

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto:planning.support@edinburgh.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100414518-006

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

|                       |                             |  |                |
|-----------------------|-----------------------------|--|----------------|
| Company/Organisation: | Savills (UK) Ltd            |  |                |
| Ref. Number:          |                             | You must enter a Building Name or Number, or both: * |                |
| First Name: *         | Craig                       | Building Name:                                       | Wemyss House   |
| Last Name: *          | Gunderson                   | Building Number:                                     | 8              |
| Telephone Number: *   | 0131 247 3749               | Address 1 (Street): *                                | Wemyss Place   |
| Extension Number:     |                             | Address 2:   |                |
| Mobile Number:        |                             | Town/City: *   | Edinburgh      |
| Fax Number:           |                             | Country: *   | United Kingdom |
|                       |                             | Postcode: *  | EH3 6DH        |
| Email Address: *      | craig.gunderson@savills.com |  |                |

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |   |  |  |
|----------------------|---|--|--|
| Title:               | <input type="text"/>                                      | You must enter a Building Name or Number, or both: * |  |
| Other Title:         | <input type="text"/>                                      | Building Name:                                       | <input type="text"/>                           |
| First Name: *        | <input type="text"/>                                      | Building Number:                                     | <input type="text" value="87"/>                |
| Last Name: *         | <input type="text"/>                                      | Address 1 (Street): *                                | <input type="text" value="St Vincent Street"/> |
| Company/Organisation | <input type="text" value="Di Maggio's Restaurant Group"/> | Address 2:   | <input type="text"/>                           |
| Telephone Number: *  | <input type="text"/>                                      | Town/City: *   | <input type="text" value="Glasgow"/>           |
| Extension Number:    | <input type="text"/>                                      | Country: *   | <input type="text" value="United Kingdom"/>    |
| Mobile Number:       | <input type="text"/>                                      | Postcode: *  | <input type="text" value="G2 5TF"/>            |
| Fax Number:          | <input type="text"/>                                      |  |  |
| Email Address: *     | <input type="text" value="craig.gunderson@savills.com"/>  |  |  |

## Site Address Details

|   |  |
|---|--|
| Planning Authority:   | <input type="text" value="City of Edinburgh Council"/> |
| Full postal address of the site (including postcode where available): |  |
| Address 1:  | <input type="text"/>                                   |
| Address 2:  | <input type="text"/>                                   |
| Address 3:  | <input type="text"/>                                   |
| Address 4:  | <input type="text"/>                                   |
| Address 5:  | <input type="text"/>                                   |
| Town/City/Settlement:   | <input type="text"/>                                   |
| Post Code:  | <input type="text"/>                                   |

Please identify/describe the location of the site or sites

|  |
|--|
| <input type="text" value="77a George Street, Edinburgh, EH2 3EE"/> |
|--|

|          |                      |         |                      |
|----------|----------------------|---------|----------------------|
| Northing | <input type="text"/> | Easting | <input type="text"/> |
|----------|----------------------|---------|----------------------|

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Change of use from class 1 retail to class 3 restaurant, installation of extract duct (as amended)

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See Grounds for Review Statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

See Grounds for Review Statement

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/02872/FUL

What date was the application submitted to the planning authority? \*

25/05/2021

What date was the decision issued by the planning authority? \*

23/09/2021

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Craig Gunderson

Declaration Date: 15/12/2021

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# 77a George Street, Edinburgh

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## Grounds of Review Statement





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## 1. Executive Summary

1.1. The Proposed Development seeks to change the use of the subject premises at 77a George Street from Class 1 (Retail) to Class 3 (Restaurant). The proposals are considered acceptable for the following reasons:

1. The proposed use will provide for an improved unit to allow for the occupation of a quality restaurant operator, supporting a wider mix of uses within the City Centre and ensuring no further vacant units are created on this prime retail frontage.
2. The proposals put forward seek to prevent the emergence of another vacant unit on George Street. This is a genuine threat for the subject unit given Paperchase currently occupy the unit on a short term basis only and are currently in an uncertain financial position due to recent history with CVA's. It is also understood that a number of other nearby occupiers are looking to vacate.
3. The DRG are family owned, independent restaurateurs, with over 20 restaurants in Edinburgh, Glasgow and Aberdeen. Founded in 1985 with Glasgow institution Di Maggio's, the group's other well-known restaurants include Café Andaluz and Cadiz, which are both located adjacent to the premises at 77a George Street and Amarone at 12-13 St Andrews Square . As such, they are well placed to deliver a fantastic restaurant offering here.
4. George Street is currently suffering from the fallout of Covid-19, the opening of the St James Centre and associated retail trends. There is a c.20% vacancy rate along George Street, with a number of further store closures expected in the short term. This figure is considered unacceptable for a prime retail street in Edinburgh and flexibility must be taken in planning decisions going forward to facilitate the viable re-occupation of these units. Essential Edinburgh agree with the need for greater flexibility and have submitted a letter of support for the proposals.
5. It is considered that the current planning policy provisions are inflexible and out of date in the face of the current challenges facing the retail market. Challenges facing George Street have undoubtedly been significantly accelerated and exacerbated by the Covid-19 pandemic and the opening of the St James Centre. Consequently, sufficient flexibility should be exercised, in the face of current policy



provisions, to enable landlords workable solutions to accommodate a wider range of occupiers which will enhance the City Centre's vitality and viability going forward.

6. A restaurant in this location will also contribute positively to the wider ambitions being driven forward by the Council to establish more of a boulevard environment through the 'George Street First New Town' proposals.
7. In line with the successful design principles of Jan Gehl, opportunities to take advantage of available direct sunlight need to be utilised. The premises on the north side of George Street, with access to direct sunlight for most of the day, provides an ideal setting for a successful outdoor seating area. The most popular outdoor seating areas on George Street are on the northern side of the street when compared with the southern side of street which get next to no direct sunlight.
8. The premises at 77a George Street, not only provide a location for a new restaurant to flourish but also for a successful associated outdoor seating area which would contribute positively to the changing nature of George Street, from retail to being more 'experience' focussed.

## 2. Introduction

- 2.1. This Grounds of Review Statement is written in support of an appeal to the Local Review Body against the decision of City of Edinburgh Council ('the Council') to refuse planning permission in respect of planning application Ref: 21/02872/FUL, for the one reason set out in the Decision Notice dated 23 September 2021.
- 2.2. A planning application (Planning Ref: 21/02872/FUL) was submitted to City of Edinburgh Council on 25 May 2021 for the change of use from Class 1 to Class and the installed of extract duct (as amended) ('the Proposed Development') at 77a George Street, Edinburgh (DOC 01). The site is currently in Class 1 (Retail) use and occupied by Paperchase on a short term basis due to the financial uncertainty. Notwithstanding, the proposals seek a change of use in order to enable a restaurant operation at 77a George Street.
- 2.3. Aegon Asset Management were the applicants in the above submission. Notwithstanding, during the determination of the application, the subject property was sold. As of 2 August 2021, Aegon Asset Management are no longer the owners of the property (DOC 15). The premises have been purchased by The Di Maggio's Restaurant Group (The DRG) who are the appellants in this instance.
- 2.4. This has significant implications on the acceptability and viability of the proposed Class 3 operation. Importantly, this change in ownership now provides a credible and established end user to operate the restaurant use sought negating any risks of the current unit becoming vacant in the long term due to a decline in the market of Class 1 retail occupiers.

### **The Appellant**

- 2.5. The DRG are family owned, independent restaurateurs, with over 20 restaurants in Edinburgh, Glasgow and Aberdeen. Founded in 1985 with Glasgow institution Di Maggio's, the group's other well-known restaurants include Café Andaluz and Cadiz, which are both located adjacent to the premises at 77a George Street and Amarone at 12-13 St Andrews Square.
- 2.6. The DRG have an established reputation of operating high quality restaurants in Edinburgh and providing substantial benefits to the vibrancy of George Street in particular over the years. They envisage investing c. £1.75m on the restaurant fit out and creating approximately 40 to 50 part and full time jobs in the restaurant.

### Grounds of Review

2.7. This statement sets out the appellants case for the Local Review Body to reconsider the decision made under delegated powers by Council officers, the key points are summarised below:

- The determining reason for refusal relates to non-compliance with Local Development Plan (November 2016) Policy Ret 9 and the associated City Centre Shopping & Leisure Supplementary Guidance (January 2020) whereby the proposals would exceed the non-Class 1 thresholds on the subject frontage set out in adopted policy. Notwithstanding, it is considered these policies are out of date in the face of market realities affecting retailing today and the subsequent impacts the Covid-19 pandemic has had on key city centre retail streets. The Council failed to give due weight to these material considerations which have substantial influence in this case.

### Structure of Submission

2.8. This Grounds of Review Statement is accompanied by the following submitted documents:

- DOC01 – Location Plan
- DOC02 – Decision Notice (21/02872/FUL)
- DOC03 – Report of Handling (21/02872/FUL)
- DOC04 – Application Forms
- DOC05 – Cover Letter
- DOC06 – Planning Statement
- DOC07 – Essential Edinburgh – Letter of Support
- DOC08 – Existing Floorplans
- DOC09 – Proposed Floorplans
- DOC10 – Proposed Elevations
- DOC11 – Ventilation Technical Specification
- DOC12 – Noise Impact Assessment
- DOC13 – Environmental Health Consultation Response
- DOC14 – Roads Consultation Response
- DOC15 – Ownership Update

2.9. This statement is set out as follows:

|           |                    |
|-----------|--------------------|
| Section 3 | The Application    |
| Section 4 | Grounds for Review |
| Section 5 | Conclusions        |

### 3. The Application

#### Proposed Development

- 3.1. The unit is currently occupied by Paperchase under Class 1 of the Town & Country Planning (Use Classes) (Scotland) Order 1997 (as amended). Paperchase have extended their lease on a short term basis only due to their financial uncertainty. Notwithstanding, they have intimated following this expiry they will be vacating the premises.
- 3.2. The DRG is keen ensure the unit does not become vacant in the near future following Paperchase vacating the premises. By securing a Class 3 use now, this will provide The DRG, who are an established restaurant operator across Scotland and operate both Café Andaluz and Cadiz located adjacent to the site, the ability to facilitate their occupation and avoid another vacant unit emerging on George Street.
- 3.3. A planning application was submitted to City of Edinburgh Council seeking a change of use from the existing Class 1 to Class 3 use. The Class 3 use would allow for the sale of food and drink where customers will consume the products on the premises.
- 3.4. The occupation of this unit by The DRG, who operate both Café Andaluz and Cadiz located adjacent to the site, would contribute positively to this part of the City Centre. Implementation of the proposals will enable a sizeable investment including approximately £1.75m spent on the restaurant fit out, generating approximately 40 to 50 part and full time jobs, all to the benefit of the wider city centre's vitality and viability. In this instance, it would be a footfall driver for both the day and evening economy.
- 3.5. Essential Edinburgh have provided a letter of support following comprehensive discussions with them regarding the Proposed Development (DOC 07). This letter of support was submitted as part of the wider application. Essential Edinburgh are acutely aware of the importance George Street holds in helping ensure the City Centre is a vibrant and viable place. They also actively support the proposals due to its aim to avoid further vacancies on this prime retail frontage and the proposals ability to create employment opportunities (in the region of 40 to 50 part and full time positions).

### Commercial Context

- 3.6. As is well documented, in the face of internet retailing and wider trends, national retailers have for some time been 'right sizing' their portfolios, whilst the shopping 'experience' is ever more important for physical (non-internet retail). This is necessitating, not only modern floorplates and interesting spaces to showcase brands and lifestyles, but increased flexibility of use to ensure expected amenities are provided such as restaurants.
- 3.7. Fundamentally, it is accepted by most commentators that the inherent value of town centres – or any other defined centres – lies in their place as a point of interaction and exchange in which commerce, work and leisure are intertwined. The key goal which planning decisions should work towards must be the creation of sustainably accessible places which people are drawn to and want to visit.
- 3.8. As such, sufficient flexibility to support alternative – but still footfall generating – uses within the city centre and wider network of centres is strongly supported. Macro socio-economic, technological and environmental changes will continue to influence, generate and challenge commercial demand and opportunities, meaning the hierarchy of centres needs to be more dynamic and flexible than has previously been the case. Planning decisions must allow for the flexibility required to be sufficiently agile to stimulate ideas and harness investment potential for the City.
- 3.9. This outlook combined with the opening of the St James Centre earlier in 2021 has drawn a number of existing retailers currently occupying units on key city centre frontages including on George Street. The opening of St James Centre has subsequently pulled a considerable level of trade and footfall from George Street. The resultant impacts, on George Street and on its occupiers, of the St James Centre opening confirms the need for Edinburgh to ensure greater flexibility of ground floor uses is facilitated to create sufficient vitality and viability across the wider city centre.
- 3.10. Challenges facing the retail sector have undoubtedly been significantly accelerated and exacerbated by the Covid-19 pandemic which continues to result in great uncertainty for operators and landlords. This combined with the opening of the St James Centre, noted above, have had considerable impacts on occupancy levels along George Street which is regarded as Edinburgh's prime frontage. George Street currently has a c. 20% vacancy rate, with a number of further store closures expected in the short term due to the short term leases many occupiers are currently on due to wider uncertainty associated with the market and Covid-19. This

figure is considered unacceptable for a prime retail street in Edinburgh and flexibility must be taken in planning decisions going forward to facilitate viable re-occupation of these units by restaurants for example.

3.11. It is also worth noting the wider ambitions being driven forward by the Council to establish more of a boulevard environment through the 'George Street First New Town' proposals. This may be a direct response to the St James Centre and an opportunity to re-imagine the primary purpose of George Street as a more restaurant and bar friendly location. The premises on the north side of George Street, with access to direct sunlight for most of the day, provides an ideal setting for a successful outdoor seating area. The most popular outdoor seating areas on George Street are on the northern side of the street when compared with the southern side of street which get next to no direct sunlight.

3.12. The premises at 77a George Street, would not only provide a location for a new restaurant to flourish, given The DRG's experience with Café Andaluz and Cadiz, but also for a successful associated outdoor seating area which would contribute positively to the changing nature of George Street, from retail to being more 'experience' focussed.

### Consultation Responses

3.13. The consultation responses received from Council consultees during determination are summarised within the application Report of Handling (DOC 03). Environmental Protection and Transportation Planning raised no objections to the proposal, subject to conditions and a financial developer contribution being made towards the Edinburgh Tram.

3.14. Transportation Planning responded on 16 September 2021 (DOC 14) noting no objections to the application subject to the applicant being required to contribute the sum of £38,276 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions. The Appellant confirms that they are committed to paying the required contribution to the Council which will assist in the facilitation of the wider Edinburgh Tram project.

3.15. Following submission of the application in May 2021, Environmental Protection requested detailed ventilation specification be provided alongside a Noise Impact Assessment to consider any possible impacts upon nearby residential receptors. The Applicant therefore prepared the necessary information for submission to City of Edinburgh Council.

- 3.16. The Noise Impact Assessment (DOC 12) demonstrates that there will be no unacceptable noise impacts from the installation of the proposed ventilation system and that appropriate noise mitigation measures (including attenuators and silencers within the ducting) have been integrated to ensure this is the case. Noise from normal internal operations will also be inaudible within surrounding residential properties ensuring residential amenity is protected.
- 3.17. The submitted Ventilation Technical Specification (DOC 11) meets the requirements set out by Environmental Protection in their correspondence during the application and ensures sufficient mitigation measures are included to protect surrounding residential amenity.
- 3.18. As a result, Environmental Protection raised no objection to the proposals in their consultation response dated 23 August 2021 (DOC 13). Two conditions have been proposed to ensure ventilation and noise mitigation and details are installed as per the submitted Ventilation Technical Specification (DOC 11).
- 3.19. Given the consultation responses received and that no objections have been raised from Council consultees, there are clearly no technical matters preventing the operation of a Class 3 (Restaurant) in the subject unit at 77a George Street. It is only the Council's perceived unacceptable loss of 'Class 1 (Retail)' from a prime frontage that requires to be the focus of this review.

### **Determination**

- 3.20. The application was determined under delegated powers by the appointed Case Officer on 23 September 2021. The decision taken by the Council was to refuse the planning application.
- 3.21. A Decision Notice (DOC 02) was issued by the Council on 23 September 2021 refusing planning permission stating one reason for refusal:
1. *The proposal is contrary to LDP Policy Ret 09 and the associated City Centre Shopping & Leisure Guidance in that it would contribute to over one-third of non-shop uses (50%+) within the block. There are no material considerations that would outweigh this decision.*



- 3.22. It is clear in the Decision Notice (DOC 02) and the Report of Handling (DOC 03) that there are no technical matters which have led to the recommendation of refusal and no physical reason why the Class 3 (Restaurant) operation could not be implemented at 77a George Street. The Council's sole reason for refusal relates specifically to the application of prescriptive retail policies, conceived in advance of Covid-19, which seek to control ground floor commercial uses across the city centres frontages.
- 3.23. The appellants contest the Council's decision to refuse planning permission and request the Local Review Body to reconsider this case and overturn the decision. The ground for review are set out in Section 4.



## 4. Grounds for Review

- 4.1. The Appellant does not agree with the reason for refusal set out in the Decision Notice (DOC 02) and seek the Local Review Body to reconsider the application on the grounds set out below. This evidence presents a straightforward assessment of the case.

### **Reason for Refusal**

*The proposal is contrary to LDP Policy Ret 09 and the associated City Centre Shopping & Leisure Guidance in that it would contribute to over one-third of non-shop uses (50%+) within the block. There are no material considerations that would outweigh this decision.*

- 4.2. The Edinburgh Local Development Plan (LDP) was adopted in November 2016 and identifies the site within the City Centre Retail Core and part of the George Street defined frontages (specifically within 71-109 George Street) which is viewed as a City Centre Primary Frontage, and located within the New Town Conservation Area.
- 4.3. One of the main objectives of the LDP is 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*”. The proposal would facilitate the use of the premises by an established high quality Class 3 operator (The DRG), sustaining and enhancing the City Centre and its appeal to nearby residents and visitors alike. The proposals would increase footfall on this frontage during both the day and evening to the benefit of surrounding businesses.
- 4.4. Occupation of the unit by The DRG on a long term basis is clearly desirable, especially given its prominent position on a key frontage within the city centre and established reputation of delivering high quality restaurants. The DRG currently operate both Café Andaluz and Cadiz located adjacent to the site. A positive determination of the proposals would secure The DRG as a long term operator and avoid the unit becoming vacant in the short term following Paperchase vacating the premises. Clearly, this location provides the ability to successfully deliver a high quality restaurant offering, particularly given The DRG’s restaurants noted above adjacent.

- 4.5. Policy Ret 9 'Alternative Use of Shop Units in Defined Centres' states that detailed criteria for assessing proposals for a change of use of a shop unit to a non-shop use within the City Centre Retail Core will be set out in Supplementary Guidance. This is considered in detail below.
- 4.6. The City Centre Shopping & Leisure Supplementary Guidance (January 2020) applies to all shop units within the defined City Centre Retail Core. It is worth drawing attention to the fact that this Supplementary Guidance and the associated policies contained within it were conceived and prepared well in advance of Covid-19 and its associated impacts. It can therefore be reasonably concluded that the content of this is now out of date and not considered appropriate to respond positively to the seismic market challenges and realities facing retailing as a consequence of the Covid-19 pandemic. As such, greater flexibility in planning decisions is required to address these emerging challenges to minimise detrimental impacts on city centres.
- 4.7. Policy CC 3 'City Centre Primary Frontages' seeks to guide the use class make-up of frontages on these prominent city centre streets (including 71-109 George Street). Proposals for a change of use of shop units on these frontages to non-shop uses will only be permitted provided:
- a) *as a result of permitting the change of use, no more than one third of the total number of units in the frontage of that block will 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.*
- 4.8. A survey of the use classes between 71-109 George Street confirmed that 7 of the 14 units within the frontage are in Class 1 use currently (50%). This means the subject frontage (71-109 George Street) already exceeds the permitted threshold outlined in the Supplementary Guidance demonstrating that prescribed Policy CC 3 is not meeting its own objectives of maintaining Class 1 (Retail) uses and in this case did not at the point of adoption in January 2020. This brings into question the validity of the prescribed thresholds if they were not already being met at the point they were being prepared. A full breakdown of the retail survey is contained in Appendix 1 of the submitted Planning Statement (DOC 06).
- 4.9. Following the introduction of a Class 3 unit, the number of non-Class 1 uses within the primary frontage would be 8 units, which is above the prescribed one third criteria in Policy CC 3. Notwithstanding, the number of non-class 1 units would be marginally above half within the frontage and generally in line with planning criteria for other key frontages in the City Centre such as Castle Street, Frederick Street and Hannover Street.

- 4.10. Despite exceeding the prescribed non-Class 1 thresholds, the make up of the frontage is not dominated by Class 3 restaurant uses. Only 2 of the 14 units are currently in restaurant use with the majority of non-Class 1 uses in professional occupation i.e. banks or estate agents. There is also two vacant units present on this frontage at 95 George Street (previously Milk Café) and 71 George Street (previously Nationwide). An additional footfall generating use, during both the day and evening, would bring positive benefits to this frontage and enhance overall vitality.
- 4.11. As noted above, the Supplementary Guidance was prepared before the current Covid-19 pandemic took hold and the wider implications on retail and the high street were known. As documented previously, significant challenges exist for retailing in city centres. Given this significant material impact, sufficient flexibility on the thresholds controlling non-class 1 uses should be exercised to enable workable solutions to accommodate occupiers to enhance the City Centre's vitality and viability and ensure no further vacant units are created. This is particularly important in this instance given the short term lease nature of Paperchase's occupation.
- 4.12. In terms of assessments against criterion b), a Class 3 restaurant at this location is an appropriate commercial use which will contribute to increased footfall in the area, supplementing the existing day and evening economy, all to the benefit of the wider City Centre Retail Core.
- 4.13. The proposals would contribute to and improve the vitality and viability of this section of George Street, and meet with macro trends for complementary town centre uses throughout the UK, supporting the existing retail uses in the area.
- 4.14. The principle of the proposed change of use is not strictly compliant with Policy CC 3, notwithstanding, significant material changes have taken place since this policy was originally devised and adopted in January 2020 i.e. the Covid-19 pandemic. Consequently, sufficient flexibility should be exercised to allow a vibrant and viable use in the City Centre which will ultimately prevent the unit in question becoming vacant in the short term following the existing Class 1 occupier (Paperchase) vacating.

### **The Planning Balance**

- 4.15. It is clear there are strong material considerations which warrant the approval of this application.

- 4.16. The Appellant requests that when the Local Review Body assesses the policy in the development plan and associated supplementary guidance relevant to this application, that true weight is given to the material considerations in respect to Covid-19 and the significant challenges facing the retail market and city centres, in order that the economic and social benefits of the proposals can be realised to the benefit of the wider city centre.
- 4.17. Having considered the consultation responses received during the determination, there is no physical reason and no identified negative impact which outweighs the substantial economic and social benefits which would arise from the Proposed Development. As such, planning permission is therefore considered appropriate in this instance.

## **5. Conclusions**

- 5.1. This Grounds for Review Statement demonstrates the failure of the Council to properly consider the wider context of the restaurant proposals and the impacts caused by Covid-19 in its consideration of the application.
- 5.2. It has been shown that there are no insurmountable practical issues to hinder development of the site to enable a restaurant operation.
- 5.3. The key consideration in determining this review should be whether the current prevailing planning policy in respect of retail and commercial uses in the city centre sufficiently takes account and allows for appropriate flexibility to be shown to deal with the seismic impacts created from the fallout of Covid-19 and shifts in the retail market.
- 5.4. The subject premises are currently occupied by Paperchase, whose lease is short term only due to their financial uncertainty. Ultimately, the proposed use will provide for an improved unit to allow for the occupation of a well-established Class 3 operator (The DRG), supporting a mix of uses within the City Centre, thereby contributing to a vibrant day and evening economy, benefiting the vitality and viability of the City Centre and ensure no further vacant units are created.
- 5.5. The change in ownership from Aegon Asset Management to The DRG noted previously, now provides a credible and established end user to operate the restaurant use sought negating any risks of the current unit becoming vacant in the long term due to a decline in the market of Class 1 retail occupiers. The DRG are well placed to operate a restaurant in this location given their current experience at both Café Andaluz and Cadiz located adjacent to the site and Amarone located at 12-13 St Andrews Square.
- 5.6. For these reasons an assessment of the proposals, taking into due consideration all the material considerations, should lead the balanced planning judgement towards facilitating the positive re-use of the subject premises at 77a George Street as a restaurant to be operated by The DRG.
- 5.7. Given the foregoing, it is respectfully requested that City of Edinburgh Council Local Review Body proceed to grant planning permission for the Proposed Development.

**Savills Planning**  
Wemyss House  
8 Wemyss Place  
Edinburgh  
EH3 6DH

0131 247 3700

10 August 2021

Conor MacGreevy  
Planning Officer  
City of Edinburgh Council  
Planning Department  
Waverley Court  
4 East Market Street  
Edinburgh  
EH8 8BG

The Savills logo consists of the word "savills" in a lowercase, sans-serif font, colored red, set against a solid yellow rectangular background.

Craig Gunderson  
E: craig.gunderson@savills.com  
DL: +44 (0) 131 247 3749

Wemyss House  
8 Wemyss Place  
Edinburgh EH3 6DH  
T: +44 (0) 131 247 3700  
F: +44 (0) 131 247 3724  
savills.com

Dear Conor

**Planning Application – Change of use from Class 1 to Class 3 and the installation of internal extract duct at 77a George Street, Edinburgh (21/02872/FUL)**

I am writing to you to provide an update on the ownership of 77a George Street which has a material impact on the current change of use planning application currently being advanced at the property.

As of 2<sup>nd</sup> August 2021, Aegon Asset Management are no longer the owners of the property. The premises have been purchased by the The Di Maggio's Restaurant Group (The DRG). This has significant implications on the acceptability and viability of the proposed Class 3 operation. Importantly, this change in ownership now provides a credible and established end user to operate the restaurant use sought negating any risks of the current unit becoming vacant in the long term due to a decline in the market of Class 1 retail occupiers.


The DRG are family owned, independent restaurateurs, with over 20 restaurants in Edinburgh, Glasgow and Aberdeen. Founded in 1985 with Glasgow institution Di Maggio's, the group's other well known restaurants include Café Andaluz and Cadiz, which are both located adjacent to the premises at 77a George Street.

The DRG have an established reputation of operating high quality restaurants in Edinburgh and providing substantial benefits to the vibrancy of George Street in particular over the years. They envisage investing c. £1m on the restaurant fit out and creating approximately 40 to 50 part and full time jobs in the restaurant.

It is considered that the new ownership by the DRG provides a viable end user to occupy the unit, if Class 3 consent is granted, which would assist in preventing the current Class 1 use becoming vacant in the medium to long term.

Please do not hesitate to contact me should you have any queries or wish to discuss.

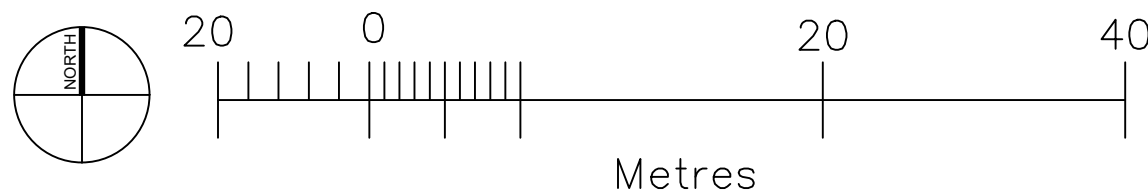
Yours sincerely

A handwritten signature in black ink that reads "Craig Gunderson".

**Craig Gunderson**  
Senior Planner

cc. Mario Gizzi, The DRG

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Scale: 1: 500

Rev | Revision note | Date | By | Check  
 ALL SIZES ON SITE TO BE CONFIRMED BY CONTRACTOR PRIOR TO MANUFACTURE OR CONSTRUCTION

**savills** Savills (UK) Ltd  
 8 Wemyss Place  
 Edinburgh EH3 6DH  
 Tel: 0131 247 3811  
 Fax: 0131 247 3724  
 Web: www.savills.com

BUILDING CONSULTANCY & PROJECT MANAGEMENT

Project:

77a George Street, Edinburgh

Drawing Title:

Location Plan

|         |           |        |
|---------|-----------|--------|
| Client: | Revision: | Sheet: |
| Aegon   | -         | 4/4    |

|          |          |                 |
|----------|----------|-----------------|
| Scale:   | Date:    | Drawing Number: |
| 1:500@A3 | 26/03/21 | FS2101          |

|           |             |                     |
|-----------|-------------|---------------------|
| Drawn By: | Checked By: | Approved By - Date: |
| HR        | MH          | MH - 26/03/21-04    |



Savills (UK) Ltd.  
FAO Craig Gunderson  
Wemyss House  
8 Wemyss Place  
Edinburgh  
EH3 6DH

Aegon Asset Management.  
The Leadenhall Building  
122 Leadenhall Street  
London  
EX3V 4AB

**Decision date: 23 September 2021**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Change of use from class 1 retail to class 3 restaurant, installation of extract duct (as amended).  
At 77A George Street Edinburgh EH2 3ES

**Application No:** 21/02872/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 25 May 2021, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

**Conditions:-**

**Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded in relation to tram contributions. The applicant will be required to contribute the sum of

£38,276 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-03a,04a., represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal is contrary to LDP Policy Ret 09 and the associated City Centre Shopping & Leisure Guidance in that it would contribute to over one-third of non-shop uses (50%+) within the block. There are no material considerations that would outweigh this decision.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Conor MacGreevy directly at [conor.macgreevy@edinburgh.gov.uk](mailto:conor.macgreevy@edinburgh.gov.uk).



**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

## NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at [www.eplanning.scot](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# Report of Handling

**Application for Planning Permission**  
**77A George Street, Edinburgh, EH2 3ES**

**Proposal: Change of use from class 1 retail to class 3 restaurant, installation of extract duct (as amended).**

**Item – Local Delegated Decision**  
**Application Number – 21/02872/FUL**  
**Ward – B11 - City Centre**

## **Recommendation**

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

## **Summary**

The proposal is contrary to LDP Policy Ret 09 and the associated City Centre Shopping & Leisure Guidance in that it would contribute to over one-third of non-shop uses (50%+) within the block. There are no material considerations that would outweigh this decision.

## **SECTION A – Application Background**

### **Site Description**

The application site is a mid-terrace ground floor commercial unit with a basement level.

The property is a Statutory B Listed Building (1966).

### **Description Of The Proposal**

The proposal is for a change of use from class 1 (retail) to a class 3 (restaurant) and the installation of an extract duct to the roof plan.

Scheme 2 amends the proposal to include new ventilation details.

### **Relevant Site History**

No relevant site history.

### **Consultation Engagement**

Environmental Protection

Transportation Planning

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 2 June 2021

**Date of Advertisement:** 11 June 2021

**Date of Site Notice:** 11 June 2021

**Number of Contributors:** 1

## **Section B - Assessment**

### **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?

### **Assessment**

To address these determining issues, it needs to be considered whether:

- a) the principle of the proposal is acceptable in this location;
- b) the proposals will adversely affect the character and appearance of the conservation area & scale, design and materials;
- c) the proposals will have an adverse impact on the character of the listed building;
- d) the proposal will result in an unreasonable loss of neighbouring amenity;

- e) tram contribution;
- f) the proposal affects road safety;
- g) any impacts on equalities and human rights are acceptable; and
- h) any comments have been addressed.

a) Principle of Development

LDP Policy Ret 11 (Food & Drink Establishments) states that "the change of use of a shop unit or other premises to a licensed or unlicensed restaurant, café, pub, or shop selling hot food for consumption off the premises (hotfood take-away) will not be permitted 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 in an area where there is considered to be an excessive concentration of such uses to the detriment of living conditions for nearby residents".

LDP Policy Ret 9 (Alternative Use of Shop Units in Defined Centres) states that in the City Centre Retail Core and town centres, 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 use will be set out in supplementary guidance. Supplementary Guidance will detail an approach tailored to different parts of the city centre retail core and each town centre to be informed by town centre health checks which will assess the centres strengths, vitality and viability, weaknesses and resiliencies.

Policy CC 3 in the City Centre Retail Core Supplementary Guidance supports a non-shop use provided that: as a result of permitting the change of use, no more than one third of the total number of in the frontage of that block will be in non-shop use; and 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.

There are approximately 14 businesses within the block including the application site. Within this stretch of George Street, significantly only 7 of the 14 units are in retail use. The proposed change of use from a class 1 (retail) to a class 3 (restaurant) would be unacceptable in that not only would it result in the further loss of retail in the defined area, but it would also not comply with policy CC 3 as over one third of the businesses would be in non-shop use. Taking into consideration that 50% of the units within this block are currently in non-shop use, the further erosion of the retail character and excessive non-shop use of this section of George Street would have a further detrimental impact upon the vitality of the surrounding area.

This is contrary to LDP Policy Ret 9 and Policy CC 3 in the Supplementary Guidance.

b) Character and appearance of conservation area & scale, design and materials

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto:planning.support@edinburgh.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100414518-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Change of use from Class 1 to Class 3 and the installation of internal extract duct

Is this a temporary permission? \*  Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*  Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

|                       |                             |  |                |
|-----------------------|-----------------------------|--|----------------|
| Company/Organisation: | Savills (UK) Ltd            |  |                |
| Ref. Number:          |                             | You must enter a Building Name or Number, or both: * |                |
| First Name: *         | Craig                       | Building Name:                                       | Wemyss House   |
| Last Name: *          | Gunderson                   | Building Number:                                     | 8              |
| Telephone Number: *   | 0131 247 3749               | Address 1 (Street): *                                | Wemyss Place   |
| Extension Number:     |                             | Address 2:   |                |
| Mobile Number:        |                             | Town/City: *   | Edinburgh      |
| Fax Number:           |                             | Country: *   | United Kingdom |
|                       |                             | Postcode: *  | EH3 6DH        |
| Email Address: *      | craig.gunderson@savills.com |  |                |

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |                             |  |                         |
|----------------------|-----------------------------|--|-------------------------|
| Title:               |                             | You must enter a Building Name or Number, or both: * |                         |
| Other Title:         |                             | Building Name:                                       | The Leadenhall Building |
| First Name: *        |                             | Building Number:                                     | 122                     |
| Last Name: *         |                             | Address 1 (Street): *                                | Leadenhall Street       |
| Company/Organisation | Aegon Asset Management      | Address 2:   |                         |
| Telephone Number: *  |                             | Town/City: *   | London                  |
| Extension Number:    |                             | Country: *   | United Kingdom          |
| Mobile Number:       |                             | Postcode: *  | EX3V 4AB                |
| Fax Number:          |                             |  |                         |
| Email Address: *     | craig.gunderson@savills.com |  |                         |



## Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

77a George Street, Edinburgh, EH2 3EE

Northing

Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

434.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Class 1 (Retail)

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

### Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*  Yes  No

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

### Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*  Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*  Yes  No  Don't Know

### Trees

Are there any trees on or adjacent to the application site? \*  Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

### Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*  Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

As existing.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Class 3 Restaurant/cafe

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): \*

434

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

Are you able to identify and give appropriate notice to ALL the other owners? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

The Owner \*

Address:

WINDOWS CATERING COMPANY (WEST END) LIMITED, 77B, George Street, Edinburgh, EH2 3EE

Date of Service of Notice: \*

25/05/2021

Name:

The Owner \*

Address:

Flat 1, 79 George Street, Edinburgh, EH2 3ES

Date of Service of Notice: \*

25/05/2021

Name:

The Owner \*

Address:

Flat 2, 79 George Street, Edinburgh, EH2 3ES

Date of Service of Notice: \*

25/05/2021

Name:

The Owner \*

Address:

Flat 3, 79 George Street, Edinburgh, EH2 3ES

Date of Service of Notice: \*

25/05/2021

Name:

The Owner \*

Address:

Flat 4, 79 George Street, Edinburgh, EH2 3ES

Date of Service of Notice: \*

25/05/2021

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: Craig Gunderson

On behalf of: Aegon Asset Management

Date: 25/05/2021

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*  Yes  N/A

A Design Statement or Design and Access Statement. \*  Yes  N/A

A Flood Risk Assessment. \*  Yes  N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*  Yes  N/A

Drainage/SUDS layout. \*  Yes  N/A

A Transport Assessment or Travel Plan  Yes  N/A

Contaminated Land Assessment. \*  Yes  N/A

Habitat Survey. \*  Yes  N/A

A Processing Agreement. \*  Yes  N/A

Other Statements (please specify). (Max 500 characters)

Planning Supporting Statement

## **Declare – For Application to Planning Authority**

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Craig Gunderson

Declaration Date: 25/05/2021

## **Payment Details**

Online payment: 1816219294486377

Payment date: 25/05/2021 08:57:00

Created: 25/05/2021 08:57



25 May 2021

City of Edinburgh Council  
Planning Department  
Waverley Court  
4 East Market Street  
Edinburgh  
EH8 8BG

The Savills logo consists of the word "savills" in a lowercase, sans-serif font, colored red, set against a solid yellow square background.

Craig Gunderson  
E: craig.gunderson@savills.com  
DL: +44 (0) 131 247 3749

Wemyss House  
8 Wemyss Place  
Edinburgh EH3 6DH  
T: +44 (0) 131 247 3700  
F: +44 (0) 131 247 3724  
savills.com

Dear Sir / Madam

**Planning Application – Change of use from Class 1 to Class 3 and the installation of internal extract duct at 77a George Street, Edinburgh (ePlanning Scotland Ref: 100414518-001)**

**Application for Listed Building Consent – Minor internal and external alterations for the installation of internal extract duct at 77a George Street, Edinburgh (ePlanning Scotland Ref: 100414518-002)**

Savills have been instructed by Aegon Asset Management to submit a planning application and listed building consent for the above proposed development.


The application comprises the following documentation:

- Application Form and Land Ownership Certificate
- Location Plan
- Floorplan As Existing
- Floorplan As Proposed
- Existing and Proposed Elevations
- Planning Supporting Statement
- Essential Edinburgh – Letter of Support

Payment to City of Edinburgh Council for £401 will follow this submission. Full justification for the proposed development is provided within the submitted Planning Supporting Statement.

I look forward to confirmation that the application has been registered. In the meantime, please do not hesitate to contact me should you have any queries or wish to discuss.

Yours sincerely

A handwritten signature in black ink that reads "Craig Gunderson".

**Craig Gunderson**  
Senior Planner

---

# 77a George Street, Edinburgh

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## Planning Supporting Statement





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### Appendix 1 – Retail Survey

## 1. Executive Summary

1.1. The Proposed Development seeks to change the use of the subject premises at 77a George Street from Class 1 (Retail) to Class 3 (Restaurant). The proposals are considered acceptable for the following reasons:

1. The proposed use will provide for an improved unit to allow for the occupation of a quality restaurant operator, supporting a wider mix of uses within the City Centre and ensuring no further vacant units are created on this prime retail frontage.
2. The proposals put forward seek to prevent the emergence of another vacant unit on George Street. This is a genuine threat for the subject unit given Paperchase currently occupy the unit on a short term basis only. It is also understood that a number of other nearby occupiers are looking to vacate.
3. George Street is currently suffering from the fallout of Covid-19 and associated retail trends. There is a c.25% vacancy rate along George Street, with a number of further store closures expected in the short term. This figure is considered unacceptable for a prime retail street in Edinburgh and flexibility must be taken in planning decisions going forward to facilitate the viable re-occupation of these units. Essential Edinburgh agree with the need for greater flexibility and have submitted a letter of support for the proposals.
4. It is considered that the current planning policy provisions are inflexible and out of date in the face of the current challenges facing the retail market. Challenges facing the retail sector have undoubtedly been significantly accelerated and exacerbated by the Covid-19 pandemic. Consequently, sufficient flexibility should be exercised, in the face of current policy provisions, to enable landlords workable solutions to accommodate a wider range of occupiers which will enhance the City Centre's vitality and viability going forward.
5. A restaurant in this location will also contribute positively to the wider ambitions being driven forward by the Council to establish more of a boulevard environment through the 'George Street First New Town' proposals.

6. In line with the successful design principles of Jan Gehl, opportunities to take advantage of available direct sunlight need to be utilised. The premises on the north side of George Street, with access to direct sunlight for most of the day, provides an ideal setting for a successful outdoor seating area. The most popular outdoor seating areas on George Street are on the northern side of the street when compared with the southern side of street which get next to no direct sunlight.
  
7. The premises at 77a George Street, not only provide a location for a new restaurant to flourish but also for a successful associated outdoor seating area which would contribute positively to the changing nature of George Street, from retail to being more 'experience' focussed.

## 2. Introduction

2.1. This Planning Statement has been prepared on behalf of Aegon Asset Management in support of the following:

- **Planning Application – Change of use from Class 1 to Class 3 and the installation of internal extract duct at 77a George Street, Edinburgh (ePlanning Scotland Ref: 100414518-001)**
- **Application for Listed Building Consent – Minor internal and external alterations to allow for the installation of internal extract duct at 77a George Street, Edinburgh (ePlanning Scotland Ref: 100414518-002)**

2.2. The submitted change of use application seeks planning permission and listed building consent to enable a restaurant operation (Class 3) at 77a George Street.

2.3. This Statement sets out the background to the proposed operations before examining national, regional and local planning policy alongside the key material considerations in assessing the appropriateness of the proposed use and associated alterations.

2.4. This Statement is set out as follows:

|           |                                       |
|-----------|---------------------------------------|
| Section 3 | Site Description and Planning History |
| Section 4 | Proposed Development                  |
| Section 5 | Planning Policy Statement             |
| Section 6 | Conclusions                           |

### 3. Site Description and Planning History

#### Site Description

- 3.1. The premises at 77a George Street fall within Edinburgh City Centre Retail Core and New Town Conservation Area as defined by the adopted Edinburgh Local Development Plan (LDP) (adopted November 2016). The premises are also Category B Listed (Ref: LB28792).
- 3.2. The unit is currently occupied by Paperchase under Class 1 of the Town & Country Planning (Use Classes) (Scotland) Order 1997 (as amended). Paperchase have extended their lease on a short term basis only. Notwithstanding, they have intimated following this expiry they will be vacating the premises. The Applicant is keen ensure the unit does not become vacant in the near future. By securing a Class 3 use now, this will provide the Applicant and potential restaurants occupiers sufficient time to conclude commercial agreements to facilitate their occupation and avoid another vacant unit on George Street.

#### Key Planning History

- 3.3. A search of the site's planning history on the City of Edinburgh Council's public access planning portal confirmed the following key planning permissions at 77a George Street:
  - 04/02128/FUL – Planning permission was granted in June 2005 for refurbishment to provide retail space at basement, ground and first floors with residential accommodation at second and third floors at 77-79 George Street.
  - 04/02128/LBC – Listed building consent was granted in October 2004 for refurbishment to provide retail space at basement, ground and first floors with residential accommodation at second and third floors at 77-79 George Street.
  - 04/02128/VARY – Planning permission 04/02128/FUL was varied in October 2005 for refurbishment to provide retail space at basement, ground and first floors with residential accommodation at second and third floors at 77-79 George Street.



- 06/04101/LBC – Listed building consent was granted in December 2006 for installation of new stainless steel/glass shopfront only to George Street elevation at 77a George Street.
  - 06/04101/FUL – Planning permission was granted in November 2006 for installation of new stainless steel/glass shopfront only to George Street elevation at 77a George Street.
- 3.4. There have also been a number of other planning applications approved on the site. These applications are less relevant, but relate to: minor signage, internal and external alteration applications.



## 4. Proposed Development

- 4.1. A planning application (ePlanning Scotland Ref: 100414518-001) has been submitted to City of Edinburgh Council, which proposes a change of use from Class 1 to Class 3 use.
- 4.2. The Class 3 use will allow for the sale of food and drink where customers will consume the products on the premises.
- 4.3. The occupation of this unit by a Class 3 operator will contribute positively to this part of the City Centre. Implementation of the proposals will enable a sizeable investment, generating jobs and footfall, all to the benefit of the wider city centre's vitality and viability.
- 4.4. An application for listed building consent (ePlanning Scotland Ref: 100414518-002) has also been submitted for minor internal and external alterations to allow for the installation of an internal extract duct at 77a George Street as per the submitted drawings. This being the only proposed physical change to the existing unit. The proposed internal and external alterations only relate to the installation of an indicative extract duct route which exit at roof level to the rear (subject to future tenant requirements).
- 4.5. While there is no Class 3 tenant at this stage for the unit at 77a George Street, the site owner and applicant Aegon Asset Management is currently considering long term options for the unit and is currently in discussions with a number of high quality restaurant operators. A Class 3 operator would secure a long term tenant that positively contributes towards the vibrancy of the City Centre and George Street both during the day and evening.
- 4.6. Any further proposed physical changes to the internal layout or externally, will be dealt with through future applications for listed building consent, planning permission and advertisement consent.
- 4.7. Essential Edinburgh have provided a letter of support following comprehensive discussions with them regarding the Proposed Development. This letter of support has been submitted as part of the wider application. Essential Edinburgh are acutely aware of the importance George Street holds in helping ensure the City Centre is a vibrant and viable place. They also actively support the proposals due to its aim to avoid further vacancies on this prime retail frontage and the proposals ability to create employment opportunities.

### Commercial Context

- 4.8. As is well documented, in the face of internet retailing and wider trends, national retailers have for some time been 'right sizing' their portfolios, whilst the shopping 'experience' is ever more important for physical (non-internet retail). This is necessitating, not only modern floorplates and interesting spaces to showcase brands and lifestyles, but increased flexibility of use to ensure expected amenities are provided such as restaurants.
- 4.9. Fundamentally, it is accepted by most commentators that the inherent value of town centres – or any other defined centres – lies in their place as a point of interaction and exchange in which commerce, work and leisure are intertwined. The key goal which planning decisions should work towards must be the creation of sustainably accessible places which people are drawn to and want to visit.
- 4.10. As such, sufficient flexibility to support alternative – but still footfall generating – uses within the city centre and wider network of centres is strongly supported. Macro socio-economic, technological and environmental changes will continue to influence, generate and challenge commercial demand and opportunities, meaning the hierarchy of centres needs to be more dynamic and flexible than has previously been the case. Planning decisions must allow for the flexibility required to be sufficiently agile to stimulate ideas and harness investment potential for the City.
- 4.11. This outlook combined with the proposed opening of the St James Centre later in 2021 which is expected to draw a number of existing retailers currently occupying units on key city centre frontages confirms the need for Edinburgh to ensure greater flexibility of ground floor uses is facilitated.
- 4.12. It is worth noting the wider ambitions being driven forward by the Council to establish more of a boulevard environment through the 'George Street First New Town' proposals. The premises on the north side of George Street, with access to direct sunlight for most of the day, provides an ideal setting for a successful outdoor seating area. The most popular outdoor seating areas on George Street are on the northern side of the street when compared with the southern side of street which get next to no direct sunlight.
- 4.13. The premises at 77a George Street, would not only provide a location for a new restaurant to flourish but also for a successful associated outdoor seating area which would contribute positively to the changing nature of George Street, from retail to being more 'experience' focussed

## 5. Planning Policy Statement

### National Planning Policy

*Scottish Planning Policy (revised December 2020)*

- 5.1. Scottish Planning Policy (SPP) was published in June 2014 and sets out the Scottish Government's policy on land use planning, including guidance on town centres and retailing.
- 5.2. Paragraph 58 highlights the importance of planning in supporting the role of town centres, ensuring that they thrive and meet the needs of their residents, businesses and visitors in the 21<sup>st</sup> century.
- 5.3. Paragraph 60 states that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. In this regard, the planning system should inter alia:
- *apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities;*
  - *encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening.*
- 5.4. The proposals will allow for occupation of the premises on George Street by an appropriate city centre use which will integrate well with the immediate area and help to diversify the offer and appeal of George Street. The Class 3 operation will be a footfall driver in both the day and evening, which brings associated spin off benefits to surrounding operators. The proposal would therefore contribute towards improving the vibrancy, vitality and viability of this section of George Street.
- 5.5. Paragraph 137 recognises that the planning system should enable positive change in the historic environment. Paragraph 141 outlines that change to a listed building should be managed to protect its special interest while enabling it to remain in active use. The proposed minor internal and external alterations relate only to the installation of an indicative internal extract duct route which exits at roof level to the rear (subject to future tenant requirements). An extract duct is required to facilitate the Class 3 use and will have no impact on the listed building given it will not be visible from the surrounding streets.

### *Planning Advice Note 59 – Improving Town Centres (PAN59)*

- 5.6. PAN 59 recognises the importance of offering a wide variety of services within the Town Centre. Paragraph 12 of PAN 59 states that the most successful centres include a range of facilities and make the best use of the existing built environment.

### **Regional Planning Policy**

#### *Strategic Development Plan for Edinburgh and South East Scotland – SESplan (2013)*

- 5.7. Paragraph 99 recognises that town centres perform an important role. The proposals will allow a Class 3 operator to occupy the unit, thereby contributing to a range of uses on George Street, ensuring the continued vitality and viability of the City Centre.

### **Local Planning Policy**

#### Change of Use Proposals

#### *Edinburgh Local Development Plan (adopted November 2016)*

- 5.8. The adopted LDP identifies the site within the City Centre Retail Core and part of the George Street defined frontages (specifically within 71-109 George Street) which is viewed as a City Centre Primary Frontage, and located within the New Town Conservation Area.
- 5.9. One of the main objectives of the LDP is 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*”. The proposal will facilitate the use of the premises by a high quality Class 3 operator, sustaining and enhancing the City Centre and its appeal to nearby residents and visitors alike.
- 5.10. Occupation of the unit by a tenant on a long term basis is clearly desirable, especially given its prominent position on a key frontage within the city centre. A positive determination of the proposals will contribute towards securing a long term operator. It is considered that a Class 3 restaurant operation would make a valuable contribution to the city centre’s wider vitality and viability.

5.11. Policy Ret 9 '*Alternative Use of Shop Units in Defined Centres*' states that detailed criteria for assessing proposals for a change of use of a shop unit to a non-shop use within the City Centre Retail Core will be set out in Supplementary Guidance. This is considered in detail below.

5.12. Policy Ret 11 '*Food and Drink Establishments*' applies irrespective of location and states that the change of use of a shop unit or other premises to a restaurant will not be permitted:

*a) if likely to lead to an unacceptable increase in noise, disturbance, on-street activity or antisocial 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.*

5.13. With respect to criterion (a), the proposals will have no detrimental impact on George Street in terms of noise, disturbance, on-street activity or anti-social behaviour, which in any case, is not predominantly residential in character. Adequate ventilation will be installed to ensure the smells and odours from cooking are extracted through the correct facilities. Consequently, the use and operation of the unit as a restaurant will not impinge on the amenity of nearby residents and occupiers.

5.14. With respect to criterion (b), it is also clear that the majority of premises are Class 1 along this George Street frontage (see Appendix 1). As such, it is considered that the introduction of a Class 3 operator at the premises would contribute to increased footfall in the area, supplementing the existing economy, all to the benefit of the wider City Centre Retail Core.

*City of Edinburgh Council Supplementary Guidance – City Centre Shopping & Leisure (January 2020)*

5.15. The City Centre Shopping & Leisure Supplementary Guidance (January 2020) applies to all shop units within the defined City Centre Retail Core.

5.16. Policy CC 3 '*City Centre Primary Frontages*' seeks to guide the use class make-up of frontages on these prominent city centre streets (including 71-109 George Street). Proposals for a change of use of shop units on these frontages to non-shop uses will only be permitted provided:

- a) *as a result of permitting the change of use, no more than one third of the total number of units in the frontage of that block will 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.*

5.17. A survey of the use classes between 71-109 George Street confirmed that 7 of the 14 units within the frontage are in Class 1 use currently meaning this frontage has already exceeded the permitted threshold which shows the prescribed policy is not meeting its own objectives of maintaining Class 1 (Retail) uses. A full breakdown of the retail survey is contained in Appendix 1.

5.18. Following the introduction of a Class 3 unit, the number of non-Class 1 uses within the primary frontage would be 8 units, which is above the one third criteria in Policy CC 3. Notwithstanding, the number of non-class 1 units would be marginally above half within the frontage and generally in line with planning criteria for other key frontages in the City Centre such as Castle Street, Frederick Street and Hannover Street.

5.19. It should be noted that the Supplementary Guidance was prepared before the current Covid-19 took hold and the wider implications on retail and high street were known. As documented previous significant challenges exists for retailing in city centres. Given this significant material impact sufficient flexibility of the thresholds controlling non-class 1 uses should be exercised to enable landlords workable solutions to accommodate occupiers to enhance the City Centre's vitality and viability and ensure no further vacant units are created.

5.20. In terms of assessments against criterion b), a Class 3 restaurant at this location is an appropriate commercial use which will contribute to increased footfall in the area, supplementing the existing day and evening economy, all to the benefit of the wider City Centre Retail Core.

5.21. The proposals would contribute to and improve the vitality and viability of this section of George Street, and meet with macro trends for complementary town centre uses throughout the UK, supporting the existing retail uses in the area.

5.22. The principle of the proposed change of use is not strictly compliant with Policy CC 3, notwithstanding, significant material changes have taken place since this policy was originally devised and sufficient flexibility should be exercised to allow a vibrant and viable use in the City Centre.

*City of Edinburgh Council Supplementary Guidance – Guidance for Businesses (March 2018)*

5.23. Guidance for Businesses has been published to assist in preparing applications to change the use of a property or carry out physical alterations. The guidance builds on adopted policy, stating that Class 3 uses are acceptable where there is not an excessive concentration of such uses within a locality, and the activity is in accordance with the character and appearance of the property. As established, the proposals meet with these requirements.

Listed Building Consent (ePlanning Scotland Ref: 100414518-002)

5.24. The premises are Category B Listed and are located within the wider New Town Conservation Area.

5.25. Policy Env 4 states that proposals to alter or extend a listed building will be permitted where those alterations or extensions are justified, will not cause any unnecessary damage to historic structures or diminish its interest. The historic interest is not considered to be diminished as a result, with the proposed extract duct the only alteration. The proposed extract duct will facilitate the Class 3 operation, with the proposed route shown within the submitted drawing package. The alterations will have the dual effect of facilitating the occupation of the unit by a restaurant operator, which will contribute to the city centre vitality through increased footfall generation.

5.26. Policy Env 6 sets out criteria for assessing development in conservation areas. The installation of the internal extract duct which exits at roof level to the rear, as is required to facilitate the Class 3 use, will have no material impact on the surrounding conservation area, not being visible from surrounding streets. As such, there will be no conflict with Policy Env 6 'Conservation Areas – Development'.

## 6. Conclusions

- 6.1. This Planning Supporting Statement has assessed the proposed change of use of the subject premises to a Class 3 use against national, regional and local retailing planning policy.
- 6.2. SPP (2014) supports a diversity of uses where they contribute to footfall and city centre vitality, viability and vibrancy. The proposals are in accordance with this policy provision, and will make a valuable contribution to the area and the footfall drawn to it, benefitting the surrounding units.
- 6.3. The proposals meet with Policy Ret 9 and Policy Ret 11 of the adopted Edinburgh LDP as the Class 3 use is appropriate given the city centre location. Although the proposals do not fully satisfy the criteria of Policy CC 3 within the City Centre Shopping & Leisure Supplementary Guidance (January 2020) it is considered given the significant material changes that have taken place sufficient flexibility should be exercised in this case.
- 6.4. The subject premises are currently occupied by Paperchase, whose lease is short term only. Ultimately, the proposed use will provide for an improved unit to allow for the occupation of a Class 3 operator, supporting a mix of uses within the City Centre, thereby contributing to a vibrant day and evening economy, benefiting the vitality and viability of the City Centre and ensure no further vacant units are created.
- 6.5. The proposed internal and external alterations are solely limited to the installation of an extract duct facilitating the Class 3 use. As such, the proposal will have no adverse impact on the Category B Listed Building or the character of the New Town Conservation Area.
- 6.6. Given the foregoing, it is respectfully requested that the City of Edinburgh Council assesses the submitted applications favourably and that planning permission and listed building consent is forthcoming.





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## Appendix 1 - Retail Survey

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### 71-109 George Street Frontage

| No    | Tenant            | Class |
|-------|-------------------|-------|
| 71    | Vacant*           | 2     |
| 73-75 | Bank of Scotland  | 2     |
| 77a   | Paperchase        | 1     |
| 79    | Café Andaluz      | 3     |
| 83    | Clydesdale Bank   | 2     |
| 85    | Joules            | 1     |
| 89    | Hamilton & Inshes | 1     |
| 91    | White Stuff       | 1     |
| 93    | Jo Malone         | 1     |
| 95    | Vacant            | 3     |
| 97-99 | Whistles          | 1     |
| 103   | Contini           | 3     |
| 105   | Space NK          | 1     |
| 107   | ESPC              | 2     |

\* Planning application (ref: 20/05757/FUL) is currently Minded to Grant (subject to Section 75) and seeks mixed use development with change of use to form a separate commercial unit for classes 1, 2 and 3 and upper floors converted to serviced apartments with erection of a roof top extension with external alterations and extraction flue.

**Savills Planning**  
Wemyss House  
8 Wemyss Place  
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EH3 6DH

0131 247 3700

Adam Henry  
Savills  
Wemyss House  
8 Wemyss Place  
Edinburgh  
EH3 6DH

Friday 14<sup>th</sup> May 2021

Dear Adam

**Paperchase Unit: 77A George Street**

Many thanks for giving me the comprehensive briefing in regard to the proposals for the Paperchase unit on George Street.

As discussed, Essential Edinburgh is very supportive of the proposals put forward. George Street is a hugely important part of our city centre and is and will evolve even more in the coming years.

We must be flexible in our approach to proposals, especially ones such as this that will add to the vibrancy and range of the offering on the street. With our retail sector under so much pressure at present and with the opening of the St James Quarter in June, we must ensure that George Street retains its appeal to residents and visitors.

The unit's location is also perfect as it is adjacent to other restaurant units thus providing another restaurant focused area of George Street to compliment the western block of the street. With the proposals to redesign the street to incorporate less traffic and more open space and outside seating, the proposal; fits perfectly into our shared long-term vision for the street.

No one wants to see vacant units on George Street, and we would like to see high quality operators enter the vicinity. I was delighted to hear that you are in discussions with a number of such potential operators. The application will also secure up to twenty jobs for the city, a number of which will be secured by important and targeted areas of our workforce.

As the city centre recovers from the pandemic, we must look to continue to support new operators wishing to locate in the city centre, especially ones that support the evolving nature of the street, the long-term vision for George Street and the need to make the city centre an attractive and appealing place to spend quality time.

Whilst I accept the application is not strictly in line with the Council planning policy, Essential Edinburgh fully endorse the proposal for a new restaurant. And would look forward to working closely with the operator to ensure it is a great success.

If you require any additional information, please make contact.

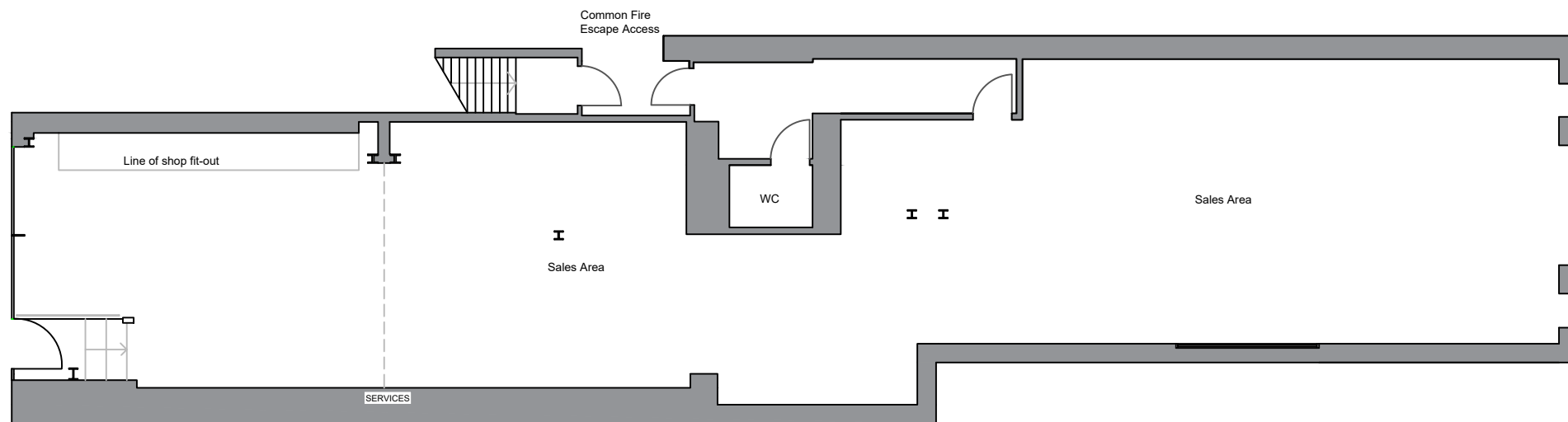
Regards,



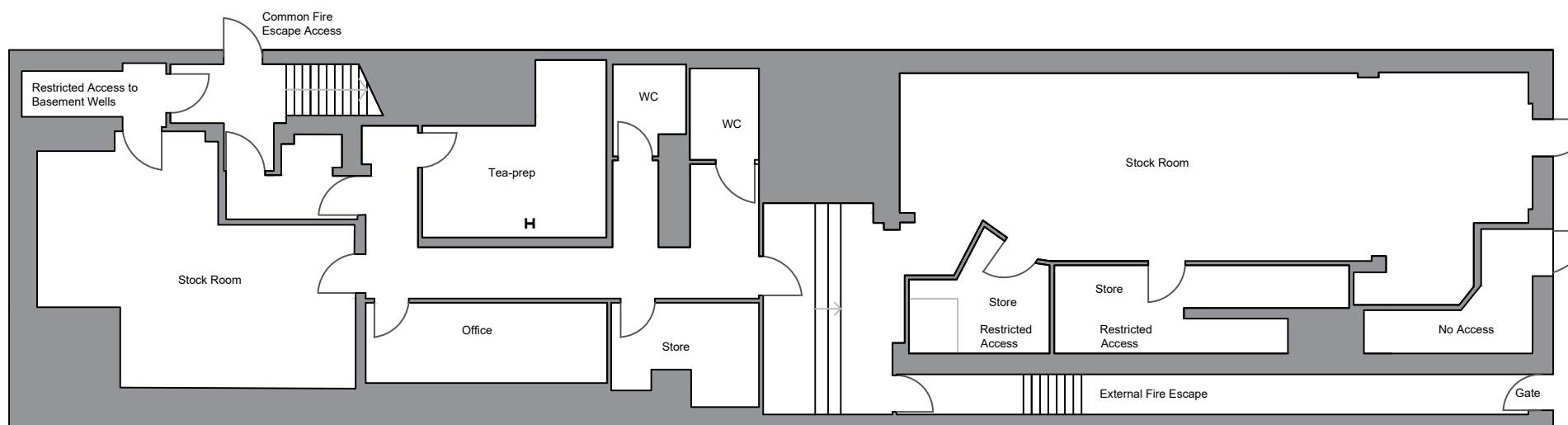
Roddy Smith

Chief Executive

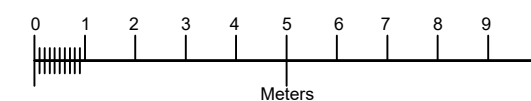
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Ground Floor as Existing



Basement as Existing



| Rev | Revision note | Date | By | Check |
|-----|---------------|------|----|-------|
|     |               |      |    |       |

ALL SIZES ON SITE TO BE CONFIRMED BY CONTRACTOR PRIOR TO MANUFACTURE OR CONSTRUCTION

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Tel: 0131 247 3811  
Fax: 0131 247 3724  
Web: www.savills.com

BUILDING CONSULTANCY & PROJECT MANAGEMENT

Project:  
77a George Street, Edinburgh

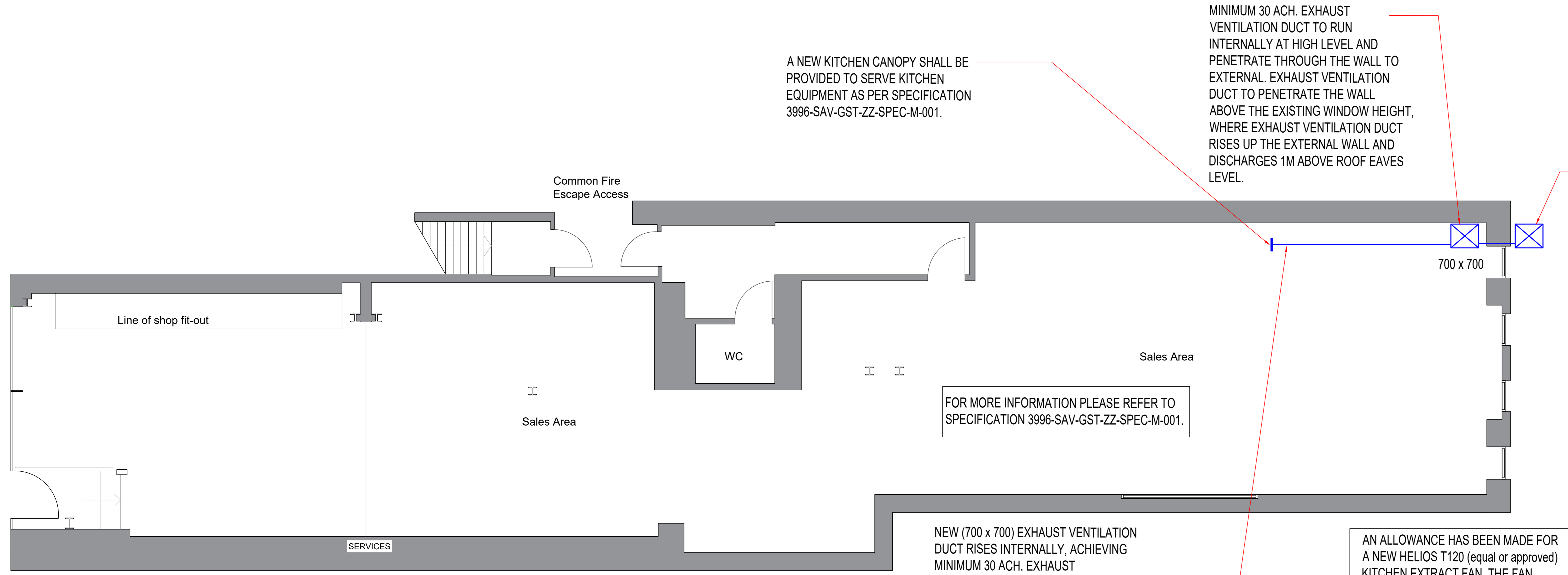
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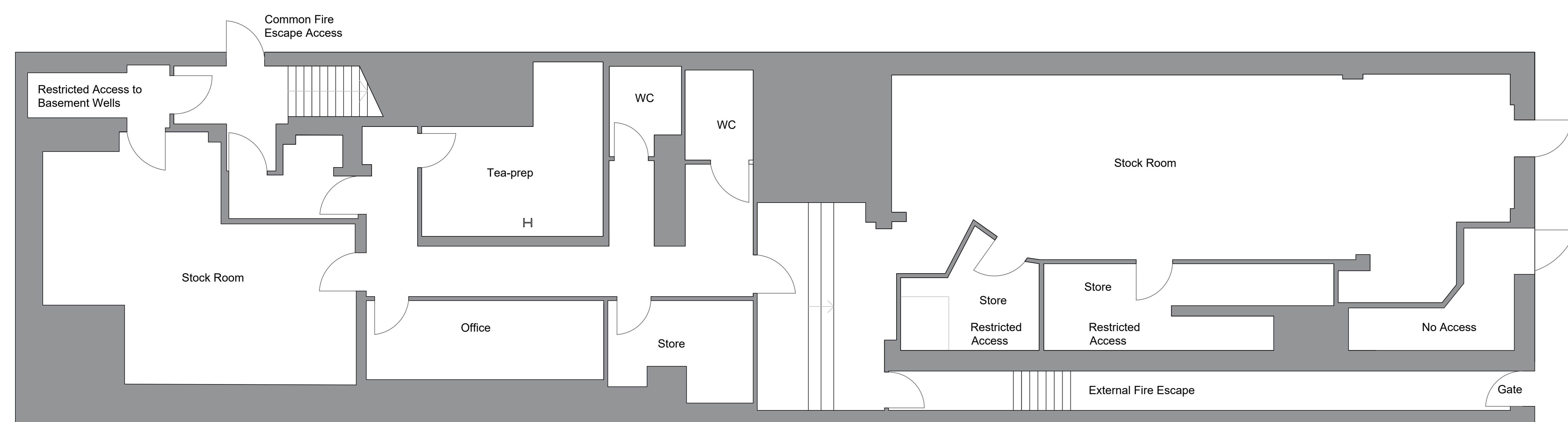
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NOTES

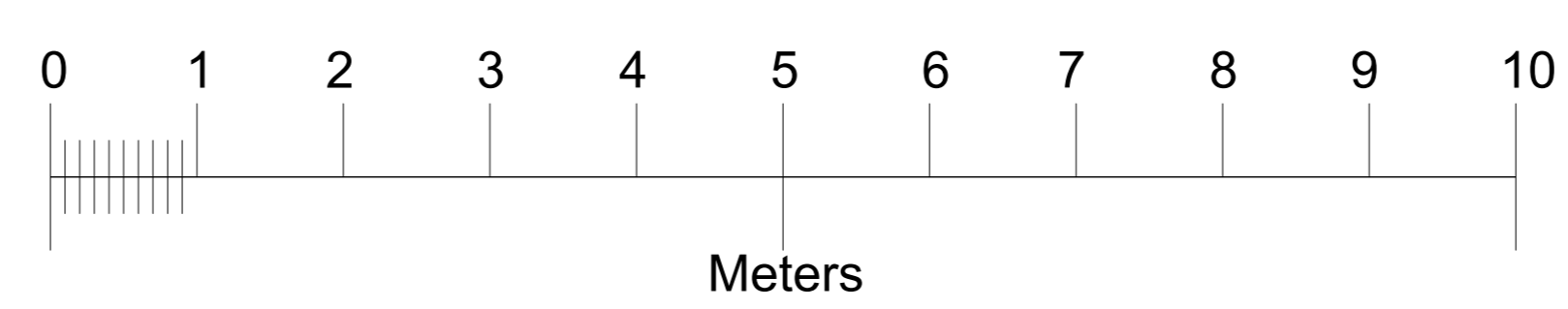
- THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS & RELEVANT DOCUMENTS.
- ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE NOTED.
- ALL SERVICE ROUTES SHOW DESIGN INTENT ONLY. ALL FINAL ROUTES & LOCATIONS OF PLANT & SERVICES SHALL BE AGREED ON SITE PRIOR TO COMMENCEMENT OF WORKS BY THE CONTRACTOR & REFLECTED IN THE WORKING-AS-BUILT DRAWINGS.
- ALL SERVICES SHOWN ON THIS DRAWING INCLUDING SUPPORT BRACKETS & SUPPLEMENTARY STEELWORK SHALL BE PROVIDED BY THE MECHANICAL CONTRACTOR UNLESS OTHERWISE STATED.
- ACCESS PANELS ON DUCTWORK TO BE PROVIDED IN ACCORDANCE WITH DW172 & DW144 GUIDANCE.
- FIRE DAMPERS & VOLUME CONTROL DAMPERS TO BE POSITIONED TO ENSURE CLEAR ACCESS.
- SPATIAL COORDINATION IS BY THE MBE CONTRACTOR. THE CONTRACTOR/FABRICATOR SHOULD CHECK & ESTABLISH ALL DIMENSIONS, SETTING OUT, BEAM HEIGHTS, CEILING DEPTHS & LEVELS ON SITE PRIOR TO PRODUCING INSTALLATION DRAWINGS.
- THE MECHANICAL VENTILATION SYSTEMS HAVE BEEN DESIGNED IN ACCORDANCE WITH BUILDING REGULATIONS (SCOTLAND) SECTIONS 3.14.5 "MECHANICAL VENTILATION" & 6.6 "MECHANICAL VENTILATION & AIR CONDITIONING (MVAC)".
- ALL DUCTS SHALL BE MANUFACTURED & INSTALLED IN ACCORDANCE WITH DW172 & DW144.
- ALL KITCHEN SUPPLY & EXTRACT SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH DW172.
- ALL SUPPLY DUCTWORK SHALL BE FULLY INSULATED ALONG ITS ENTIRE LENGTH.
- KITCHEN EXTRACT DUCTWORK WHICH IS REQUIRED TO PASS THROUGH FIRE COMPARTMENT WALLS, FLOORS & CEILINGS OR FIRE BARRIERS SHALL BE FIRE RATED ALONG ITS ENTIRE LENGTH IN ACCORDANCE WITH THE FIRE STRATEGY.
- ALL MECHANICAL PLANT & SERVICES SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S REQUIREMENTS & GUIDANCE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CREATING SAFE & SUITABLE ACCESS TO ALL PLANT & SERVICES IN ORDER TO ALLOW FUTURE MAINTENANCE IN ACCORDANCE WITH THE MANUFACTURER'S REQUIREMENTS & GUIDANCE.



Ground Floor as Proposed



Basement as Proposed



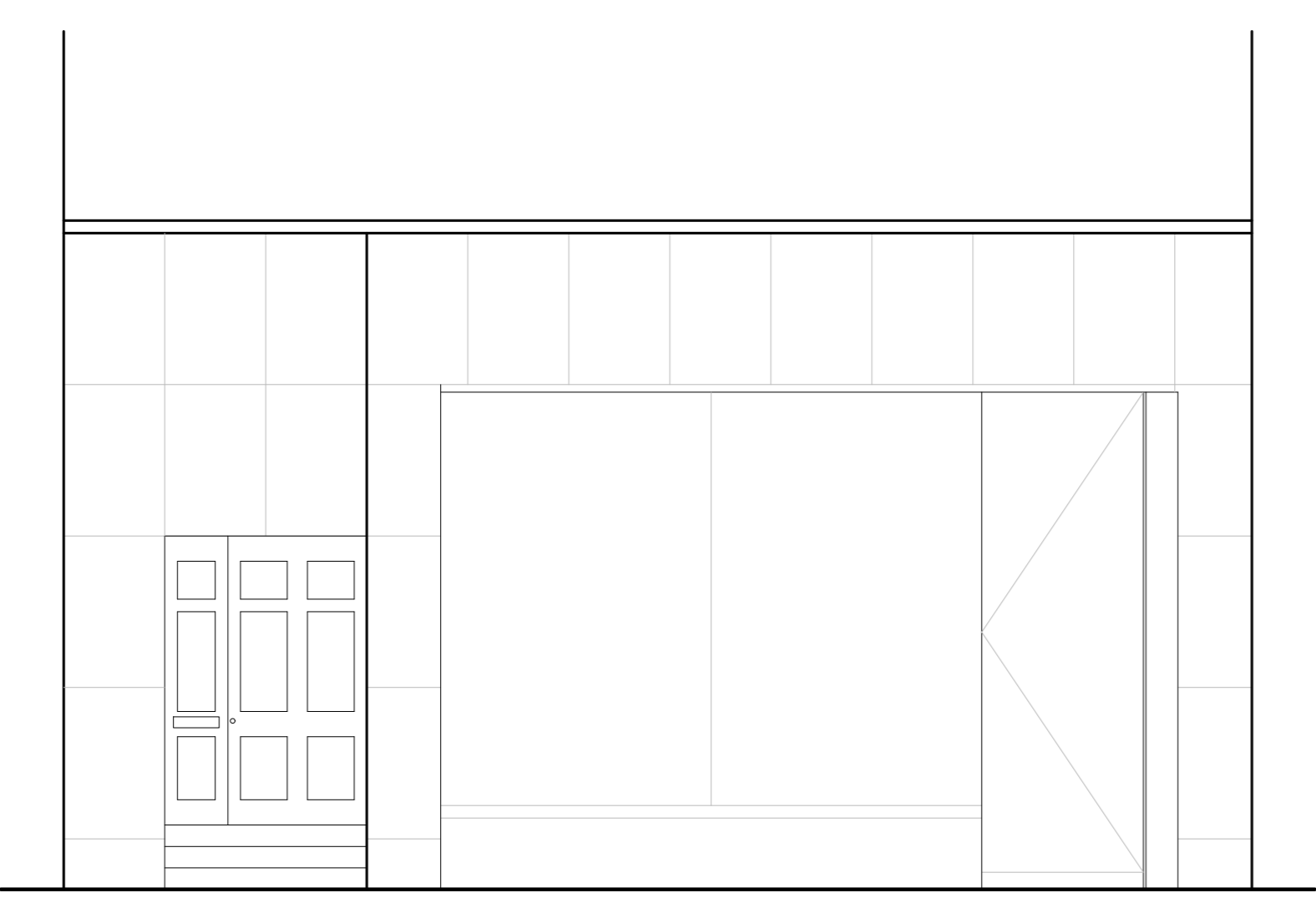
LEGEND

| Key | Description   |
|-----|---|
|     | STACK LOCATION INTERNALLY AND EXTERNALLY, INCLUDING PROPOSED RISING POINT EXTERNALLY. |

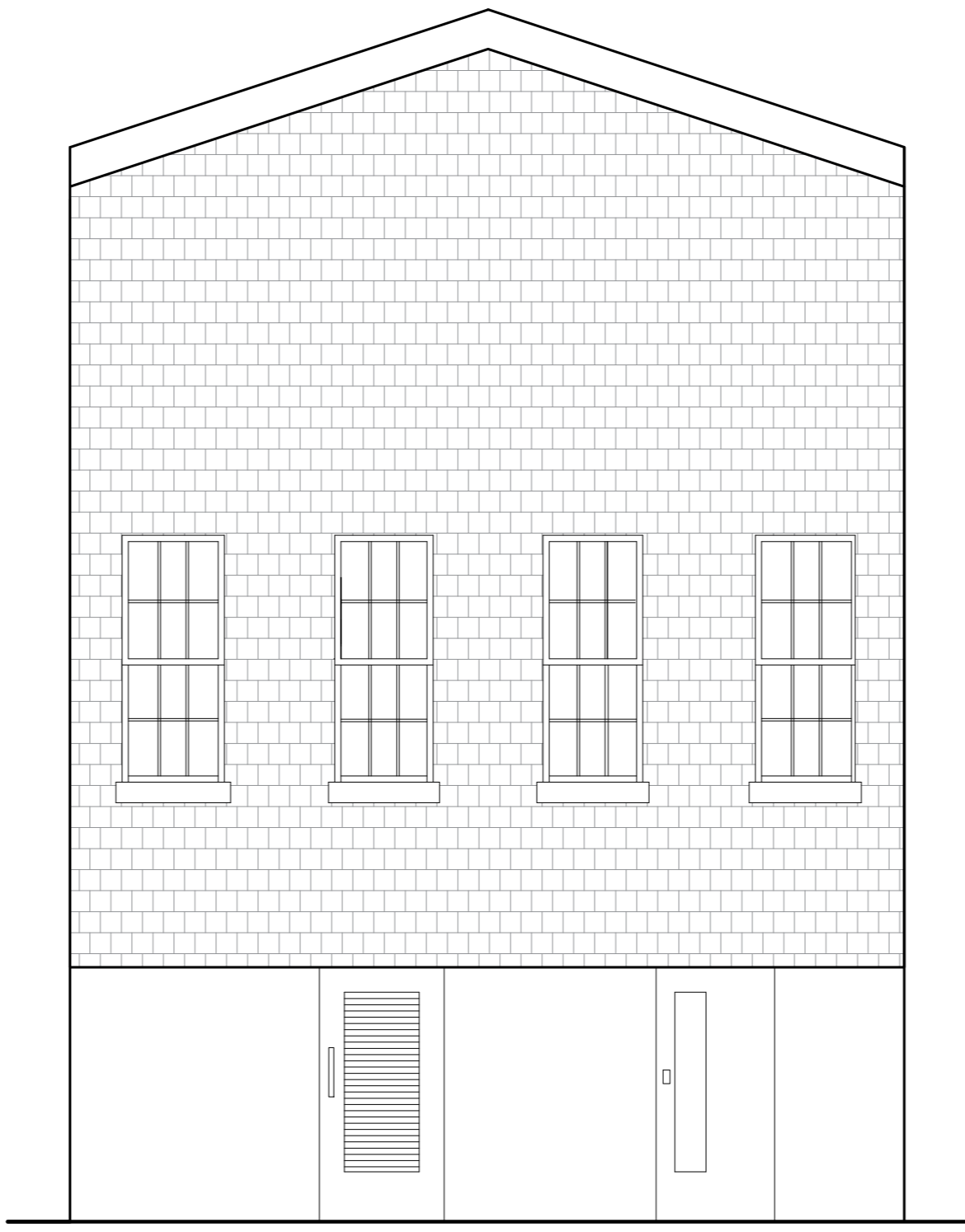
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| Rev  | Description          | By   | Date           |
| Drawing Status                                       |                      |  |                |
| PLANNING   |                      |  |                |
|  |                      | Savills<br>15 Finabury Circus<br>London<br>EC2M 7EB<br>Tel: 020 7499 8644<br>www.savills.com |                |
| Client<br>Aegon AM                                   |                      |  |                |
| Project<br>77a George Street, Edinburgh              |                      |  |                |
| Address<br>77a George Street<br>Edinburgh<br>EH2 3ES |                      |  |                |
| Drawing Title<br>Ventilation Proposal                |                      |  |                |
| Scale<br>1:150@A3                                    | Date<br>JUL 2021     | Drawn By<br>RM   | Checked<br>NK  |
| Project No.<br>3996                                  | Originator<br>SAV    | Building<br>GST  | Level<br>0001  |
| Drawing Type<br>DR                                   | Discipline/Role<br>M | Number<br>001  | Revision<br>P1 |

NOTES

- THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS & RELEVANT DOCUMENTS.
- ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE NOTED.
- ALL SERVICE ROUTES SHOW DESIGN INTENT ONLY. ALL FINAL ROUTES & LOCATIONS OF PLANT & SERVICES SHALL BE AGREED ON SITE PRIOR TO COMMENCEMENT OF WORKS BY THE CONTRACTOR & REFLECTED IN THE WORKING-AS-BUILT DRAWINGS.
- ALL SERVICES SHOWN ON THIS DRAWING INCLUDING SUPPORT BRACKETS & SUPPLEMENTARY STEELWORK SHALL BE PROVIDED BY THE MECHANICAL CONTRACTOR UNLESS OTHERWISE STATED.
- ACCESS PANELS ON DUCTWORK TO BE PROVIDED IN ACCORDANCE WITH DW172 & DW144 GUIDANCE.
- FIRE DAMPERS & VOLUME CONTROL DAMPERS TO BE POSITIONED TO ENSURE CLEAR ACCESS.
- SPATIAL COORDINATION IS BY THE M&E CONTRACTOR. THE CONTRACTOR/FABRICATOR SHOULD CHECK & ESTABLISH ALL DIMENSIONS, SETTING OUT, BEAM HEIGHTS, CEILING DEPTHS & LEVELS ON SITE PRIOR TO PRODUCING INSTALLATION DRAWINGS.
- THE MECHANICAL VENTILATION SYSTEMS HAVE BEEN DESIGNED IN ACCORDANCE WITH BUILDING REGULATIONS (SCOTLAND) SECTIONS 3.14.5 'MECHANICAL VENTILATION' & 6.6 'MECHANICAL VENTILATION & AIR CONDITIONING (MVAC)'.  
ALL DUCTS SHALL BE MANUFACTURED & INSTALLED IN ACCORDANCE WITH DW172 & DW144.
- ALL KITCHEN SUPPLY & EXTRACT SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH DW172.
- ALL SUPPLY DUCTWORK SHALL BE FULLY INSULATED ALONG ITS ENTIRE LENGTH.
- KITCHEN EXTRACT DUCTWORK WHICH IS REQUIRED TO PASS THROUGH FIRE COMPARTMENT WALLS, FLOORS & CEILINGS OR FIRE BARRIERS SHALL BE FIRE RATED ALONG ITS ENTIRE LENGTH IN ACCORDANCE WITH THE FIRE STRATEGY.
- ALL MECHANICAL PLANT & SERVICES SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S REQUIREMENTS & GUIDANCE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CREATING SAFE & SUITABLE ACCESS TO ALL PLANT & SERVICES IN ORDER TO ALLOW FUTURE MAINTENANCE IN ACCORDANCE WITH THE MANUFACTURER'S REQUIREMENTS & GUIDANCE.

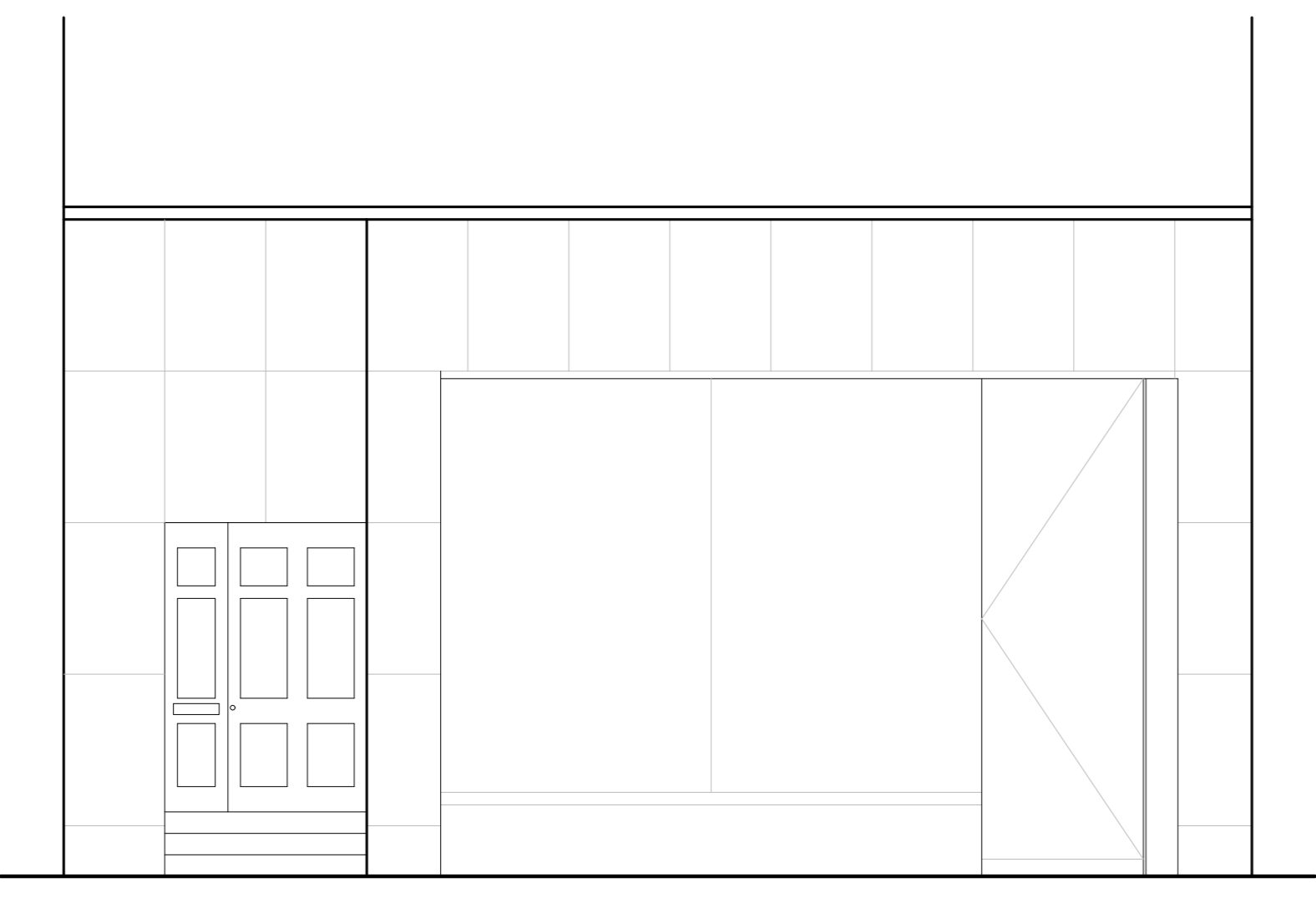


Front Elevation as Existing

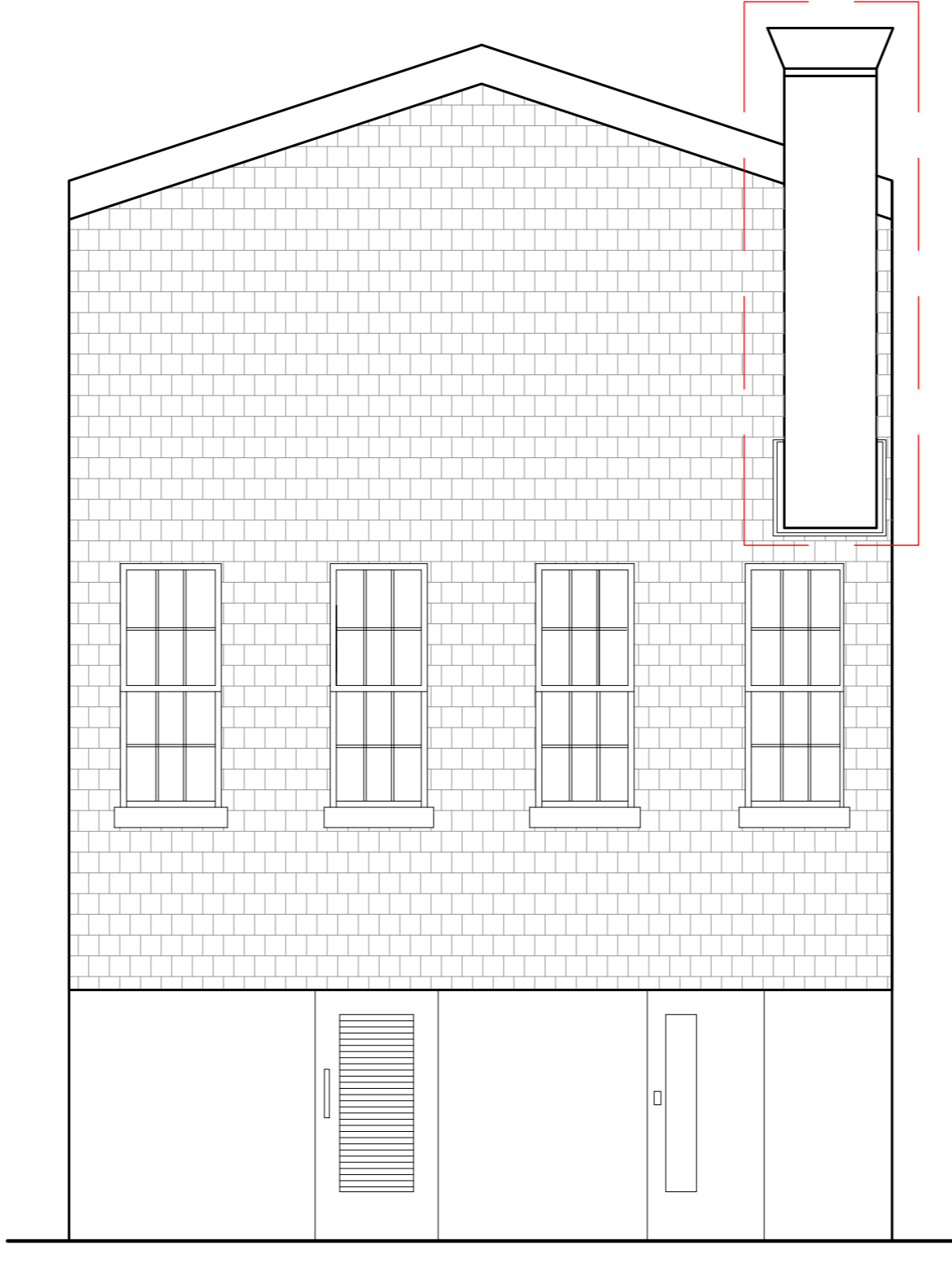


Rear Elevation as Existing

FOR MORE INFORMATION PLEASE REFER TO SPECIFICATION 3996-SAV-GST-ZZ-SPEC-M-001.



Front Elevation as Proposed (No Change)

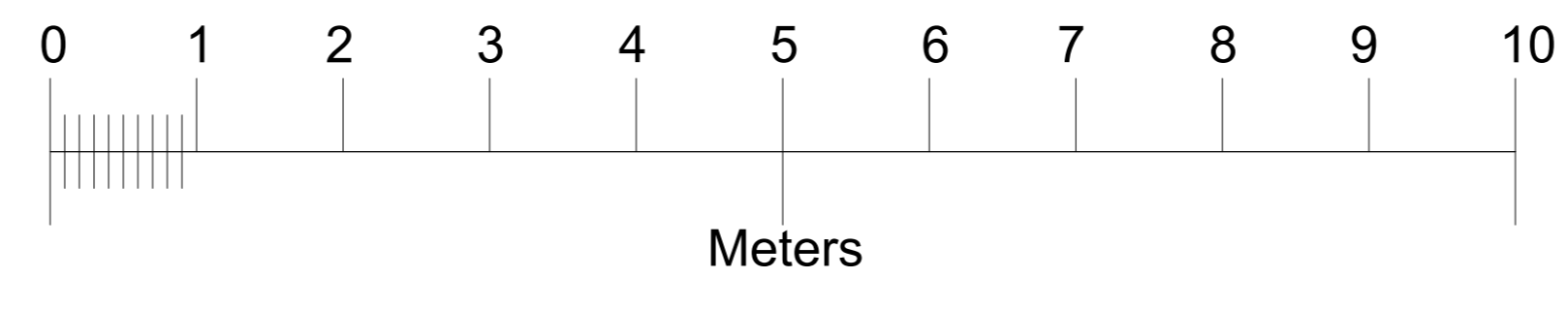


Rear Elevation as Proposed

PROPOSED NEW EXHAUST VENTILATION DUCT (700 x 700) TO PENETRATE THE WALL INTERNALLY VIA NEW BUILDERS WORK OPENING. EXHAUST VENTILATION DUCT TO RISE EXTERNALLY ON THE WALL OF THE PROPERTY AS SHOWN, WITH TERMINATION COWL 1M ABOVE ROOF EAVES. TERMINATION DETAIL TO BE SUITABLY WEATHER PROOFED TO PREVENT DAMAGE.

NEW BUILDERS WORK OPENING LOCATED ON THE EXTERNAL WALL, PROPOSED AS SHOWN.

NEW (700 x 700) EXHAUST VENTILATION DUCT RISES INTERNALLY, ACHIEVING MINIMUM 30 ACH. EXHAUST VENTILATION DUCT TO RUN INTERNALLY AT HIGH LEVEL AND PENETRATE THROUGH THE WALL TO EXTERNAL. EXHAUST VENTILATION DUCT TO PENETRATE THE WALL ABOVE THE EXISTING WINDOW HEIGHT, WHERE EXHAUST VENTILATION DUCT RISES UP THE EXTERNAL WALL AND DISCHARGES 1M ABOVE ROOF EAVES LEVEL.



LEGEND

| Key | Description   |
|-----|---|
|     | STACK LOCATION INTERNALLY AND EXTERNALLY, INCLUDING PROPOSED RISING POINT EXTERNALLY. |

|     |                |    |          |
|-----|----------------|----|----------|
| P1  | PLANNING ISSUE | RM | 02/07/21 |
| Rev | Description    | By | Date     |

Drawing Status

**PLANNING**



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Drawing Title  
Ventilation Proposal - Elevations

|              |                 |          |          |
|--------------|-----------------|----------|----------|
| Scale        | Date            | Drawn By | Checked  |
| 1:100@A3     | JUL 2021        | RM       | NK       |
| Project No.  | Originator      | Building | Level    |
| 3996         | SAV             | GST      | 0001     |
| Drawing Type | Discipline/Role | Number   | Revision |
| DR           | M               | 002      | P1       |





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# Kitchen Ventilation Services Technical Specification

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77a George Street, Edinburgh

**Planning Issue | P1**

# Kitchen Ventilation Specification

77a George Street, Edinburgh

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## DOCUMENT ISSUE

|                            |                            |
|----------------------------|----------------------------|
| <b>Job No:</b>             | 3996                       |
| <b>Document Reference:</b> | 3996-SAV-GST-ZZ-SPEC-M-001 |
| <b>Author:</b>             | RM                         |
| <b>Checked By:</b>         | NK                         |

|                          |                |
|--------------------------|----------------|
| <b>Revision No:</b>      | P1             |
| <b>Date of Issue:</b>    | 09.07.21       |
| <b>Revision Details:</b> | Planning Issue |

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# Kitchen Ventilation Specification

77a George Street, Edinburgh



This specification is for the proposed kitchen ventilation at 77a George Street, Edinburgh as part of the current planning application (The City Of Edinburgh Council Reference Number - **21/02872/FUL**).

We have based our specification on the kitchen containing a 6 burner range, combi oven, griddle, double fryer and a salamander grill.

Using the parameters given in DW172, this level of equipment would require an airflow of 1.7 m<sup>3</sup>/sec, including the canopy correction factor.

Notwithstanding the above, we note the requirement for the proposed kitchen is to achieve at least 30 air changes per hour.

An allowance has been made for the physical dimensions of the kitchen area to be 12 metres x 7 metres with a floor to ceiling height of up to 5 metres.

Achieving a minimum of 30 air changes per hour equates to an airflow of 3.5 m<sup>3</sup>/sec. We can confirm that our specification is based on this figure.

The parameters of the ventilation systems that we are proposing are;

- High quality stainless steel kitchen canopy, complete with easy to clean stainless steel baffle type grease filters and built in grease traps. The canopy equipment will be manufactured in line with the latest version of the DW/172 specification.
- Suitable lighting will be provided inside the canopy. This shall be calculated to provide a minimum of 500 lux at the working surface areas.
- A new backward curved, high output centrifugal extract fan will be provided. This includes energy-efficient operation and low noise emission. This selection is based on the manufacturer "Helios T120" range and this is suited for the extraction of dirty, hot air up to 120° C.
- New galvanised steel ductwork shall connect to the canopy and be routed through the rear wall (adjacent to Hill Street South Lane, EH2 3LH) before rising vertically to terminate 1 metre above roof eaves level with a high velocity discharge cowl. The size of the ductwork would be 700 x 700, or the same cross-sectional area to achieve the required flow rate. The external ductwork shall be boxed in to conceal the duct, with suitable access hatches as per DW/172. The boxing out detail is to be painted in black, to provide an aesthetical finish to the installation.
- The entire length of the new kitchen extract ductwork shall include access doors for cleaning purposes. The exact number of access doors shall be in accordance with TR/19 and DW/172.
- A new fresh air intake system shall be provided to serve the kitchen area and shall be rated at 80% of the extract airflow. Suitable filtration will be incorporated into the ductwork system, rated in accordance with Grade EU4.

# Kitchen Ventilation Specification

77a George Street, Edinburgh

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- Fresh air shall be distributed inside the kitchen area either by new supply diffusers, or from a new fresh air plenum built in to the extract canopy itself.
- New primary ductwork attenuators and secondary ductwork attenuators shall be installed on the proposed kitchen extract system to ensure compliance with NR25 requirements. The attenuators are as per “TroX CA100” range, to fit the ductwork installation to ensure that the fan, flue and extraction point all meet the requirements of being within NR25 noise level. The attenuators shall be installed at strategic locations to ensure NR25 compliance.
- Should any of the catering equipment require a dedicated gas supply, a new safety interlock system is required and shall be provided. This system will confirm satisfactory operation of the ventilation fans, before the gas solenoid valve can be released. An “Ansul” fire suppression system shall also be incorporated.





# Aegon Property Income Fund Noise Impact Assessment

77a George Street, Edinburgh  
11518035/rmg/R1 – 8<sup>th</sup> July 2021



**BUREAU  
VERITAS**



*Move Forward with Confidence*

## Document Control Sheet

| Identification          |                                    |
|-------------------------|------------------------------------|
| <b>Client</b>           | Aegon Property Income Fund         |
| <b>Document Title</b>   | NIA - 77a George Street, Edinburgh |
| <b>Client Reference</b> | 11518035/rmg/R1                    |

| Contact Details     |  |  |
|---------------------|--|--|
| <b>Company Name</b> | Bureau Veritas UK Limited  | Savills  |
| <b>Contact Name</b> | Rocco Giudice  | Craig Gunderson  |
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| Configuration |         |               |                                     |        |
|---------------|---------|---------------|-------------------------------------|--------|
| Version       | Date    | Author        | Reason for Issue/Summary of Changes | Status |
| v1            | 8/07/21 | Rocco Giudice |                                     | FINAL  |

|                    | Name                                     | Job Title            | Signature   |
|--------------------|--|----------------------|---|
| <b>Prepared By</b> | Rocco Giudice,<br>BSc(Hons), PgDip, MIOA | Principal Consultant |  |
| <b>Approved By</b> | Craig Scott<br>BEng (Hons), MIOA         | Technical Director   |  |

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- 2. Description of Site**
- 3. Criteria for Noise Assessment**
- 4. Noise Model**
- 5. Discussion**
- 6. Conclusions**

### **Appendices**

- Appendix A - Glossary of Acoustic Terminology
- Appendix B - Site Plan
- Appendix C - Noise Contour Maps



## 1. Introduction

- 1.1 Bureau Veritas was instructed to undertake a noise impact assessment for a premises at 77a George Street, Edinburgh which seeks to change its use from Class 1 (Retail) to Class 3 (Restaurant).
- 1.2 This assessment looks to achieve the following;
- Prepare a noise model to establish the noise impact of a new kitchen extract system;
  - Assess the extract noise at the nearest receptors in line with the Local Authority guidance
  - Assess the airborne noise transfer within the new restaurant (i.e. from music, kitchen equipment, internal plant) to the neighbouring residential receptors.
- 1.3 The noise impact assessment was facilitated by preparing a noise model using the CadnaA noise mapping software.
- 1.4 Scaled site plans of the proposed development were supplied by Savills. A copy of the proposed site plan can be found in Appendix C.

## 2. Description of Site

- 2.1 The proposed development is situated at 77a George Street, Edinburgh. It is understood that an existing retail unit at this address is to be converted to a new restaurant.
- 2.2 This change of use will be from Class 1 (Retail) to Class 3 (Restaurant) and will also include the installation of an air extraction system which will be located at the rear of the property.
- 2.3 The proposed development site is located between a bank and the Café Andaluz restaurant. Directly above the property is another restaurant, Cadiz. It is understood that the nearest residential receptors are flats on the second and third floor of 79 George Street. These flats are located directly above the Cadiz restaurant.
- 2.4 It is understood that a Helios T120 fan will be located inside the building at the rear of the property and the flue will terminate at the rear too. Both the fan and flue will therefore be located close to Hill Street Lane and may therefore impact on the closest receptors at 79 George Street.
- 2.5 It is considered that the highest noise sources from the new restaurant will be from the externally located flue. It is not envisaged that airborne noise transfer to the 2<sup>nd</sup> and 3<sup>rd</sup> storey flats from the basement and ground floor of the new development will have a significant impact, especially as the Cadiz restaurant is already located on the 1<sup>st</sup> floor (i.e. between then new development and existing flats).

### 3. Criteria for Noise Assessment

3.1 Bureau Veritas have been commissioned as part of the planning process to undertake a noise impact assessment with a view to establishing whether the proposed development site is suitable for a new restaurant.

3.2 Due to the introduction of new externally located plant, it is possible that the amenity of nearby residential apartments will be affected. The City of Edinburgh Council have subsequently conditioned the site as follows;

*“There are properties above, to the rear and potentially through the wall of the application premises (e.g. from the flue) which should be protected from cooking odours and noise. Therefore, I would recommend the following be provided by the applicant:*

1. *A noise impact assessment (NIA) which confirms that noise from the fan, flue and extraction point will all be within NR25 noise level;*
  - a. *Inside the nearest residential property with the window open for ventilation purposes (for external noise coming into the property) and;*
  - b. *Within the upstairs residential properties with the window closed (for internal noise transference e.g. fan noise travelling from the internal flue) and;*
  - c. *All noise mitigation measures required to meet the NR25 criterion are shown on a referenced and dated drawing including all specifications (e.g. silencers, attenuators, fan specifications including maximum recommended plant noise levels).*
2. *The NIA should also demonstrate that noise from normal restaurant operations is inaudible (meets NR15) within the nearest residential property. In this regard it is recommended that source noise levels of a working restaurant with music playing and kitchen operations occurring (e.g. chopping, use of equipment etc) is used for the assessment.”*

#### Plant Noise - Noise Rating Curves

3.3 It is generally considered inappropriate to use only single-figure, A-weighted levels for plant noise due to the impact of the tonal elements of the noise. A relatively common application of absolute criteria is to use Noise Rating Curves to provide a target level in design work.

3.4 Noise Rating or NR curves were developed by the International Organization for Standardization (ISO) to determine the acceptable indoor environment for hearing preservation, speech communication and annoyance. Therefore, it provides a single figure noise level that considers the frequency content of the noise.

3.5 The benefit of using a NR Curve is that it provides an absolute limit value in each octave band, whereas using an A-weighted level means that for a given dB(A) value, the allowable level of low frequency noise depends on the noise level at other frequencies. For a situation where there is little mid and high frequency noise transmission, a higher level of low frequency will be allowable without exceeding the dB(A) limit. The NR Curves therefore penalise low frequency noise as it is generally considered to cause more annoyance.

3.6 The City of Edinburgh Council has therefore requested that that plant noise does not exceed NR25 indoors from the new plant and NR15 from airborne noise transfer within the new restaurant.

## 4. Noise Model

### Noise Model

- 4.1 The assessment of site suitability is based upon the potential impact of noise from the new restaurant. To facilitate this, an acoustic model has been created for the proposed development site using CadnaA noise mapping software Version 2020. The model calculates the contribution from each noise source, input as a specified source type e.g. area or point source.
- 4.2 The model predicts noise levels based on hemispherical propagation, atmospheric absorption, ground effects, in plant reflections, screening and directivity based on the procedure detailed in ISO 9613-2, "Acoustics -- Attenuation of sound during propagation outdoors -- Part 2: General method of calculation".
- 4.3 The model has been run using a receiver height of 8m metres above grade, equivalent to a first floor flat. The model accounts for equal sound radiation of noise sources in all directions.
- 4.4 ISO 9613-2 gives the estimated accuracy of the noise model as  $\pm 3$  dB, for the calculation of broadband A-weighted sound levels, for receiver distances of up to 1 km. The standard also states that errors in the calculation of individual octave bands may be somewhat larger than the estimated errors given for broadband A-weighted sound levels.

### Noise Inputs

- 4.5 It is understood that a Helios T120 fan will be used for the new restaurant. The precise size and power of the fan is unknown at this time, however, for the purposes of our assessment the largest fan in this range has been used, i.e. a Helios GBD 710/4 T120. It is understood the fan itself will be located indoor, however, the exhaust and flue will be located at the rear of the building.
- 4.6 Octave band noise levels were obtained from the Helios technical data sheets and the information used to inform the model can be seen below. It should be noted that for the purpose of the model, the plant item was set to operate and continuously, thus presenting a worst-case scenario.

**Table 4.1:** Fan Noise Level (exhaust)

| Equipment                     | No. of Units | Octave Band Sound Power Level (dB) |       |       |      |      |      |      |
|-------------------------------|--------------|------------------------------------|-------|-------|------|------|------|------|
|                               |              | 125Hz                              | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
| Helios GBD 710/4 T120 Exhaust | 1            | 77                                 | 78    | 80    | 81   | 82   | 77   | 70   |

## 5. Results

### Plant Noise

- 5.1 The colour contour noise maps shown in Appendix D display the noise level of plant associated with the new development.
- 5.2 There will be one item of plant located inside the new restaurant at the rear of the building, i.e. a Helios T120 fan and the flue will be vented outside. While the precise model of the fan is not known at this stage, it was considered appropriate to go with the largest model, i.e. the Helios GBD 710/4 T120.
- 5.3 It should be noted that the sound power level used for the fan exhaust is likely to be exaggerated as it does not include for any corrections such as directivity, mitigation offered by the duct or flue material, insertion loss and canopy of the flue. Furthermore, the model assumes that the fan will be running continuously, hence representing a worst-case scenario. The plant noise levels based on the flue extract noise level at the most exposed noise sensitive receptors are given below.

**Table 5.1:** Octave Band Level at Nearest Receptors

| Calculation Point | Octave Band Sound Pressure Level (dB) |       |       |      |      |      |      |
|-------------------|---------------------------------------|-------|-------|------|------|------|------|
|                   | 125Hz                                 | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
| 79 George Street  | 26.0                                  | 35.1  | 42.6  | 46.8 | 48.9 | 43.2 | 52.3 |

### Internal Levels (Plant Noise)

- 5.4 An assessment of plant noise with respect to Noise Rating Curves has been made, with a limit of NR25 inside sensitive receptors set by the Local Authority. The NR25 criterion is displayed below and shows the octave band levels which must not be exceeded.

**Table 5.2:** NR25 Criteria (dB levels which must not be exceeded)

|       | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|-------|-------|-------|-------|------|------|------|------|
| NR 25 | 44    | 35    | 29    | 25   | 22   | 20   | 18   |

- 5.5 Noise levels of plant were calculated based on the Helios technical datasheets but assume no mitigation or control of noise. Internal noise levels have been calculated based on the now superseded, BS 8233:1999, which stated that a partially open window, which allows for ventilation, provides approximately 10 – 15 dB(A) attenuation and for the purposes of this assessment we have assumed 13 dB(A) attenuation.

**Table 5.3:** Internal Plant Noise Calculation

|                       | Octave Band Sound Pressure Level (dB) |       |       |      |      |      |      |
|-----------------------|---------------------------------------|-------|-------|------|------|------|------|
|                       | 125Hz                                 | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
| Highest Façade Level  | 26                                    | 35.1  | 42.6  | 46.8 | 48.9 | 43.2 | 52.3 |
| Partially Open Window | -13                                   | -13   | -13   | -13  | -13  | -13  | -13  |
| Internal Level        | 13                                    | 22.1  | 29.6  | 33.8 | 35.9 | 30.2 | 39.3 |
| NR 25 Criterion       | 44                                    | 35    | 29    | 25   | 22   | 20   | 18   |
| Criteria Met?         | ✓                                     | ✓     | ✗     | ✗    | ✗    | ✗    | ✗    |
| Shotfall              | -                                     | -     | 0.6   | 8.8  | 13.9 | 10.2 | 21.3 |

- 5.6 It can be seen from the results displayed in Table 5.3 above that noise arising from the new kitchen extract may not be met. The calculation has not included any mitigation benefits such as directivity, mitigation offered by the duct or flue material, insertion loss and canopy of the flue. Furthermore, it is expected that the flue will be fitted with a silencer which will considerably reduce noise levels further. The M&E engineer will be able to accurately specify the appropriate silencer and as the predominant exceedance in noise is at higher frequencies, this is easier to attenuate.
- 5.7 In order to achieve the NR25 criteria with windows partially open within the nearest flats, Bureau Veritas have calculated the maximum sound pressure level (SPL) which must not be exceeded at the flue. The noise limit below should therefore be used by the ventilation engineer to select a suitable fan and silencer in order to ensure this planning condition can be met

**Table 5.4:** Maximum SPL at 1m which must not be exceeded in order to meet condition

|               | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|---------------|-------|-------|-------|------|------|------|------|
| SPL @ 1m (dB) | 81.5  | 71.7  | 65.6  | 61.6 | 58.7 | 57.3 | 57.1 |

### Airborne Noise Transfer

- 5.8 This section provides an assessment of the predicted noise levels inside the residential premises located at 79 George Street Edinburgh which are located on the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the same building. It should be noted however, that on the 1<sup>st</sup> floor there is an existing restaurant, Cadiz, so the new development will share a common party floor with the existing flats.
- 5.9 It is understood that the basement (i.e. three levels below the nearest flat at 79 George Street) shall be used as a stock room and kitchen. Noise levels within kitchens have previously been measured by Bureau Veritas and are typically around 80 dB. The ground floor level is to be used for dining and Bureau Veritas has previously measured noise levels within restaurant with background music to be 70 dB.
- 5.10 77-79 George Street is a period property, possibly Georgian and is of a brickwork construction. Ash-deafened floors were the primary form of separating floors in this period and the core construction is likely to comprise of deep timber joists with timber battens along each side of the joists to support deafening boards. The boards provide a platform to support and contain the ash-deafening. Typically, an airborne sound insulation of  $D_{ntw}$  50-53 dB should be achieved for these floor types, however, Bureau Veritas has measured much higher in practice.
- 5.11 The planning condition states that “noise from normal restaurant operations is inaudible (meets NR15) within the nearest residential property.” As the basement is 3 levels below the nearest flat and the dining area is 2 levels below the nearest flat the combined sound insulation of the 2/3 floors is expected to be far in excess of the expected noise levels generated by a kitchen or dining area of a restaurant with background music and hence it is considered that airborne noise from the new restaurant will be inaudible within the existing flats. In fact, Bureau Veritas consider that the  $D_{ntw}$  could easily exceed 70 dB between the ground and second floor flat and even more between the basements and second floor.
- 5.12 It should again be pointed out, that there is already a restaurant on the 1<sup>st</sup> floor which is direct below the 2<sup>nd</sup> floor flat of 79 George Street. This is far more likely to be audible than noise from the new restaurant which will occupy the basement and ground floor only.

## 6. Conclusions

- 6.1 Bureau Veritas have assessed the noise impact of a proposed new Class 3 development at 77a George Street in Edinburgh.
- 6.2 A noise model was prepared using the modelling software CadnaA in order to predict the impact of a new kitchen extract system. Precise details of the fan to be used are not known at this stage, therefore a worst-case assessment was undertaken by using the largest fan in the Helios T120 range.
- 6.3 The calculation did not include any mitigation benefits such as directivity, mitigation offered by the duct or flue material, insertion loss and canopy of the flue. Furthermore, it is expected that the flue will be fitted with a silencer which will considerably reduce noise levels further. The results therefore shows that the NR25 criteria is likely to be exceeded if using the largest fan without assuming mitigation measures.
- 6.4 The noise model was subsequently used to set a noise limit for the extract system. The table below therefore shows the maximum noise levels which must not be exceeded at the flue, in order the NR25 criteria to be met. This data should be provided to the M&E Engineer who will be able to accurately calculate the noise break out of the proposed extract system.

**Table 6.1:** Maximum SPL at 1m which must not be exceeded in order to meet condition

|               | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|---------------|-------|-------|-------|------|------|------|------|
| SPL @ 1m (dB) | 81.5  | 71.7  | 65.6  | 61.6 | 58.7 | 57.3 | 57.1 |

- 6.5 The assessment has also considered the airborne sounds transfer between the new restaurant located within the basement and ground floor on the nearest flats, located on the 2<sup>nd</sup> and 3<sup>rd</sup> floors. It is expected that the sound insulation of the existing floors are significant and will contain noise from the kitchen in the basement and dining area on the ground floor. Furthermore, it should be noted, that there is already a restaurant on the 1st floor which is directly below the 2<sup>nd</sup> floor flat of 79 George Street. This is far more likely to be audible than noise from the new restaurant which will occupy the basement and ground floor only.

## Appendix A

### Glossary of Acoustic Terminology

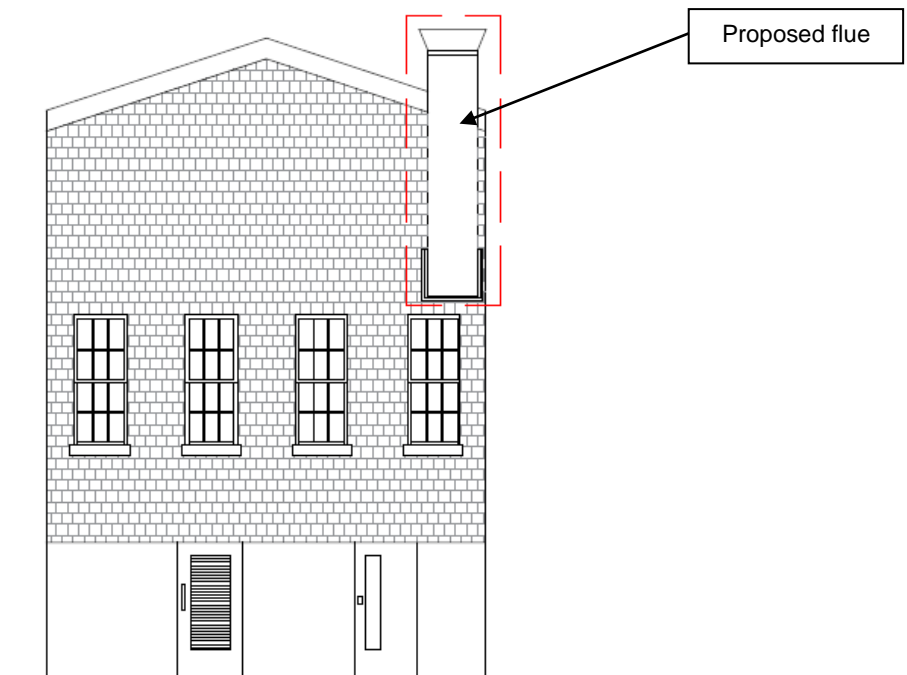
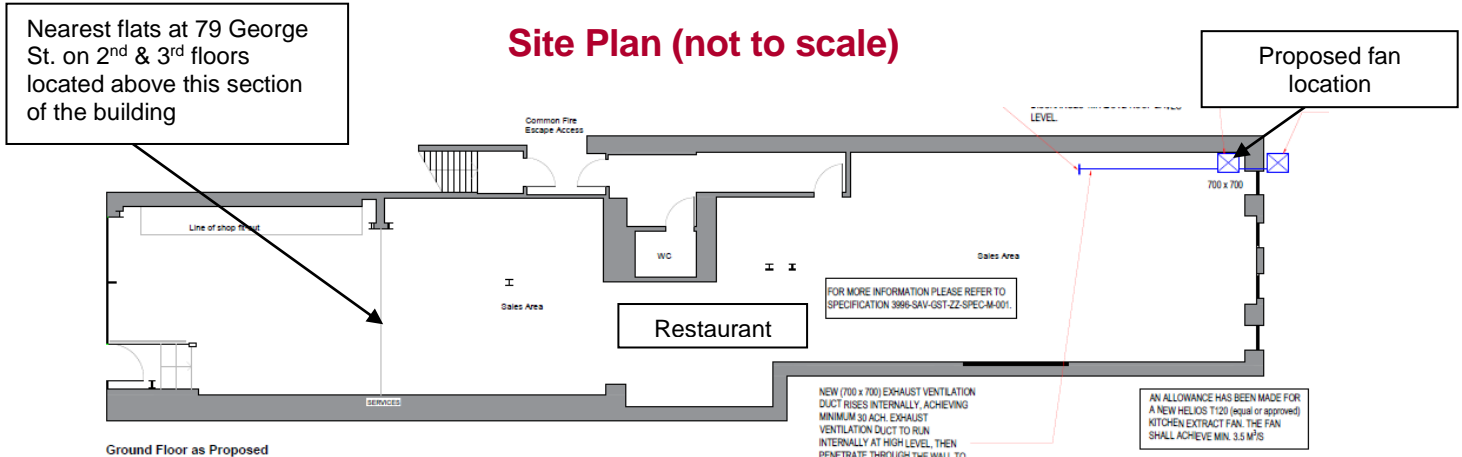
|                                   |   |
|-----------------------------------|---|
| <b>"A" Weighting (dB(A))</b>      | The human ear does not respond uniformly to different frequencies. "A" weighting is commonly used to simulate the frequency response of the ear. It is used in the assessment of the risk of damage to hearing due to noise.  |
| <b>Decibel (dB)</b>               | The range of audible sound pressures is approximately $2 \times 10^{-5}$ Pa to 200 Pa. Using decibel notation presents this range in a more manageable form, 0 dB to 140 dB.<br>Mathematically:<br>Sound Pressure Level (dB) = $20 \log \{p(t) / P_0\}$<br>where $P_0 = 2 \times 10^{-5}$ Pa  |
| <b>Frequency (Hz)</b>             | The number of cycles per second, for sound this is subjectively perceived as pitch.   |
| <b>Frequency Spectrum</b>         | Analysis of the relative contributions of different frequencies that make up a noise.   |
| <b><math>L_{eq}(T)</math></b>     | The equivalent continuous sound level. It is that steady sound level which would produce the same energy over a given time period T as a specified time varying sound.  |
| <b><math>L_{Amax}(T)</math></b>   | The maximum RMS A-weighted sound pressure level occurring within a specified time period.   |
| <b><math>L_{AE}</math> or SEL</b> | A measure of A-weighted sound energy used to describe noise events such as the passing of a train or aircraft; it is the A-weighted sound pressure level which, if occurring over a period of one second, would contain the same amount of A-weighted sound energy as the event. The relationship between $L_{Aeq,(T)}$ and SEL is as follows:<br><br>$L_{Aeq,(T)} = 10 \log [\text{antilog } SEL_1/10 + \text{antilog } SEL_2/10 + \dots]$<br>Total time period in seconds<br>where $SEL_n$ is the measured single event level for a given event |
| <b><math>L_{A10,T}</math></b>     | Road traffic noise level. The A-weighted sound pressure level of the residual noise in decibels exceeded for 10% of a given time interval.  |
| <b><math>L_{A90,T}</math></b>     | Background noise level. The A-weighted sound pressure level of the residual noise in decibels exceeded for 90% of a given time interval.  |
| <b>Noise</b>                      | Unwanted sound.   |
| <b>Octave Band</b>                | A range of frequencies defined by an upper limit which is twice the lower limit. Octave bands are identified by their centre frequency.   |
| <b><math>R_{TRA}</math> (dB)</b>  | The Traffic Noise Reduction Sound Insulation is derived by taking into account a typical spectrum of road traffic in town and city centres  |

|  |  |
|--|--|
| <b>R<sub>w</sub> (dB)</b>              | The weighted sound reduction incorporates a correction for the ear's response and has been derived in accordance with BS 5821:1984.  |
| <b>Specific Noise</b>                  | The equivalent continuous A-weighted sound pressure level at the assessment position produced by the specific noise source over a given reference time interval.                     |
| <b>Rating Level, L<sub>A,r,T</sub></b> | The specific noise level plus any adjustment for the character of the noise.   |
| <b>Ambient Noise</b>                   | Totally encompassing sound in a given situation at any given time composed of noise from many sources, near and far.   |
| <b>Residual Noise</b>                  | The ambient noise remaining at a given position in a given situation when the specific noise source is suppressed to a degree such that it does not contribute to the ambient noise. |



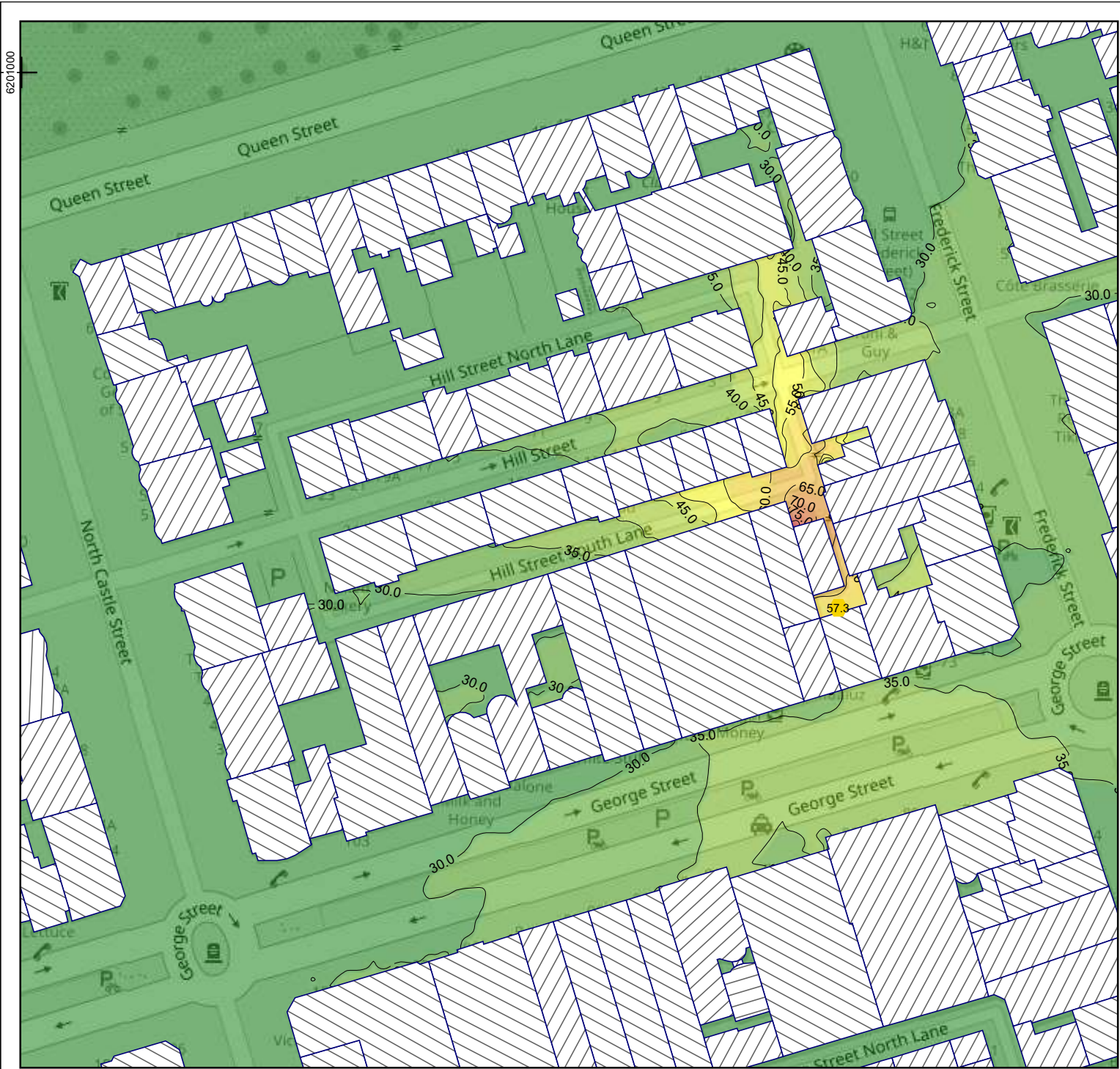
## Appendix C

### Site Plan (not to scale)



## Appendix C

### Noise Contour Maps



Customer: Savills  
 Project: NIA, 77a George St, Edinburgh  
 Project-No: 6482967  
 Area: Overall Area - Normal



**GBD 710/4 T120**  
 Calculation in 10.5 m above ground

Project engineer: N MacDonald  
 Created: 08/07/2021  
 Reviewed by: R Giudice  
 Processed with SoundPLAN 8.2, Update 16/01/2020

**Noise Level**  
 in dB(A)

|  |      |     |
|--|------|-----|
|  | <    | 30  |
|  | 30 - | 35  |
|  | 35 - | 40  |
|  | 40 - | 45  |
|  | 45 - | 50  |
|  | 50 - | 55  |
|  | 55 - | 60  |
|  | 60 - | 65  |
|  | 65 - | 70  |
|  | 70 - | 75  |
|  | 75 - | 80  |
|  | 80 - | 85  |
|  | 85 - | 90  |
|  | 90 - | 95  |
|  | 95 - | 100 |
|  | >=   | 100 |



**BUREAU  
 VERITAS**

To: Conor MacGreevy  
From: Colin Brown, Environmental Protection, Place

Date: 23/08/21

**TOWN AND COUNTRY PLANNING SCOTLAND ACT 1997  
CHANGE OF USE FROM CLASS1 RETAIL TO CLASS3 RESTAURANT, INSTALLATION OF EXTRACT  
DUCT AT 77A GEORGE STREET, EDINBURGH EH2 3ES  
REFERENCE NUMBER: 21/02872/FUL**

I refer to the above and would advise that Environmental Protection has no objections to the proposed development.

The application proposes the change of use of a Class 1 retail premises to a Class 3 restaurant. The application includes the erection of a new ventilation duct and extraction system. A restaurant is situated above with residential flats further above on the upper floors. A bank is situated to the east with a restaurant to the west.

The application includes additional supporting information relating to noise and ventilation.

A noise impact assessment has been provided in support of the application which confirms that noise from normal internal operations will be inaudible within surrounding residential properties. The ventilation system requires to be fitted with attenuators/silencers within the ducting. The details have been shown on a drawing and been referenced within a condition below.

The applicant has confirmed that the ventilation system proposed will meet the requirements of this team in that it will attain a minimum of 30 air changes per hour and is ducted to eaves level. In addition, the ventilation has been designed to ensure that all odours will be vented to atmosphere to will not impact upon nearby residential properties.

Therefore Environmental Protection offers no objections to the application subject to the following conditions:

Conditions

1. The ventilation and noise mitigation details shown on drawings titled “ventilation proposal” drawing 003 Rev P2 (dated August 2021) and drawing 001 Rev P3 (dated August 2021) should be installed and operational prior to start of operations on site.
2. The ventilation extraction system noise levels should not exceed the following maximum sound pressure level (SPL) as measured 1m from the flue:

|               | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|---------------|-------|-------|-------|------|------|------|------|
| SPL @ 1m (dB) | 81.5  | 71.7  | 65.6  | 61.6 | 58.7 | 57.3 | 57.1 |

Should you wish to discuss the above please contact me on 0131 469 5802.

# MEMORANDUM

PLACE

To: Conor MacGreevy

Your Ref: 21/02872/FUL

Date: 16<sup>th</sup> September 2021

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

PLANNING APPLICATION No: 21/02872/FUL

FOR: CHANGE OF USE FROM CLASS 1 RETAIL TO CLASS 3 RESTAURANT,  
INSTALLATION OF EXTRACT DUCT (AS AMENDED).

AT: 77A GEORGE STREET, EDINBURGH, EH2 3ES

## ROADS AUTHORITY ISSUES

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant will be required to contribute the sum of £38,276 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

Note:

- The tram contribution is calculated by a Net Contribution that takes the existing use of the building into consideration. The proposed development (296m<sup>2</sup> restaurant) is within zone 1 of the tram contribution zone in which the proposed use generates a contribution level of £60,448. The existing use (296m<sup>2</sup> Retail) generates a contribution level of £22,172. Therefore:  
Net Use = Proposed Use – Existing Use = £60,448 - £22,172 = £38,276

**Cameron Baillie**

Tel: 2-3562