

Development Management Sub Committee

Wednesday 27 January 2021

**Application for Planning Permission 20/03395/FUL
at 3 Shandwick Place, Edinburgh, EH2 4RG.
Change of Use from Class 1 to Unlicensed Hot Food
Takeaway (Sui Generis) with internal and external
alterations with a new extract flue to the rear.**

Item number

Report number

Wards

B11 - City Centre

Summary

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area.

The proposal largely complies with the adopted Local Development Plan and the infringement of LDP policy Ret 9 is justified in this instance. The proposal is acceptable in this location and will have no material impact upon the retail function of the defined City Centre Retail Core. The proposal will have no adverse effect on local residents in terms of loss of amenity and it will not harm the Outstanding Universal Value of the Edinburgh World Heritage Site.

There are no material planning considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES12, LEN03, LEN04, LEN06, LEN01, LRET09, LRET11, NSLBCA, NSBUS, HES, HESUSE, HESEXF, OTH, SGCCRC, CRPNEW,

Report

Application for Planning Permission 20/03395/FUL at 3 Shandwick Place, Edinburgh, EH2 4RG. Change of Use from Class 1 to Unlicensed Hot Food Takeaway (Sui Generis) with internal and external alterations with a new extract flue to the rear.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site relates to a small, ground floor class 1 retail unit. The unit has a frontage on the north east elevation at the internal corner of the recessed open space formed with the adjacent buildings on Rutland Place. There is a basement level below the unit and two storeys and attic above which are utilised as the Edinburgh City Roomz hotel. Other uses directly nearby include the Ghillie Dhu bar and restaurant, ASK restaurant and the Rat Pack Piano and Cocktail Bar which is at basement level. The rear elevation of the building is largely enclosed and there are currently two large ventilation flues present directly nearby.

It is part of a category B listed building (Listing date: 12 December 1974 listing reference: LB30175). It is also located within the World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

4 July 2017- Planning permission granted for extension to basement and change of use from class 1 to class 11 (Entertainment Venue) (application reference: 17/02154/FUL)

4 July 2017- Listed building consent granted for alterations to No. 3 and No. 9 Shandwick Place to create an extension of basement entertainment venue located at No. 9. (Application reference: 17/02255/LBC)

3 August 2020- Planning permission refused for alterations to frontage to remove existing bay window and door surround and remove masonry to form a larger shop front opening (Application reference: 20/02075/FUL).

3 August 2020- Listed building consent refused for alterations to frontage to remove existing bay window and door surround and remove masonry to form a larger shop front opening (Application reference: 20/02074/LBC).

A conterminous application for listed building consent is pending decision (Application reference: 20/03412/LBC)

Main report

3.1 Description of the Proposal

The application is for planning permission for the change of use from a class 1 shop to unlicensed hot food takeaway (Sui Generis) with internal and external alterations including a new extract flue to the rear.

The proposal will provide some seating within the unit (four tables and one bar table element) permitting 12 patrons. However, this will be ancillary to the main function of the unit as a hot food takeaway.

The extract flue will measure 350mm in width and 400mm in depth. It will exit from the rear of the ground floor unit and will run up the building terminating above an adjacent dormer window.

No alterations are proposed to the front of the unit.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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?

3.3 Assessment

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

- a) The proposed use will undermine the retailing function of the City Centre Retail Core;
- b) The proposal will be detrimental to the special interest of the listed building and its setting;
- c) The proposal will be detrimental to the character and appearance of the conservation area;
- d) The proposal affects the Outstanding Universal Value of the World Heritage Site;
- e) The proposal will materially impact residential amenity;
- f) The proposal raises any concerns with regards to road or pedestrian safety;
- g) There are other material matters to be considered and
- h) Any matters raised in representation have been addressed.

a) Retailing Function

Local Development Plan (LDP) Policy Ret 9 (Alternative Use of Shop Units in Defined Centres) states that change of use proposals which would undermine the retailing function of the centre will not be permitted. Detailed criteria for assessing proposals for the change of use of a shop unit to a non-shop unit will be set out in supplementary guidance.

The site falls right on the edge of the defined City Centre Retail Core (CCRC).

The City Centre Retail Core Supplementary Guidance states that it aims to deliver two LDP objectives set out in Section 6 (Shopping and Leisure) of the Plan:

- To sustain and enhance the city centre as the regional focus for shopping, entertainment, commercial leisure and tourism related activities and encourage appropriate development of the highest quality.
- To improve the appearance, quality and attractiveness of all centres.

It further states that *"There is a need to ensure a healthy balance of uses within the city centre in line with development plan policy to ensure its vitality, viability and maintain footfall, with a sufficient proportion of retail units to ensure that shopping continues to be a predominant use. However, there are also benefits in allowing shops to change to other uses to achieve a diverse, thriving and welcoming city, allowing complementary uses that support the main shopping function and encourage use into the evening."*

"Changing circumstances since the original guidance was adopted including the trend towards online retailing, the publication of a Retail and Leisure Commercial Needs Study commissioned by the Council, and the ECCT programme provided justification for revising the guidance to make it more flexible to support alternative uses of shop units."

The CCRC Supplementary Guidance highlights that the site falls within area CC4 (Elsewhere in the City Centre Retail Core).

The CCRC states in relation to units within CC4;

Proposals for a change of use of shop units, elsewhere in the CCRC to a non-shop use will be permitted provided;

a. As a result of permitting the change of use no more than half of the total number of units on the same side of the named street as the proposal would be in non-shop use; and

b. The proposal is for an appropriate commercial or community use which would complement the character of the City Centre Retail Core and would not be detrimental to its vitality or viability

A retail survey has been submitted that shows that there are currently 11 units within this side of Shandwick Place which are in shop use, whilst there are 13 which are in non-shop use. Therefore, there are already more than 50% of the units within this side of Shandwick Place which have fallen out of shop use. As a result, the proposal does not comply with part (a) of the CCRC supplementary guidance.

Paragraph 262 of the LDP states that policy Ret 9 aims to avoid areas of dead frontage and reduced pedestrian flow which would detract from the character and vitality of the centre by requiring a certain level of shop use.

The application site is located in a tight corner position set back from Shandwick Place and pedestrians cannot directly walk past this unit. The impact of this unit being changed from a class 1 to a sui generis use will not create an area of dead frontage or reduce pedestrian flow through the wider CCRC or indeed through this side of Shandwick Place.

The unit previously traded as a Subway Sandwich shop. This operated as a takeaway business serving both hot and cold food. It had a variety of illuminated and non-illuminated signage present on its shop front as does a number of other nearby businesses. Changing the unit from a sandwich shop to a hot food takeaway would not undermine the character of the City Centre Retail Core.

The CCRC guidance refers to the continual impact of online retailing on the high street. The effect that the Coronavirus pandemic has had on the high street must also be acknowledged. A site visit was carried out as part of the assessment of the application and it was apparent that some other units along this side of Shandwick Place appeared to be either closed and/or vacated since the retail survey had been submitted.

The applicant is attempting to bring a unit back into use which has been marketed for rent/sale for since May 2018 and has now laid empty and vacant for more than a year. Planning permission (20/02075/FUL) and listed building consent (20/02074/LBC) were sought in 2020 to enlarge the frontage of the unit in an attempt to make it more attractive as a shop unit, given its relatively secluded positioning. However, these applications were refused on the basis that the proposed alterations would harm the special interest of the listed building. An occupied and active unit will do more for the vitality and viability of the CCRC than an empty and potentially neglected shop. No alterations to the shop front are proposed.

It is further advised that planning permission was granted in 2017 (17/02154/FUL) for the extension of the property's basement and a change of use of the entire unit from class 1 to class 11 (Entertainment Venue). It is assumed that the basement level is now utilised as part of the basement level Rat Pack Piano Bar but that the ground floor level changes were never enacted.

The proposal is in breach of part (a) of the CCRC supplementary guidance as more than 50% of the units within this side of Shandwick Place already fall out with shop use. However, as well as complying with the Edinburgh Guidance for Business, in terms of hot food takeaways, the application also broadly complies with part (b) of the CCRC supplementary guidance as it is an appropriate commercial use which would complement the character of the City Centre Retail Core and would not be detrimental to its vitality and viability.

The Edinburgh Guidance for Businesses states that proposals for Hot Food Takeaways, with the exception of proposals within areas of restrictions, will be supported in principle in the following locations:

- Throughout the Central Area
- In designated shopping centres
- In existing clusters of commercial uses, provided it will not lead to an unacceptable increase in disturbance, on-street activity or anti-social behaviour to the detriment of the living conditions of nearby residents.

The unit is within the central area and not within an area of hot food takeaway restriction. Environmental Protection has confirmed that it has no objections to the proposal and therefore it will not lead to an unacceptable increase in disturbance, on street activity or anti-social behaviour to the detriment of the living conditions of nearby residents.

The proposal complies with the Edinburgh Guidance for Businesses. Therefore, the principle of a hot food takeaway in this location is acceptable and it is an appropriate commercial use within the area.

It is therefore considered that, on balance, the proposal will not materially undermine the retail function of the City Centre Retail Core and that the breach in the CCRC supplementary guidance is acceptable in this instance.

b) Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:-

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"

Historic Environment Scotland's (HES) Guidance Notes on Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings states; *"New uses may enable us to retain much of the fabric and special interest of a building, but they will always have an impact on its intangible value. The process of conversion will have some impact on a building's special interest, regardless of how well it is handled. The continued use of a listed building for its original function will normally be the best way to retain its historic character"*.

Historic Environment Scotland's Managing Change in the Historic Environment - Fixtures states that *"new external fixtures must be sited to minimise impact on the architectural integrity and fabric of the building. Secondary elevations that are out of sight from principal views can often accommodate new fixtures without significant impact"*.

LDP policy Env 3 (Listed Buildings- Setting) states that development within the curtilage or affecting the setting of the listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting.

Policy Env 4 (Listed Buildings- Alterations and Extensions) of the LDP states that alterations to listed buildings will be permitted where these alterations are justified and where there is no diminution of the building's interest.

The proposed flue will be located on an inconspicuous elevation to the rear of the building where two large flues are already present. The relatively small width and depth of the flue (350mm by 400mm), painted to match that of the stonework on the building will reduce the impact of the proposal. The rear elevation of the building is not visible from public views. The proposed flue will not be incongruous to the appearance of the building and it will not have an unacceptable impact on the character of the listed building.

No detail of the proposed method of ventilation attachment to the rear of the building was provided. A condition will be added to the consent, if granted, stating these details must be provided. This is to safeguard the fabric of the listed building.

Whilst it is acknowledged that the use of the building will change from class 1 to sui generis, the change will preserve the special character and setting of the listed building.

c) Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2) , special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy Env 6 (Conservation Areas- Development) presumes against development that does not preserve or enhance the special character and appearance of the conservation area or that is inconsistent with the conservation area character appraisal.

The application site is located within the New Town Conservation Area. The character appraisal states the following:

The Conservation Area is characterised by Georgian and early Victorian rectilinear development of grand formal streets lined by fine terraced building expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces. They create a regular pattern of stately streets, squares and crescents, interspersed by formal gardens, and containing a series of major classical buildings by architects of the stature of Robert Adam'

The proposed ventilation flue will be erected to the rear, the least visible element of the property in a quite secluded location. There are already two large ventilation flues installed around the application site. Given the location, size and design of the flue it will not adversely detract from the appearance or character of the conservation area.

The shop front is to remain as existing. The proposal will cause no adverse impact to the character and appearance of the conservation area and complies with LDP policy Env 6 and the associated character appraisal.

d) World Heritage Site

LDP Policy Env 1 (World Heritage Sites) states that development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh will not be permitted.

The Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site (EWHs) is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

Given the small-scale nature of this development, there is no requirement to assess it against policy Env 1.

e) Residential Amenity

Policy Hou 7 (Inappropriate Uses in Residential Areas) of the adopted LDP states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

Policy Ret 11 (Food and Drink Establishments) of the LDP states that the change of use of a shop unit or other premises to a licensed or unlicensed restaurant, cafe, or shop selling hot food for consumption off the premises (hot food takeaway) will not be permitted;

(a) if likely to lead to an unacceptable increase in noise, disturbance, on street activity or anti-social behaviour to the detriment of living conditions for nearby residents or

(b) in an area where there is considered to be an excessive concentration of such uses to the detriment of living conditions for nearby residents.

The unit does not fall within an area defined for hot food takeaway restrictions within the Edinburgh Guidance for Businesses.

The uses surrounding the site are largely commercial and not residential in nature. There is a hotel development located directly above the unit (Cityroomz) a large bar/restaurant right next to the unit (Ghillie Dhu) whilst there is another restaurant present on the other side (Ask Italian) and then a bar on the corner and at basement level (Rat Pack Piano Bar).

The amenity of residents staying within private hotel or city let accommodation is not protected under environmental controls.

Concerns were raised that the elevation and floor plans submitted were not accurate and that the siting of the proposed flue may intrude on the windows belonging to the commercial hotel that is located above the unit. As a result of these concerns, the position of the proposed flue has been moved to be sited next to where there is already an existing flue. This will mean that the flue will not intrude on any existing rear windows and the flue will terminate at the same height as the existing flue on the building, above the dormer window to the rear.

A noise impact assessment and further technical details of the proposed flue were submitted with the application. It showed that even though there are no residential properties directly above the unit there would be no exceedance of NR 25 criterion to the units above as there will be a silencer fitted to the extract fan. Mechanical fixings to the structure will also mitigate vibration from passing into the rooms above. Environmental Protection was consulted and confirmed that it had no objections to the proposal.

Shandwick Place is a busy city centre location on an arterial route in and out of the city centre. It has wide variety of units, including pubs and restaurants, many of which have no controls restricting times of operation. It would therefore not be proportionate to apply a restrictive hours condition on this unit.

The proposal will have no materially detrimental effect on the living conditions of nearby residents.

Given the above, the proposal complies with LDP policies Hou 7, Ret 11 and the associated supplementary guidance.

f) Road and Pedestrian Safety

The Roads Authority was consulted as part of the assessment of the application. It confirmed that it had no objections to the proposal. The development will have no impact upon road or pedestrian safety.

There is an open plaza area to the front of the unit which is already utilised to an extent by other nearby businesses. However, there is also a defined separate walkway leading up to the unit. Concerns relating to future patrons of the hot food takeaway potentially walking through or disturbing areas of the plaza currently utilised by other businesses is not a material planning consideration.

g) Other matters

The agent has confirmed that waste will be stored internally before bins are moved to the front of the store prior to collection. The removal of trade waste from the unit will be handled by a private contractor.

h) Public Comments

Material Comments - Objections

- Loss of amenity, noise disturbance, odours and health and safety - this is addressed in section 3.3e;
- Impact upon listed building, conservation area and World Heritage Area - this is addressed in section 3.3 b, c and d;
- No information about operational times, deliveries and waste collection - this is addressed in section 3.3e;
- Elevational and Floor plan drawings inaccurate - this is addressed in section 3.3e;
- Lack of detail of ventilation system - this is addressed in section 3.3e;
- The change of use is unacceptable, would impact upon employment and viability of city centre - this is addressed in section 3.3 a; and
- The development would impact upon road/pedestrian safety - this is addressed in section 3.3 e

Non-material Objections

- Proposal will block access to pipes for maintenance - this is not a material planning consideration;
- The flue cannot be attached to the upper levels of the building as this is not in the applicant's ownership - this is a civil matter;
- The proposal would set a precedent; other flues have not been permitted to the rear of the site - every application is determined on its individual merits;
- The proposal does not comply with LDP policy Des 5 -this policy is not applicable as it only applies to new development of one or more buildings;
- The proposal would impact upon the amenity of hotel residents - the planning process does not protect the amenity of hotel residents;
- The applicant did not consult with other operators regarding the proposal - this is not a material planning consideration;

- No need for more hot food takeaways - this is not a material planning consideration; and
- The development would impact upon the access to and areas in front of other existing units - there are no alterations proposed to the front of the unit. The movement of future patrons through a plaza area is not a material planning consideration.

Conclusion

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area.

The proposal largely complies with the adopted Local Development Plan and the infringement of LDP policy Ret 9 is justified in this instance. The proposal is acceptable in this location and will have no material impact upon the retail function of the defined City Centre Retail Core. The proposal will have no adverse effect on local residents in terms of loss of amenity.

There are no material planning considerations which outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions: -

1. Details of the proposed method of ventilation attachment to the rear of the building and the proposed painted colour of the flue shall be provided for the written approval of the Planning Authority prior to any works commencing on site.
2. Prior to the opening of the hot food takeaway facility, the external extract flue shall be installed and will be operational in accordance with approved plan 04a.

Reasons:-

1. To protect the special interest of the listed building.
2. In the interests of amenity.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Nine objection comments were received in relation to the application. The points raised are addressed in section 3.3 of this report.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

Date registered 31 August 2020

Drawing numbers/Scheme 01, 02a, 03b, 04a,

Scheme 2

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PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

LDP Policy Ret 9 (Alternative Use of Shop Units in Defined Centres) protects the City Centre Retail Core and Town Centres from development which would undermine their retailing function, and specifies that detailed criteria for change of use will be set out in

supplementary guidance. It provides criteria for assessing the change of use of a shop unit to a non shop unit in local centres.

LDP Policy Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings sets out Government guidance on the principles that apply to enable the use, the reuse and adaptation of listed buildings.

Managing Change in the Historic Environment: External Fixtures sets out Government guidance on the principles that apply to altering the external fixtures of listed buildings.

Other Relevant policy guidance

The City Centre Retail Core Supplementary Guidance sets criteria for assessing change of a shop unit to a non-shop use on Core Frontages, Primary Frontages and elsewhere.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Appendix 1

Application for Planning Permission 20/03395/FUL At 3 Shandwick Place, Edinburgh, EH2 4RG Change of Use from Class 1 to Unlicensed Hot Food Takeaway (Sui Generis) with internal and external alterations with a new extract flue to the rear.

Consultations

The Roads Authority

No objections to the application.

Environmental Protection

The application proposes the change of use from Class 1 to unlicensed hot food takeaway (sui generis) including installation of a ventilation system on the premises with a ventilation duct to the rear.

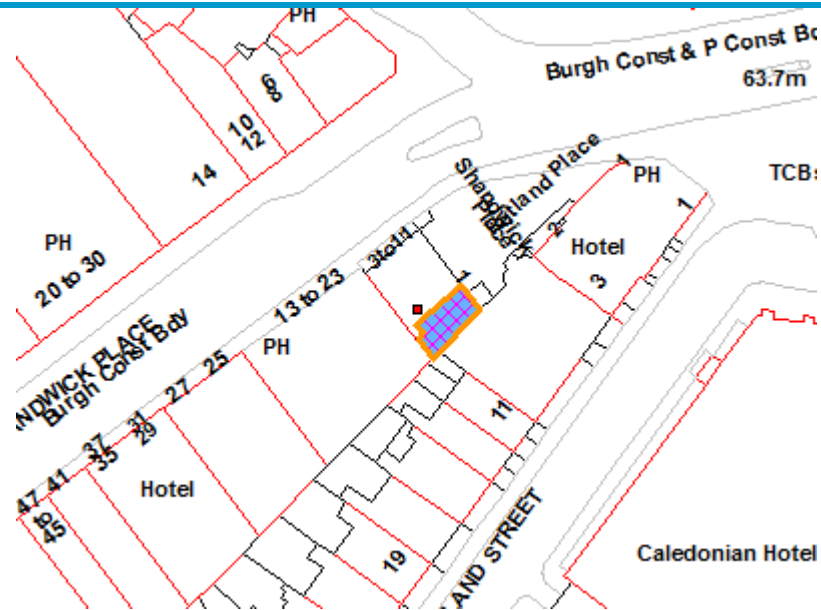
The premises surrounding the proposed development site are commercial in nature and include hotel accommodation above the premises and to the rear and a restaurant and licensed premises adjacent.

Details of the ventilation system and duct have been provided on drawing number BW/L/2020/11/01-A. It is noted, that the ventilation duct terminates 1000mm above the eaves of the building to which it is attached, which is at the same level as and proximal to windows of the top floor of the hotel located above the proposed development. It is likely therefore that cooking odours could potentially affect the upper floor of the hotel. Information has not been provided which confirms that consent for access and attachment of the duct to the building as proposed has been obtained.

A noise impact assessment, Technical Report No. R-8817-EP1-DJC 20th November 2020, has been provided which details the specifications of the ventilation system and mitigation methods to be employed to ensure that the surrounding properties are not affected by noise (to meet the noise limit of NR 25).

Therefore, as the development is not directly adjacent to residential premises, the amenity of which could be affected, Environmental Protection does not object to this proposal but would note that the location of the duct and its point of termination could adversely affect the hotel above the development.

Location Plan



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