

Full Planning Application
at
48 George Iv Bridge
Edinburgh
EH1 1EJ

Development Quality Sub-Committee
of the Planning Committee

Proposal: Change of use from Tobacconist to hot food takeaway and new extractor flue to be fitted
Applicant: Euthmyios Angelis.
Reference No: 03/01035/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 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 ventilation shall be designed so that cooking effluvia are ducted to the chimney height of the adjoining property, and no cooking odours escape or are exhausted into any neighbouring premises, all to the satisfaction of the Head of Planning & Strategy.
4. The ventilation system shall be designed so that there is no requirement for the erection of an external flue or duct.

5. The kitchen ventilation system being designed and installed so that gases are expelled with a minimum upwards velocity of 15 metres per second.
6. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
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.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. In order to retain and/or protect important elements of the existing character and amenity of the site.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
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.

2 Main report

Site description

The property is a retail unit situated on the ground floor of a traditional tenement that lies on the east side of George IV Bridge. George IV Bridge is characterised by a mix of uses including residential on upper floors. Activity at street level is commercial with a variety of commercial leisure uses as well as retail.

The retail unit is currently vacant. Its last known use was as a tobacconist.

The unit lies within the Old Town Conservation Area. It is category C (s) listed.

Site history

There is no relevant history associated with this application.

Development

The proposal is for a change of use from retail unit to hot-food takeaway. No external alterations are proposed at this stage.

Scheme 1 proposed an external ventilation duct that was to run up the rear of the building. The revised scheme deletes this, replacing it with an internal duct to run to above ridge level via the existing chimney flue. The ventilation system will be capable of achieving 30 air changes per hour.

Consultations

Environmental and Consumer Services

04.06.2003

This Department would require to have sight of evidence that due consideration has been given to the condition AM03C. It will be necessary for the applicant/agent to demonstrate that the sound insulation provided will allow the above condition to be fully complied with. Other conditions relating to ventilation and noise transference and sound insulation are recommended.

09.07.2003

A report has been submitted that has detailed the extent of the works required which should ensure that sufficient noise insulation is provided between the application site and the property above. No further recommendations to attach with regard to the noise insulation.

Representations

The application was advertised on 02.05.2003. Four letters of representation have been received; one from the Edinburgh Old Town Association, one from the Scottish Civic Trust, and two from neighbouring occupiers. The issues raised are:

1. Over concentration of similar uses in the area
2. Loss of retail unit in a protected frontage
3. Noise and smells
4. Litter
5. Anti-social behaviour
6. Unclear drawings regarding shop front alterations

Policy

The property lies within an area identified as Mixed Activities Zone in the Central Edinburgh Local Plan.

Relevant Policies:

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

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 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 S9 (PROTECTION OF SHOPPING - LOCAL NEED) seeks the retention in shopping use of existing shopping facilities for which there is a clear local need.

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.

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

In order to address the determining issues, Committee must consider whether a) the use is acceptable in this location, b) there will be any adverse effects on residential amenity, and c) the proposals will be detrimental to the character of the listed building or the character and appearance of the conservation area.

a) The site does not lie within a shopping frontage as defined within the Local Plan. It does however lie within an area where commercial uses are present. This is a location where Development Plan Policy generally supports the introduction of commercial leisure uses, such as hot-food takeaways. The site is not identified as being within an area of sensitivity. As such it is not considered that there is an excessive concentration of commercial leisure uses in the area. As the unit has been vacant for some time there is clearly no local need for the premises to be retained in retail use. The change of use of the premises to hot-food takeaway is therefore acceptable in principle.

b) Whilst the property is immediately surrounded by residential properties, it has a commercial frontage and the character at street level is commercial. It is not considered that a takeaway will result in a level of increased activity such that residential amenity would be compromised.

The applicant has submitted details of a ventilation system that is capable of achieving the Council's requirements as set out in the non-statutory guidelines on 'Restaurants, Cafes, and Hot Food Takeaways.' Subject to conditions, Environmental and Consumer Services has no objection.

c) As no external alterations are proposed, the proposals will have no adverse effect upon the appearance of the conservation area. Given the nature of the site and its surroundings, situated within the mixed activities zone, the character of the conservation area will not be prejudiced. The external flue has been deleted from the proposal. As such, there will be no adverse impact upon the character of the listed building.

In conclusion, the principle of the use is acceptable in this location. There will be no impact upon the character of the listed building or the character or appearance of the conservation area. Subject to conditions, the proposals will have no adverse impact upon residential amenity. There are no material considerations to outweigh this conclusion.

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

Alan Henderson

Alan Henderson
Head of Planning and Strategy

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Ward affected 34 -Holyrood

Local Plan Central Edinburgh

**Statutory Development
Plan Provision** Mixed Activities Zone

File AF

Date registered 24 April 2003

**Drawing numbers/
Scheme** 1, 3 - 4

