

**Full Planning Application 04/03399/FUL
at
47-49 Nicolson Street/31-32 Nicolson Square
Edinburgh
EH8 9BZ**

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

6 April 2005

1 Purpose of report

To consider application 04/03399/FUL, submitted by Surgeons Hall Development Ltd. The application is for: **Mixed commercial and residential development comprising (Class 3) restaurant, class 2 business unit and 12 flats for student accommodation (as amended)**

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

2 The Site and the Proposal

Site description

The site is a corner gap site between the tenement at 51 Nicolson Street and the building at 30 Nicolson Square. It was formerly occupied by a four storey Scots Baronial style building. The former grade A-listed building was destroyed in a fire in 1992. Before the blaze, the buildings had been vacant since the early 1980s.

Surrounding uses are mixed. To the south is a four storey tenement with retail uses at street level and residential above. There is also a recent residential extension to the rear of 51 Nicolson Street. To the west is a three storey building with recent roof extension. The street level is occupied by a bank (Clydesdale Bank) and the upper floors are residential. Beyond this is the entrance to the Mosque which sits further to the south west. To the north is

Nicolson Square, the opposite side of which is occupied by a three storey Georgian townhouse with developed roof-space. There is a bookmakers at street level (Ladbrokes).

The site is on a classified road which is a principal radial route into the City and is the route for a proposed tram line under the Edinburgh Transport Initiative scheme.

Site history

92/00691/FUL - 31-33 Nicolson Square - Change of use from shop to licensed night club, refused 22.07.1992.

93/00064/CEC - 31A, 31-33 and 34 Nicolson Square, 49 Nicolson Street - Demolish properties, approved 24.01.1994

02/02038/ADV - New advertisement display space 60" x 80" to be formed on existing hoarding, approved 05.08.2002

Description of the Proposal

The proposal is for a mixed development comprising a bar/restaurant, a class 2 business unit and 12 student flats.

The bar/restaurant will occupy most of the ground floor, the office will occupy the basement, and the flats will occupy the upper floors.

USES

Restaurant/bar

The restaurant/bar area amounts to around 300 square metres gross. There are indicative seating arrangements showing 16 tables with 64 seats. There is a cafe station, dispensing bar, and hot food servery designed about the common stairwell. The kitchen and toilets are all incorporated into this level. Access is taken to either side of the corner with two double doors. These access the premises via a small lobby. There is a fire exit to the Nicolson Square elevation. There are four large shop windows to the premises, and a fifth window which borrows light from the lobby to the offices. Kitchen ventilation will be incorporated into the new building and will be ducted to chimney head level.

The applicant does not intend to operate a public house. It will be principally a restaurant, although drinks will be served, and it would be possible to have a drink but no meal. All service food/drink will be table service. It will not be an open bar. The main purpose of the bar is as a servery and display. (See applicant's supporting statement)

Class 2 office

The gross floor area amounts to around 310 m², and is located at basement level. The access is from double doors on the Nicolson Square elevation via stairs and a lift. Other than light from the ground floor entrance and adjoining window, the basement has no natural light.

Student residences

There are two access stairs to the flats, one adjacent to 51 Nicolson Street and the other adjacent to the office entrance on Nicolson Square. All flats are dual aspect. There are twelve flats, with those on the third and fourth floors being duplex. There are 6 three-bedroom flats, 2 four-bedroom flats, and 4 six-bedroom flats. At first floor level there is an external roof terrace measuring 18.5 by 5 metres. This will be bounded by a 2 metre high wall

Building Description

The amended proposal is in the form of a three part tenement, with the main gable fronting onto Nicolson Street to mirror the building to the north side of the square. On the Nicolson Street elevation, the eaves level is 110mm higher than that of the adjoining tenement. The roof ridge is 1.8 metres higher. It is a traditional gable design with a wide chimney breast with six terracotta chimney pots. There is one traditional style dormer to the south of the gable. Materials are smooth natural stone ashlar blocks with natural stone cills lintels and quoins. At street level there will be a timber door to the common stair at the south end, then there are two large paned windows, and at the corner a pair of glazed doors.

To the Nicolson Square elevation the building is designed to appear as three separate buildings. The first is a continuation of the Nicolson Street elevation with smooth ashlar stone finish. This extends for 11.5 metres. At street level it contains double glazed doors to the restaurant/bar, a large window and a timber fire escape door designed to look like a stair close door. The next section is a narrow one at 6 metres, with a random coursed cast stone to the upper floors, with cast stone cills, lintels and quoins, and a smooth natural stone ashlar finish to the ground floor. It contains a single large window at street level. The roof ridge drops down by 800mm over this section. The final section is proposed in smooth cast stone with cast stone cills, lintels and quoins. There is a large arched doorway with timber doors which provide access to the flats, and also a service access to the basement office. There is also a large window to the office lobby.

Windows are all timber sash and case style and the roofs will be finished natural slate. The roof-space is developed and there are nine traditional dormers proposed.

With the exception of the rear stair tower, rear elevations will be finished in coloured render with cast stone lintels, cills and quoins.

AMENDMENTS

The current proposal is for scheme 3. The previous schemes differed as follows

Scheme 2

This scheme had no gable to Nicolson Street, but had two gables to the Nicolson Square elevation. The commercial leisure unit and business unit were split vertically rather than horizontally, each occupying part of the ground and basement floors. The bar servery was significantly longer and had stools at it. The basement of the commercial leisure was designed such that it could have been a small entertainment venue. The access to the restaurant was on an angled doorway on the corner. The floor area of the split commercial leisure unit was 420m².

Scheme 1

Minor differences in the shopfront design. The middle block on Nicolson Square was originally to be a render finish. The opening hours of the commercial leisure unit were 0900 to 0100am.

Supporting Statement

The applicant has submitted a statement of justification for the development, with regards to the proposed uses and the design of the building. It states that there is no market for further retail units here, and that commercial leisure use is the most desirable use in respect of letting the premises, and funding the remainder of the development. An operational statement has also been submitted indicating how the restaurant/bar will operate.

This is available to committee members in the party group rooms.

3 Officer's Assessment and Recommendations

DETERMINING ISSUES

The determining issues are;

- Do the proposals preserve or enhance the character or 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 take account of the following specific considerations:

- a) Is this an acceptable location for the uses proposed?
- b) Are the proposals acceptable in terms of scale and design?
- c) Will the proposals preserve or enhance the character or appearance of the conservation area?
- d) Will there be any adverse effect on the amenity of neighbouring residents?
- e) Are the proposals acceptable in terms of parking and other transport issues?

a) The site is mixed in character, being on a commercial frontage within a district shopping centre. Within the vicinity there are a great variety of uses, but the general layout is commercial uses at street level with residential above. It is a designated area of sensitivity. The use of the ground floor for a restaurant/bar is contrary to the development plan in respect of policy L3.

It is also a material consideration that this site has remained vacant for a long time (about 20 years), and the Department is willing to support a proposal which achieves an appropriate form of development on this prominent corner site. The applicant has amended the original proposal from a non-specific commercial leisure use to a mixed restaurant with bar facility. This will still result in the introduction of a mixed pub/class 3 use, however the two frontages that run from this corner have no commercial leisure uses (as far as Khushi's restaurant on Potterrow), and this is a development site and so it will not be beneath existing residential property.

In respect of policy L5, there are residential premises to either side above ground floor level. There will be adjacent residential uses at first floor and above to both sides of this site, but they will not share a mutual wall with the restaurant/bar element, and as it is new build, the sound proofing measures can be successfully incorporated. The public house/restaurant element would be below new flats, not imposed upon existing housing. This has been

accepted in the past, for example nearby on Potterrow. The use is a mixed use, and will also have the hours of operation restricted to 2300, thus preventing the discharge of clients into the streets at more sensitive hours. Further planning permission would be required for public house only and for extended hours.

Although the proposals are deemed contrary to the development plan, under the circumstances described above, and subject to conditions controlling the use, the leisure use is deemed to be acceptable.

The office and student accommodation uses are acceptable in this location.

b) In terms of scale and design, the development should respect the constraints of the site, the character of the area and the principles set down in the Nicolson Square Development Brief. The site is bounded to the south by a four storey tenement, and to the west by a three and a half storey building. The character of the area is mixed. The South Side's character is predominantly tenemental, with wall-head gables a particular feature of many buildings. There are mixed Victorian and Georgian tenements, with some modern infills, large public buildings, and the new mosque.

The architect has designed a building which mirrors many of the features predominant in the area, respects the scale of adjoining buildings, and has made good use of natural stone. The Nicolson Street frontage has been amended so that it now imitates that to the other side of the Square. It will restore the context of the square, and restore some of its original character. The cornice heights along the ground floor street elevation are at 4 metres which retains the character of the shopfronts.

One notable deviation from the brief, in respect of the brief's Proposals Diagram, is that the new buildings follow the building line of the property at 30-31 Nicolson Square. This was the building line previously taken at street level for the former building on site, but not for the upper floors which were set back. The reason for this is that the developer has provided some amenity space to the rear of the building. Without this, the residential units would be too close to those at 51-59 Nicolson Street.

The materials are natural stone to the street elevations, with one area of render to the Nicolson Square elevation.

The quality of design of the scheme is appropriate to the location.

In respect of environmental improvements to the square the development brief seeks high quality paving surfaces. There is currently a scheme for improvements to South Bridge/Nicolson Street which extends to the north corner of the Square. The materials proposed are likely to be Caithness slabs, and it is appropriate that the applicants should contribute an amount to extend these improvements across the east side of Nicolson Square. In respect of this, a contribution of £30,000 is sought. As well as this the applicants will be

expected to upgrade the footpaths immediately adjacent to their site to the same standard.

c) The conservation area's character is summarised in the local plan as follows; *"The buildings of the South Side are predominantly tenemental, with examples of Georgian and Victorian architecture in the Scottish style. Wallhead gables once common in many Scottish cities, are particular features of many buildings. The development of the area started in the late eighteenth century, although several villas predate this, with the construction of George Square, laid out as a spacious speculative housing development by James Brown in 1766. The expansion of the South Side continued into the nineteenth century with the construction of late Georgian squares (such as St Patrick Square and Hill Square); subsequent development resulted in a high density mix of flats, shops, pubs, schools and churches. The University of Edinburgh occupies much of the northern part of the conservation area with several significant buildings (e.g. Medical School and McEwan Hall) as well as more recent, and less sympathetic, academic buildings"*.

The development respects the traditional tenemental form of the area, and retains the mixed use character. Materials are predominantly stone and render which is in keeping with the character of the conservation area. The scale of the building is in keeping with those adjacent and opposite.

The uses proposed are in keeping with the character of the area. It retains a commercial frontage across the two elevations, and provides student residential accommodation on the upper floors.

The proposals are considered to enhance the appearance and preserve the character of the conservation area.

d) There are residential properties at first floor level and above to either side of the site. The impacts on these will be potential noise from the restaurant/bar use, and daylighting, overshadowing and privacy from the building.

In respect of the commercial leisure use, there is potential for the restaurant/bar to create some noise and disturbance due to its hours of operation and the nature of its business. The applicant has however accepted that the original proposal for a commercial leisure unit be more strictly defined as a restaurant with bar, and that the hours of operation be restricted to 2300 daily, as opposed to the 0100 originally proposed. The restaurant/bar will occupy the ground floor only, and will not share any mutual walls with any existing residential property. The site is close to Edinburgh University, the Festival Theatre and is on a very busy public transport route, which is due to accommodate tram line 3 in the near future. The proposals will not have a significant impact on the late night activity in the area. As stated earlier this is a defined area of sensitivity, where it is known that there is an existing high level of commercial leisure uses in an area with a relatively high density residential population. Under normal circumstances, such a development

would be viewed less favourably, however given the long term vacancy of the site, the fact that this is a new build on a brown field site, the low level of commercial leisure uses on these two frontages and the restricted hours of operation, the proposals are supported in this case.

The applicant can incorporate adequate soundproofing between the ground and first floors to protect the amenity of the proposed student flats above.

Environmental and Consumer Services still have concerns about the application due to the appearance of a public bar. This however is just an ancillary bar to the restaurant use, and the principal use is as restaurant. The applicant does wish to have the ability to serve drinks, but this would be ancillary, and would be waiter/table service only.

e) The proposal has no parking provision. Given the central location on a busy public transport route, close to the University and local amenities, there is no objection to this. In terms of cycle parking, there should be 2 spaces for the restaurant/bar and office, and 12 for the flats. It is however not practical to create this provision within the development, as there is no space where such a store could be created. Any store at street level would disrupt the commercial frontage and would be detrimental to the streetscape. There is no rear communal garden, and there is no public access to the rear of the building. There is space within the office, which has lift access and storage space which could be used as necessary. The developer has also managed to widen the close to the Nicolson Street elevation, so that wall mounted cycle racks can be installed. This would allow 6 bicycles to be stored securely (3 at floor level and 3 overhead). This is considered acceptable under the circumstances.

The site is adjacent to the proposed Tram Line 3, but the development will not prejudice its implementation. In line with the guidelines on Tram Developer Contributions, the developer will be required to make a financial contribution to the tram proposals. This will be required by legal agreement.

Conclusion

The proposals will ensure that this long term vacant sight is brought back to life in a form which respects the constraints of the site, would enhance the character and appearance of the conservation area, respects the objectives of the Nicolson Square design brief, and would not cause significant detriment to the amenity of local residents through the restriction of operating hours. It would introduce a mixed use development in keeping with the surrounding uses.

It is recommended that the Committee approves this application, subject to conditions relating to hours of operation, noise protection, materials, and legal agreements for financial contributions to transport and environmental improvements.

FURHTER ASSESSMENT

This application was considered at the Development Quality Sub Committee on 6 April 2005. Members resolved to refuse planning permission and continued the application for detailed reasons to be drawn up.

Subsequent to the Committee the agent has submitted further information which may be pertinent to the Committee deliberations. The agent has agreed that the commercial leisure element of the proposals should now not include a bar element. The description of the development now relates to a Class 3 restaurant, not a restaurant/bar as previously. Further, the agent has confirmed that there is accommodation within the development which could accommodate further cycle parking.

If the Committee is minded to reconsider its position and approve this application an additional condition is recommended. This should state:

"Before any part of the development is brought into use, cycle parking shall be provided within the site to meet the standard required by City of Edinburgh Council policy; the type and siting of such parking shall be approved in writing by the Head of Planning & Strategy before work commences on site, and no alteration to the approved cycle parking provision shall be made without the further written approval of the Head of Planning & Strategy".

The reason for this is "To ensure adequate and timeous provision of cycle parking in the interests of highway safety".

If the Committee is minded to refuse permission as originally agreed the following are recommended reasons for refusal:

1. The proposal is contrary to Central Edinburgh Local Plan policies L3 (Leisure Uses - restraint) and H11 (Housing Amenity) and to non-statutory guidelines on Commercial Leisure Uses as it introduces a further commercial leisure use to an area identified as an Area of Sensitivity, to the detriment of residential amenity, particularly in the late evening
2. The proposal is contrary to central Edinburgh Local Plan Policy L5 (Licensed premises) as it results in the location of a licensed premises under and in the midst of housing to the detriment of residential amenity, particularly in the late evening.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Kingsley Drinkwater on 0131 529 3648 (FAX 529 3717)
Ward affected	33 - Southside
Local Plan	Central Edinburgh
Statutory Development Plan Provision	Mixed Activities
Date registered	27 September 2004
Drawing numbers/ Scheme	01,12,25-30,32-36 Scheme 3

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, Ian Dryden on 0131 529 3464. Email: ian.dryden@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: 47-49 Nicolson Street/31-32 Nicolson Square
Edinburgh
EH8 9BZ
Proposal: Mixed commercial and residential development comprising
(Class 3) restaurant, class 2 business unit and 12 flats for
student accommodation (as amended)#
Reference No: 04/03399/FUL

Consultations, Representations and Planning Policy

Consultations

Environmental and Consumer Services - 10/11/04

Environmental Health has serious concerns regarding this proposed development.

The application would appear to be proposing a public bar. There is concern regarding noise nuisance emanating from the development as there are residential properties in close proximity to the development.

This Department recommends that the present application as it stands is refused on the grounds that there is a serious risk of noise nuisance from the public bar to the residential properties proposed above and the properties already situated in close proximity to the development.

Environmental and Consumer Services - 16/12/04

Having further discussed this application with the agent, Environmental Health continue to have concerns regarding this application.

The application would still appear to be proposing a public bar. There is concern regarding noise nuisance emanating from the development as there are residential properties in close proximity to the development.

This Department recommends that the present application as it stands is refused on the grounds that there is a serious risk of noise nuisance from the public bar to the properties already situated in close proximity. The agent has advised that proper sound insulation could be designed into the scheme to protect the properties being built above.

Transport

With reference to the above application, consent should not be issued until the Developer enters into a legal agreement to;

- 1. Contribute £11,500 to the Edinburgh City Car Club*
- 2. Contribute £40,000 to the City of Edinburgh Tram Scheme and the developer is to provide 12 secure covered cycle spaces.*

Education

Royal Mile Primary School is operating below capacity and would have adequate places to accommodate this development.

This development is unlikely to generate additional children for St Marys RC Primary School, Boroughmuir High School and St Thomas of Aquins RC High School.

The forecasts are based on 2003 start of session school rolls and housing completions identified in the Housing Land Audit 2003. Revised child to house ratios have been applied.

Summary

It is unlikely that this development would generate additional children for the above mentioned schools. Accordingly I have no objection to this development.

Culture and Leisure

Culture and Leisure are currently interested in pursuing the possibility of a section 75 agreement to improve the public realm at Nicolson Square, which will be impacted by this development.

This is a site that staff have been involved with regarding upgrading. A contribution from the developer would assist in realising these proposals.

Representations

The application was advertised on 15/10/05. 11 letters of representation have been received, four from residential neighbours, and one each from the Cockburn Association, Architectural Heritage Society of Scotland, Spokes, Southside Community Council, Pakistan Society of Edinburgh, the neighbouring Mosque and Islamic Centre and the local Ward Councillor. There was also a petition of 251 names submitted by the Mosque of the Custodian of the Two Holy Mosques King Fahad Bin Abdulaziz Alsaud. The issues raised are;

1. Excessive concentration of pubs/class 3 uses
2. Noise and disturbance
3. Proximity to Mosque
4. Late opening hours detrimental to residential amenity
5. Contrary to local plan policy
6. Contains no cycle parking
7. Design is too "pastiche"
8. Missed opportunity to build a quality contemporary building
9. Commercial leisure use could be a pub, open to 0100am.

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 identified by the **Central Edinburgh Local Plan** as being within the mixed activities zone. The property is within a district shopping centre on a primary retail frontage, and is within the defined area of sensitivity.

There has been a Development Brief approved by committee on 9th August 2001, for Nicolson Square. This gave details of environmental improvements to the Square, and set out guidelines for the redevelopment of the gap site on the south east corner.

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 CD10 (NEW DEVELOPMENT - OBJECTIVE) encourages new development of the highest possible architectural and urban quality.

Policy CD15 (INFILL DEVELOPMENT) sets out design requirements for new infill development.

Policy CD17 (MATERIALS) sets out requirements for materials in new developments and seeks a greater use of stone, roofing slate and other traditional materials in appropriate cases.

Policy CD18 (SAFETY, SUSTAINABILITY AND ACCESSIBILITY) requires the design and layout of development proposals to meet safety, sustainability and accessibility objectives.

Policy CD22 (STREETSCENE) sets out design and quality objectives for street furniture and paving.

Policy CD23 (SHOPFRONT DESIGN) promotes high standard shopfront design and sets out criteria for assessing shopfront proposals.

Policy GE13 (OPEN SPACE IN NEW HOUSING) sets out requirements for open space provision for major housing developments.

Policy H1 (HOUSING DEVELOPMENT) encourages the provision of new residential accommodation, in conjunction with other land uses if necessary to maintain the mixed use character, its locality, and sets out criteria for assessing development proposals in predominantly residential areas.

Policy H2 (HOUSING DEVELOPMENT) encourages, and sets out criteria for assessing, proposals for housing development within the Mixed Activities Zone.

Policy H9 (STUDENT RESIDENTIAL ACCOMMODATION) supports (with stated qualifications) the provision of student accommodation.

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.

Policy L5 (LICENSED PREMISES) states that the change of use of premises under or in the midst of housing to a public house (or similar) will not be allowed

Policy ED5 (BUSINESS DEVELOPMENT - INNER HOUSING AREAS) sets out criteria for assessing business and industrial development in defined Housing and Compatible Uses policy areas.

Policy T8 (CYCLE PARKING) requires new development to provide cycle parking facilities in accordance with agreed standards and on suitable sites to contribute to the network of safe routes.

Policy T15 (PRIVATE CAR PARKING) requires all new development to comply with car parking standards set out in the Development Control Handbook, including provision for people with disabilities, and requires car parking to be designed to minimise visual intrusion.

Non-statutory guidelines 'COMMERCIAL LEISURE USES: CENTRAL EDINBURGH LOCAL PLAN POLICY L3: SUPPLEMENTARY PLANNING GUIDANCE' provides specific guidance in respect of such uses in identified areas of sensitivity.

Non-statutory guidelines on 'LOCATION OF LICENSED PREMISES' support local plan policies on proposals for licensed premises in locations where the protection of residential amenity may also be an issue.

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.

Application Type Full Planning Application

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Proposal: Mixed commercial and residential development comprising (Class 3) restaurant, class 2 business unit and 12 flats for student accommodation (as amended)#

Reference No: 04/03399/FUL

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. Prior to the granting of consent, the applicant shall enter into a legal agreement with the following requirements;
 - a. The applicant shall provide a financial contribution of £30 000 towards the upgrading of paved surfaces on the east side of Nicolson Square, prior to the occupation of the proposed buildings.
 - b. The applicant shall provide a financial contribution of £40 000 towards the proposed Tram Line 3 by the Edinburgh Transport Initiative, prior to the occupation of the buildings on site.
 - c. The applicant shall provide a financial contribution of £11 500 towards the City Car Club, prior to the occupation of the buildings on site.
3. The applicant shall upgrade all adjacent footways to an adoptable standard using Caithness Stone slabs or other material to be agreed with the Head of Planning and Strategy.
4. Hours of operation for the ground floor restaurant shall be restricted to 0900 to 2300 daily.
5. No live music, amplified or otherwise, shall be played on the premises.

6. Sample/s of the proposed stone, cast stone, roof slate and render shall be submitted to and approved in writing by the Head of Planning & Strategy before work commences on site.
7. The design and installation of any plant, machinery or equipment from within the ground floor and basement commercial premises 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.
8. The development shall not commence until a scheme for protecting the residential development hereby approved from noise from the restaurant/bar and from traffic noise on Nicolson Street has been submitted to and approved in writing by the Head of Planning & Strategy; all works which form part of the approved scheme shall be completed to the satisfaction of the Head of Planning & Strategy before any part of the development is occupied.
9. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
10. Prior to the commencement of works on site, details of access to and space for waste management facilities, including recycling, shall be submitted to and approved in writing by the Head of Planning and Strategy. Thereafter, the requirements agreed shall be implemented to the satisfaction of the Head of Planning and Strategy, prior to the occupation of the development hereby approved.
11. The waste management facilities, as shown on the approved plans, shall be implemented prior to the occupation of the development to the satisfaction of the Head of Planning and Strategy.
12. 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, and the ventilation system shall be designed so that there is no requirement for the erection of an external flue or duct all to the satisfaction of the Head of Planning and Strategy.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to ensure that the development does not result in infrastructure capacities being exceeded.
3. In order to safeguard the character of the conservation area.

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.
6. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
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10. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
11. To ensure adequate and timeous provision of waste management facilities.
12. In order to safeguard the amenity of neighbouring residents and other occupiers.

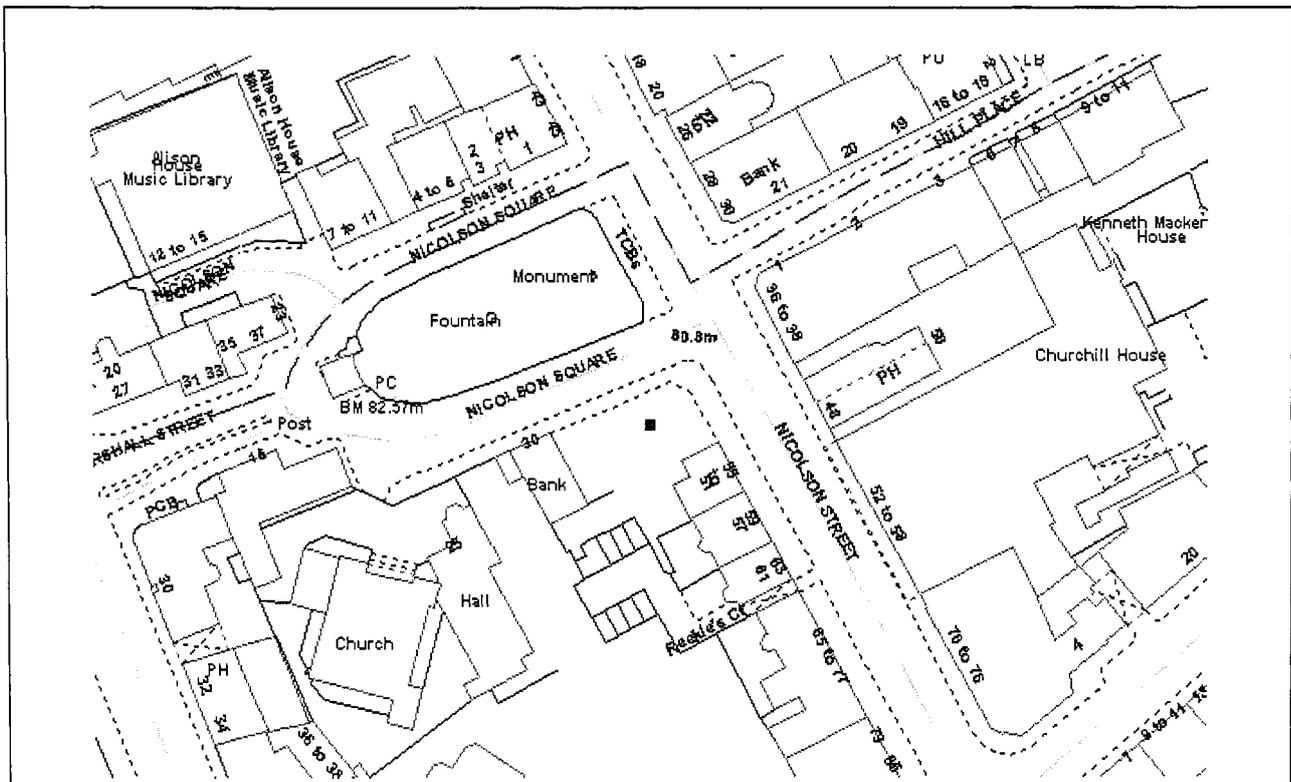
End

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Location Plan



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