

**Full Planning Application
at
46-52 Lady Lawson Street
Edinburgh
EH3 9DW**

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

Proposal: Change of use from class 1 retail to class 3 restaurant, as amended
Applicant: Mr Weibye
Reference No: 03/03402/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 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.
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. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.

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. The approved ventilation system shall be installed and tested for the escape of odours to the satisfaction of the Head of Planning & Strategy, prior to the use hereby approved being taken up.
7. All kitchen odours shall be extracted through an odour filtration system designed 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 safeguard the amenity of neighbouring residents and other occupiers.
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 7. In order to safeguard the amenity of neighbouring residents and other occupiers.
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2 Main report

Site description

The property is a retail/office unit situated on the ground floor of a traditional four storey stone built tenement situated on the west side of Lady Lawson Street. The surrounding area is characterised by a mix of uses, including residential, but is principally commercial in nature.

Site history

There is no history associated with this application.

Development

Scheme 1:

The proposal is for a change of use from retail/office unit to restaurant. No external alterations to the shop front are proposed at this stage. An extract flue is proposed on the exterior of the building at the rear. This flue will be bracketed to an existing stone chimney that sits centrally within the facade and will be taken to above ridge level.

Scheme 2:

The external flue has been omitted from the application. Kitchen extract will be via an existing internal flue.

Consultations

Environmental and Consumer Services

No objection subject to conditions regarding sound transmission and kitchen ventilation.

Representations

The application was advertised on 19.12.2003. One letter of representation has been received from Tollcross Community Council. The issues raised are:

1. Contrary to Policy L5
2. Add to the already excessively concentrated commercial leisure uses within the area
3. Loss of retail

Policy

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

Relevant Policies:

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 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 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, and b) there will be any adverse effect upon residential amenity.

a) Central Edinburgh Local Plan Policy L2 generally supports commercial leisure uses such as restaurants within the Mixed Activities Zone and other areas where commercial leisure uses are present, subject to compliance with other policies and there being no adverse effect on existing residential amenity. As this proposal does not involve a public house, Policy L5, as quoted by the Community Council, does not apply.

The property does not lie within a protected shopping frontage. As a result of this application it appears that there is no clear local need for this unit to remain in retail use. The street does not lie within a defined area of sensitivity, and it is therefore not considered that this proposal will lead to an excessive concentration of commercial leisure uses. The principle of the change of use is therefore acceptable.

b) Whilst the property is at the ground level in a residential tenement building, it has a commercial frontage and the character of the street and the immediate environs is commercial. It is not considered that a restaurant use 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 within the non-statutory guidelines on 'Restaurants, Cafes and Hot Food Takeaways.' Subject to conditions, Environmental and Consumer Services has no objection.

In conclusion, the principle of the use is acceptable in this location and it will not have an adverse effect upon residential amenity.

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

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/Tel David Mudie on 0131 529 3442 (FAX 529 3717)

Ward affected 32 -Tollcross

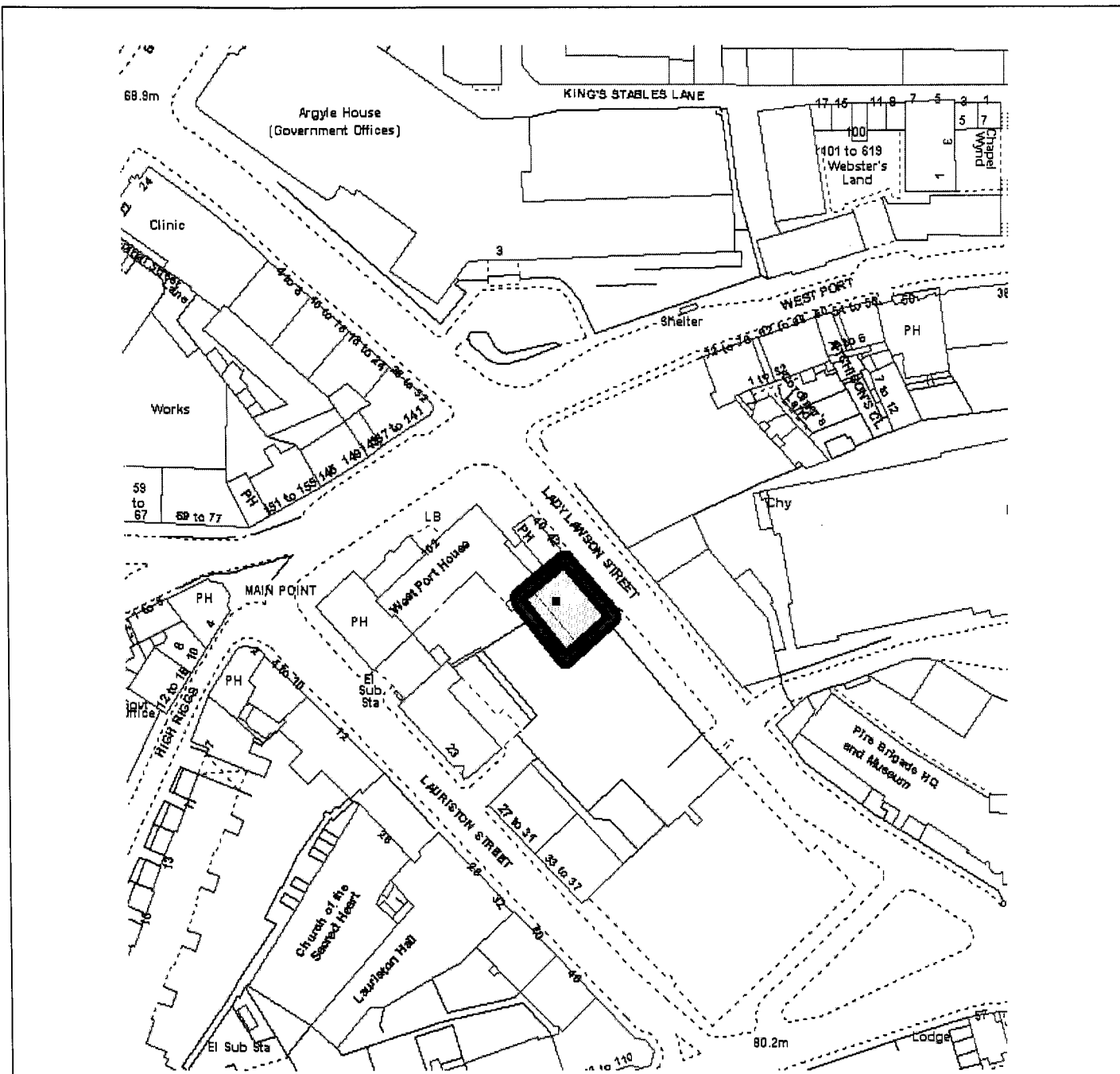
Local Plan Central Edinburgh

**Statutory Development
Plan Provision** Mixed Activities Zone

File AF

Date registered 10 December 2003

**Drawing numbers/
Scheme** Scheme 2: 2, 4-6



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PLANNING APPLICATION

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THE CITY OF EDINBURGH COUNCIL
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY