprietary aluminium louver to supply fresh air for the kitchen area. Small air extraction vents will be installed on the wall next this window which is adjacent to the rear of 3 Manor Place. These are for the customer and staff toilets.

## **3 Officer's Assessment and Recommendations**

### **Determining Issues**

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption of granting of permission.

Do the proposals preserve the building or its setting or any features of special architectural or historic interest which it possesses? If not, there is a presumption against the granting of permission. For the purposes of this issue, "preserve", in relation to the 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, are there any compelling reasons for approving them?

## ASSESSMENT

To address these determining issues, the Committee needs to consider whether:

- a) The proposal preserves or enhances the character and appearance of the conservation area and the listed building;
- b) The use is appropriate in this location and whether there will be any adverse effect on residential amenity.

a) The character of the conservation area is summarised as *"A planned urban concept of European significance, the New Town has an overriding character of Georgian formality. The First New Town, built to James Craig's 1767 plan, has experienced significant redevelopment, while the Second, Third and Fourth New Towns, which were laid out on estates to the north, east and west retain most of their original buildings. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area therefore lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves. Many of the New Town's buildings are listed category 'A' of national importance and the area contains some of the city's finest interiors.*

The application is for a change of use of the ground and basement of the property from offices to restaurant. The main alterations are internal and the external alterations are minor. Listed Building Consent has been granted for the alterations and, in considering the proposals for Listed Building consent, it was noted that that internally the building had been much altered and that the proposals will go some way to restoring the original character and layout of the listed building. The alterations therefore enhance the character and appearance of the listed building and the conservation area, and the use will be in character with the mixed use nature of this part of the conservation area.

b) The application site is located within the Mixed Activities zone where commercial leisure uses may be acceptable provided that there will be no adverse impact on existing residential amenity (Policy L2). It is not located in an area identified as 'sensitive' in the local plan.

Coates Crescent is predominantly in office use with the exception of the property immediately adjacent to the application site, No 21 Coates Crescent, which has residential accommodation on ground, first and second floor. Properties in Manor Place are mainly in office use at ground floor level with residential accommodation above. The floor immediately above the application site is in use as a dentist/health clinic. There is residential accommodation on the top two floors. These properties have an access on Manor Place. The applicant has an existing premises on the opposite side of the road at 3 Atholl Place and it is planned to transfer the business to the new premises. Therefore, there will be very little, if any increase in traffic and related parking pressures associated with this application.

Environmental Assessment, Services for Communities, have raised no objections to the proposal provided that conditions are in place to ensure that noise and odours are adequately contained and that the residential amenity of the area is protected. They have raised no objections to the storage of waste in a front storage area.

On the side elevation of the property there is an existing window facing onto Coates Crescent. This is at an angle of 135degrees from the windows of the property at 21 Coates Crescent and, therefore, it does not raise any issues relating to privacy or overlooking. At the rear of the property there are two existing windows facing into a small courtyard which is not within the ownership of the applicant. Alterations are proposed to the basement level window for ventilation purposes. This is acceptable.

With regard to the issues relating to fire from the kitchen a new emergency door is to be installed close to the existing external stair onto Manor Place.

The applicants have not addressed the issue of disabled access as the entrance to the property is up 5 stairs although disabled toilet facilities are to be provided. As the building is a category A listed building within the New Town Conservation area and the World Heritage site any provision for disabled access would have to be designed so as not to detract from the character and appearance of the building or the area. However, it is considered that a condition should be placed on any approval for details of disabled access to be provided before the restaurant is opened.

In conclusion, the proposal will not detract from the character and appearance of the listed building and conservation area, is an acceptable use at this location and will not unduly affect residential.

It is recommended that the application is approved subject to conditions relating to noise, ventilation and disabled access.

*Alan Henderson*

**Alan Henderson**  
Head of Planning and Strategy

Contact/tel	Dorothy Amyes on 0131 529 3905
<b>Ward affected</b>	16 - Dean
<b>Local Plan</b>	Central Edinburgh Local Plan
<b>Statutory Development Plan Provision</b>	Mixed Activities Zone
<b>Date registered</b>	10 May 2006
<b>Drawing numbers/</b>	1-8
<b>Scheme</b>	Scheme 1

**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](http://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](mailto:ian.dryden@edinburgh.gov.uk). Alan Henderson on 0131 529 3494. Email: [alan.henderson@edinburgh.gov.uk](mailto:alan.henderson@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 [gavin.king@edinburgh.gov.uk](mailto:gavin.king@edinburgh.gov.uk) or [sarah.bogunovic@edinburgh.gov.uk](mailto:sarah.bogunovic@edinburgh.gov.uk)

**Application Type** Full Planning Application  
**Application Address:** 22 Coates Crescent  
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## Consultations, Representations and Planning Policy

### Consultations

#### Environmental Health, Services for Communities

*Environmental Health has no objections to this proposed development subject to the following conditions:*

- 1. The kitchen shall be ventilated by a system capable of achieving thirty air changes per hour, and the cooking effluvia shall be ducted to chimney head level to ensure that no cooking odour escape or are exhausted into any neighbouring premises, all to the satisfaction of the Head of Planning.*
- 2. 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.*
- 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. The design, installation and operation of the dumb waiter lift shall be such that any associated noise complies with NR20 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.*
- 5. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.*

#### Historic Scotland

*No comments*

### Representations

The application was advertised on 26 May 2006 and ten letters of representation were received mainly from neighbouring residents and businesses. The grounds for objections are:

- Loss of residential amenity due to noise from customers, cooking odours and litter
- Increase in traffic and parking difficulties
- Concerns over the use of cellars at front of property for storage of waste which may encourage vermin
- Loss of privacy for neighbouring properties
- Lack of disabled access
- Fire hazards from kitchen

The Cockburn Association commented that to allow the change of use would set an undesirable precedent for other properties in the crescent and consider that it would be regrettable if the predominantly residential character of the street would be drastically changed. They also ask that if the application is approved the windows are restored to their original proportions.

Edinburgh Access Panel commented on the requirements for wheelchair users to access the restaurant.

***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 site is located within the Central Edinburgh Local Plan Mixed Activities Zone land use designation.

### Relevant Policies:

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

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

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.

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 L3 (LEISURE USES - RESTRAINT) requires particular care to be taken to prevent an excessive concentration of commercial leisure uses in the following areas of mixed but essentially residential character: Tollcross, Grassmarket and Nicolson Street/Clerk Street and environs.

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.

The New Town Conservation Area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

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## 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. 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 odour escape or are exhausted into any neighbouring premises, all to the satisfaction of the Head of Planning.
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. The design, installation and operation of the dumb waiter lift shall be such that any associated noise complies with NR20 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
5. 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.
6. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
7. Details of access provision for disabled customers shall be submitted and approved by the Head of Planning, prior to the opening of the restaurant.
8. 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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7. To ensure that the development provides a barrier free, accessible environment for all, including disabled people, children, parents and the elderly.
8. In order to safeguard the amenity of neighbouring residents and other occupiers.

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End

