

Full Planning Application 04/03846/FUL
at
143 Great Junction Street
Edinburgh
EH6 5JB

Development Quality Sub-Committee
of the Planning Committee

1 Purpose of report

To consider application 04/03846/FUL, submitted by Mr Singh. The application is for: **Alterations and change of use from shop to Hot food carry out.**

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

2 The Site and the Proposal

Site description

The application site is a shop unit at the corner of Great Junction Street and Bonnington Road, extending over the ground floor of a four storey and attic tenement. The tenement building extends along Great Junction Street from No 127, adjacent to St Thomas Junction Road Church, to the application site which forms the corner and returns for the property depth along Bonnington Road. The property is presently occupied by J & B Salesrooms, in use as a retail sales premises (Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997).

On the south side of the property, fronting onto Bonnington Road, stands and externally illuminated advertisement hoarding.

The property is category C(S) listed within the Leith Conservation Area.

Site history

23 March 2005 - Listed building consent granted for alterations to the shop front (Ref 04/03846/LBC).

Description of the Proposal

The application is for a change of use from a retail shop (Class 1) to a hot-food take-away shop (*sui-generis* use). The applicant seeks opening hours of 12:00 to 14:00 hrs and 16:30 to Midnight daily.

The scheme also includes alterations to the existing main entrance doors at the corner of the building and also an amended emergency door on the Bonnington Road elevation.

Previous Schemes

Scheme 1

The original scheme proposed a functional emergency door and infill panel on the Bonnington Road elevation. This was amended to provide an acceptable facade to the listed building.

3 Officer's Assessment and Recommendations

DETERMINING ISSUES

The determining issues are:

- do the proposals harm the character and appearance of the conservation area? If they do, there is a strong presumption against the granting of planning 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 a 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 plan, are there any compelling reasons for approving them?

ASSESSMENT

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

- a) The principal of a hot-food take-away use is acceptable in this location;
- b) The proposals are appropriate to a listed building and preserve or enhance the character and appearance of the conservation area;
- c) There are any implications for road safety; and
- d) There will be any loss of residential amenity as a result of the proposals.

a) The premises are located within a part of Great Junction Street defined in the North East Edinburgh Local Plan as a 'secondary retail frontage' where policy S5 requires that non-retail uses should not exceed 40% of the retail units within the defined frontage. The relevant defined frontage extends from No 125 to 143 Great Junction Street, a total of 8 units, and at present one unit (13%) is in a non-retail use. Accordingly, the change of use of the application site would increase the non-retail uses to 26% which is within the threshold of the policy.

Accordingly, subject to compliance with other criteria the proposed change of use is acceptable in principle.

b) The impact of the proposed internal and external alterations to the listed building have already been considered in the listed building application (Ref 04/03846/LBC) and found to be acceptable.

Similarly, the amended alterations will preserve the character and appearance of the Conservation Area. As this is a part of the conservation area is in mixed use, the use proposed is appropriate.

c) Transport has no objection to the proposal on road safety grounds.

d) Environmental and Consumer Services have identified the need for a number of conditions that are necessary to reduce the impact to an acceptable level for other occupiers within the building. Those conditions also address the various concerns raised through the consultation process.

Those requirements are for; an appropriate system of ventilation of the cooking area will prevent problems of the odour of cooked food permeating within the building; a restriction both on the hours of operation and of deliveries made to the premises to those times that are compatible with the location of the property within a mixed commercial/residential area; and a

suitable level and control over noise generation resulting from operations associated with the use as a hot food take away shop.

In conclusion, the proposal is in accordance with the Development Plan, it preserves the setting of the adjacent listed building and the character and appearance of the conservation area and it will not have any adverse implications for road safety or residential amenity.

It is recommended that the Committee approve this application, subject to the conditions on hours of operation, noise, and ventilation.



pp Alan Henderson
Head of Planning and Strategy

Contact/tel	John Maciver on 0131 529 3918
Ward affected	21 - Harbour
Local Plan	North East Edinburgh
Statutory Development Plan Provision	District Shopping Centre
Date registered	3 December 2004
Drawing numbers/ Scheme	01 & 03 Scheme 2

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.

If you require further information about this application you should contact the following Principal Planner, Graham Dixon on 0131 529 3519. Email: graham.dixon@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 blair.ritchie@edinburgh.gov.uk or sarah.bogunovic@edinburgh.gov.uk

Application Type Full Planning Application
Application Address: 143 Great Junction Street
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Proposal: Alterations and change of use from shop to Hot food carry out.

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Consultations, Representations and Planning Policy

Consultations

Environmental and Consumer Services

This department has no objection to this proposed development subject to the following conditions:

- a) 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.*
- b) 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*
- c) 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.*
- d) All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.*
- e) Deliveries shall be restricted to the hours of 7am until 8pm Monday to Saturday.*
- f) The premises shall not be open for business between the hours of 11pm to 7am daily.*

Transportation

Has no objection to the application.

Representations

The application was advertised as development within a Conservation Area and as a potential 'bad neighbour' development on 10 December 2004.

Four letters of objection were received from three neighbouring residents. Those concerns raised are summarised as follows:

- cooking odours permeating the building;
- encourage patrons to assemble on this corner;
- litter and food detritus on the pavement;
- increased noise and disturbance to residents throughout the night;
- increased car parking and traffic at this junction; and
- such a use is contrary to the local plan.

Other points raised are not material.

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

North East Edinburgh Local Plan - The site is within the Leith Conservation Area, where the protection and enhancement of the special character and appearance of the designated conservation areas will be protected. The property is in a Mixed Activities zone in the North East Edinburgh Local Plan. A wide variety of uses are encouraged, subject to compliance with other policies. The site is also located within a 'secondary retail frontage' within the Leith 'District Shopping Centre' where retail uses are to be protected. The relevant section is defined as Nos 127 to 143 (odd) Great Junction Street. Units in non-retail use should not exceed 40%.

Relevant Policies:

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 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 S5 (PROTECTION OF SHOPPING USES - DISTRICT AND LOCAL CENTRES) sets out criteria for assessing changes of use (within defined retail frontages) from a shop unit to a non-retail use appropriate to a shopping centre. 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

It is recommended that this application be **GRANTED** subject to the conditions below.

Conditions

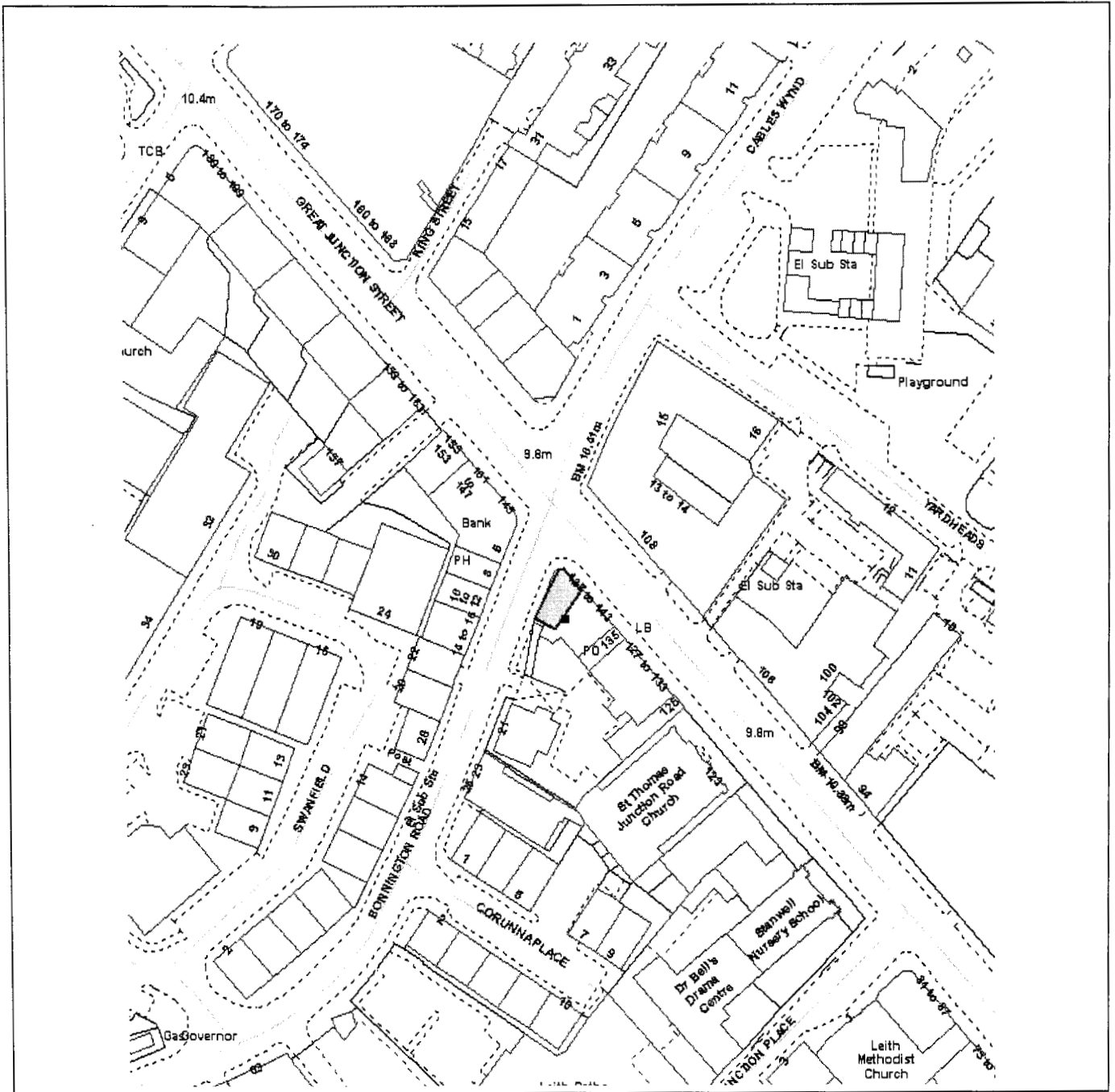
1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. The premises shall not be open for business between the hours of 11pm to 7am daily.
3. Hours of deliveries shall be restricted to the hours of 7am until 8pm Monday to Saturday.
4. The design 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 a suitable exhaust point 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. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.

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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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.
8. In order to retain and/or protect important elements of the existing character and amenity of the site.

End



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PLANNING APPLICATION

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Application number:	04/03846/FUL	WARD	21- Harbour
THE CITY OF EDINBURGH COUNCIL			
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			