

**Full Planning Application 05/00269/FUL
at
13 West Crosscauseway
Edinburgh
EH8 9JW**

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

1 Purpose of report

To consider application 05/00269/FUL, submitted by Mr M Yip. The application is for: **Change of use to hot food takeaway.**

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 a ground floor unit located on the south side of West Crosscauseway with three storey residential properties above. The unit is currently operating as a hairdresser.

The site lies within the Mixed Activities Zone with other commercial properties operating within the area. The premises lie within the South Side Conservation Area. It is not listed.

Site history

There is no relevant planning history for the site.

Description of the Proposal

The proposal is for a change of use to hot food takeaway. The proposed hours of operation are 8am to 8pm and the ventilation for the unit will be through the existing chimney within the unit.

3 Officer's Assessment 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 of this is not the case;
- do the proposals comply with the development plan?
- if the proposals do not 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 use is acceptable in this location, including its impact on the character and appearance of the conservation area and b) whether there will be any adverse effect on residential amenity.

a) The site lies within the Southside Conservation Area. 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 area contains a number of commercial uses and within West Crosscauseway there is a mixture of retail and non retail uses and the one proposed should not affect the character of the conservation area. The application site is not located within a protected shopping frontage, as defined in the local plan. The property is located close to a district shopping centre which adequately caters for local need. The proposal would not result in more than three consecutive non-retail uses. The location of a hot food takeaway facility (non retail use) in such mixed use areas is therefore supported in principle, providing that such uses comply with other policies, in particular those relating to residential amenity. No external alterations are proposed and therefore there will be no adverse effect on the appearance of the conservation area.

b) This area is located within an area of sensitivity, where there is a restriction on the hours of operation from 8am to 8pm. The applicant is proposing these hours of operation. Environmental and Consumer Services have no objections subject to the conditions on noise and ventilation.

It is considered that given the variety of commercial uses within the area there will be no further effect on residential amenity.

In conclusion, the hot food takeaway facility is not detrimental to the character or appearance of the conservation area or harmful to residential amenity, and that the premises are suitably located in this mixed use area.

Approval is recommended, subject to conditions on noise, ventilation and hours.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Lynsey Townsend on 0131 529 4279 (FAX 529 3717)
Ward affected	33 - Southside
Local Plan	Central Edinburgh
Statutory Development Plan Provision	Mixed activities
Date registered	7 February 2005
Drawing numbers/ Scheme	01-02

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

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Consultations, Representations and Planning Policy

Consultations

Environmental and Consumer Services

'It should be noted that the current use of these premises is as a hairdressers and not a sandwich shop as stated on the application form.

This Department would have no objection to the above application subject to the following conditions:

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.

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 and Strategy.

Representations

Neighbour Notification was carried out on 30th January 2005 and the application was advertised on 18 February 2005. One letter of comment and one letter of objection were received.

The main grounds of objection are as follows:-

1. Litter
2. Additional litter
3. Cooking odours
4. Associated noise late at night

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

CENTRAL EDINBURGH LOCAL PLAN - The site is identified as an area of Mixed Activities.

Relevant Policies:

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 S7 (PROTECTION OF SHOPPING USES) sets out criteria for assessing changes of use (within defined retail frontages) from a shop unit to a service or other non-retail use appropriate to a shopping area.

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.

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 '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. All music and vocals amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
3. 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.
4. 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.
5. 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.
6. Hours of operation shall be restricted to 8am to 8pm.
7. 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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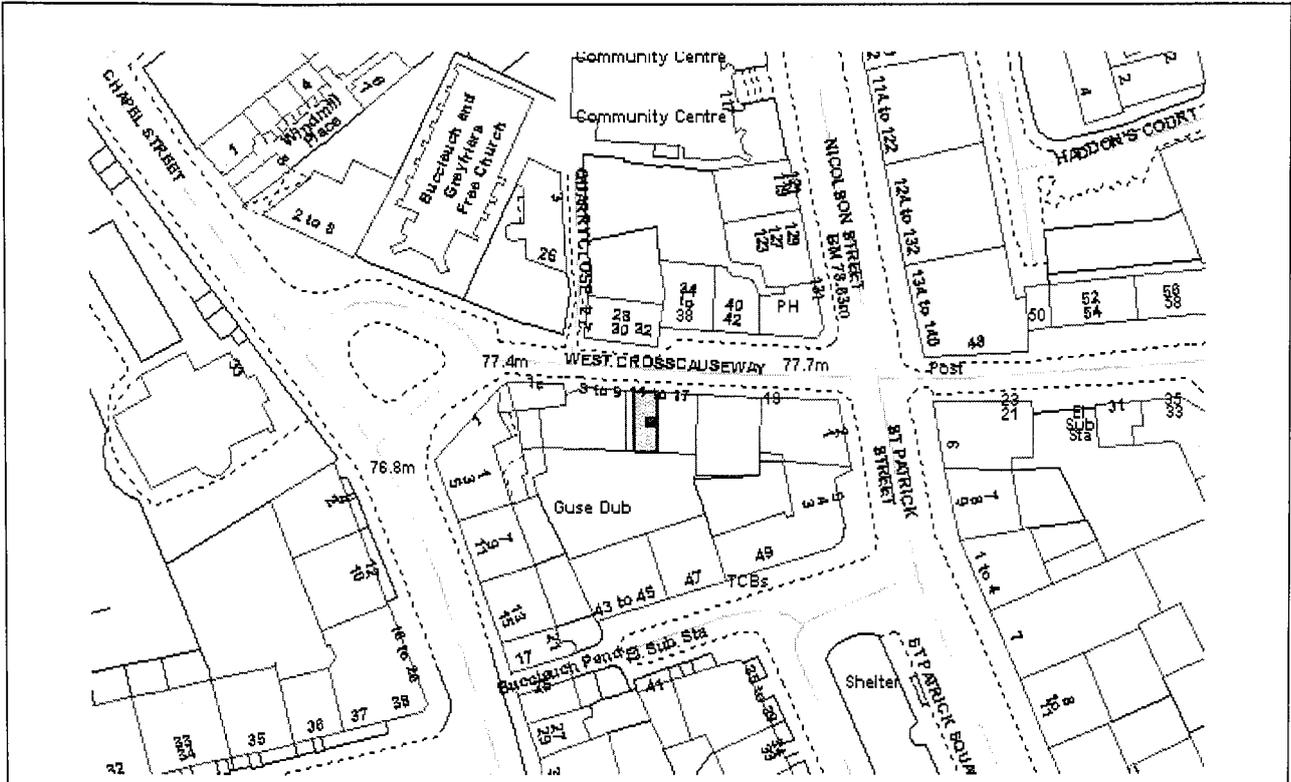
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Location Plan



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