

metres to the north, from which it is accessed via Victoria Street and George IV Bridge. Access to the Grassmarket is also from Cowgate, West Port, King's Stables Road and Candlemaker Row. Edinburgh Castle sits to the north west at a distance of around 250 metres. Waverley Station is around 450 metres to the north east. The site is adjacent to one of the main arterial routes into the city centre, the A7, which is a very busy bus route.

The area is a very popular tourist destination. It is an area that is transformed during the summer months thanks to the Edinburgh Festival and Fringe Festival which bring huge amounts of tourists and activities to this part of the city more so than any other part of the city centre.

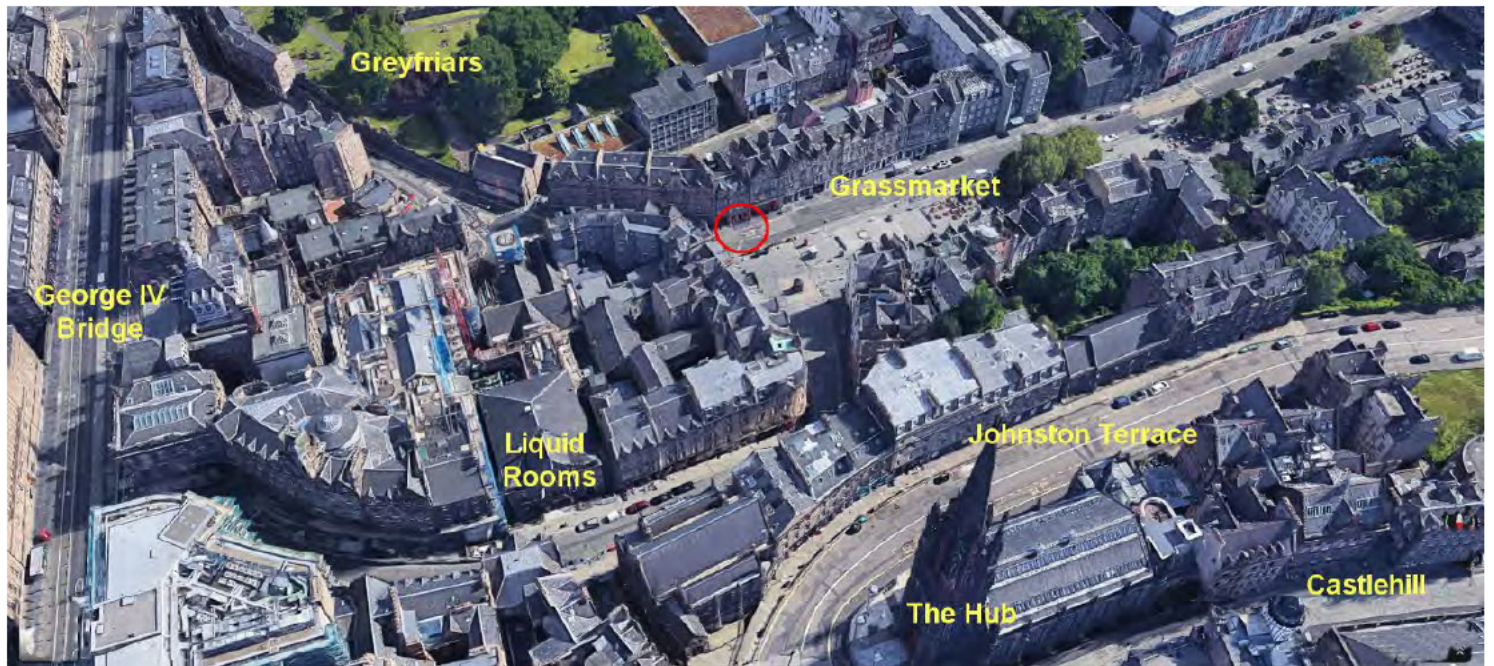


Figure 3. Birds eye image of the street, site circled

The site is an existing take-away premises, which has been a long-term presence in the Grassmarket area.



Figure 4. The existing shop unit

It sits directly opposite the foot of Victoria Street/West Bow, and occupies the ground floor of a four storey tenement with residential flats above (89), which are accessed via the passage to the left hand side of the shop.

The premises are separated from the licensed premises to the east (Bar Salsa) via a vehicular pend.

The adjacent property to the west is separated by a pedestrian pend, and is a vintage clothing retailer (W. Armstrong & Son).

Other properties nearby are mixed use commercial, with residential above. The Grassmarket is well known as a destination for food and drink, with a large number of pubs, bars and restaurants.

The applicant

The applicant is the owner of the Castle Rock Take Away.



Figure 5. The north side of the Grassmarket

Site History

There have been a number of applications to extend the opening hours in line with other local premises. The last proposal was over 7 years ago, reference **15/00848/FUL**, for the “Adjustment of trading hours until 02:00, daily”, and this was refused for the following reason:-

“The proposal is likely to increase late night noise and activity to the detriment of neighbouring residential amenity contrary to Local Plan Policy Ret 12 of the Edinburgh City Local Plan and the Council's 'Guidance for Businesses'”.

2. The proposal

It is proposed to extend the opening hours from 11.00pm to 02.00am. No other changes are proposed.



Figure 6: The Grassmarket birds' eye from south showing character of the public space

Freedom of Information request Feedback - 12 Jul 2022 - EIR Request Response (EDIR:37531)

The requested information was “Details of complaints submitted to Environmental Health with regard to the Castle Rock Chip Shop located at 87 Grassmarket, Edinburgh EH1 2HJ”

The complaints received by the Licensing Enforcement service related to Castle Rock Chip Shop, located at 87 Grassmarket, Edinburgh, EH1 2HJ, are recorded as follows:

- In 2015 - No complaints received.
- Since 2015 - Three complaints received as follows:
- One complaint received May 2022. The nature of the enquiry was that the business was operating later than their licensed hours.
- Two complaints received June 2021. The nature of the enquiry was that the business was operating later than their licensed hours.
- The only other complaints recorded in relation to this business are prior to 2015 as follows:
- ‘Commercial noise’ received 12/12/2003
- ‘Commercial noise’ received 12/12/2003
- ‘Street noise’ received 09/09/2005

3. Constraints and Policy Considerations

The property is within the designated City Centre

The property is located on a speciality shopping frontage (65-89 Grassmarket)

The property is located within a category B listed building, which is part of the group 86 to 90 Grassmarket.

The site is within the UNESCO World Heritage Site and is within the Edinburgh Old Town Conservation Area.

There are residential properties on the three floors above.

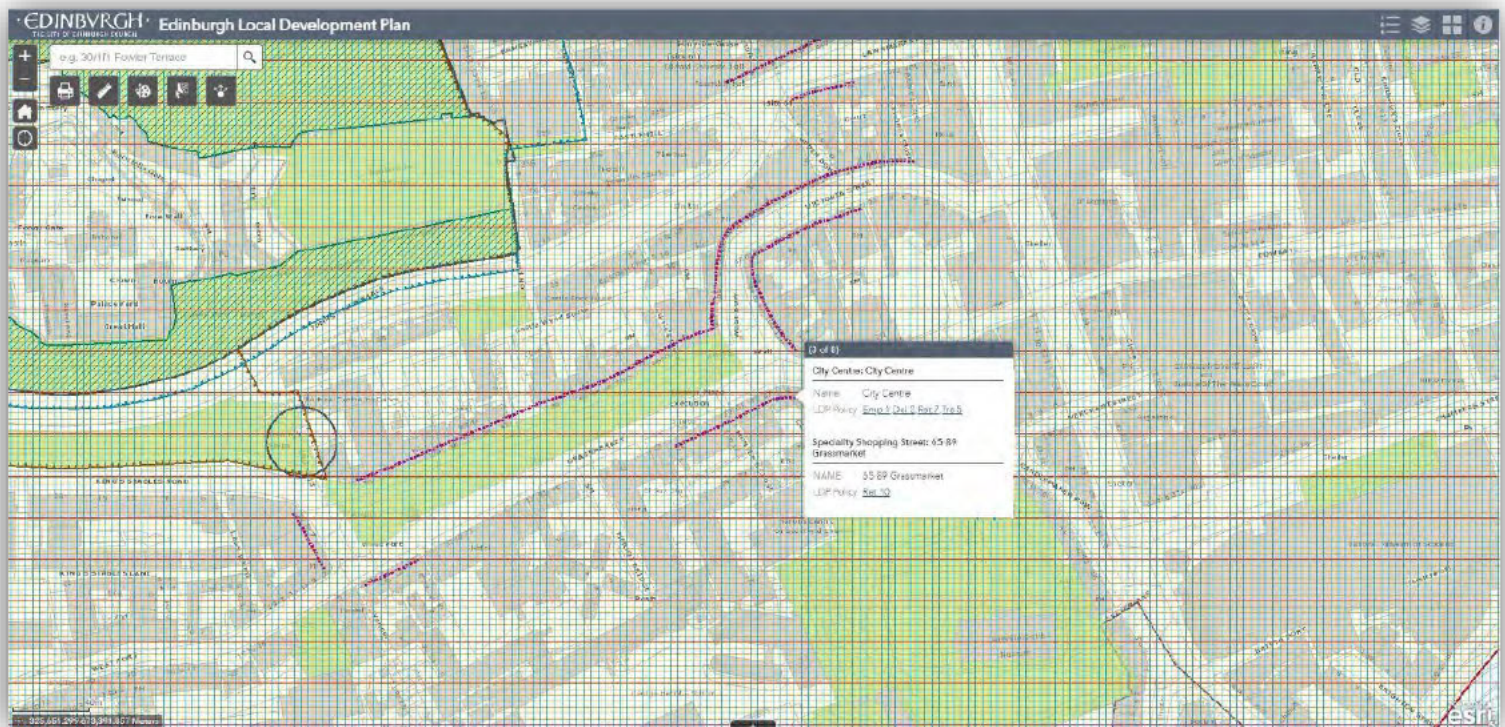


Figure 7: ELDP interactive map excerpt showing relevant designations

The main issues will be the the protection of existing residential amenity; the protection of the cultural heritage of the site; and any impact upon the vitality and viability of the speciality retail frontage and the Grassmarket area in general.

The most relevant LDP policies will be Policy **Des 5** Development Design - Amenity, Policy **Hou 7** Inappropriate Uses in Residential Areas, and Policy **Ret 11** Food and Drink Establishments, as well as the **Guidance for Businesses**.

The appendix has listed all of the relevant policies.

4. Assessment

Locational Issues

The property is an existing hot food take-away currently operating until 11.00pm daily at the east end of the Grassmarket.

The property is within the designated City Centre, an area within which restaurants, takeaways and commercial leisure uses are normally supported in principle. It is on a designated shopping frontage (speciality shopping, 65 to 89 Grassmarket). It is deemed to be an area of restraint by the SPG, Guidance for Businesses.

The proposal is at a crossroads in policy terms in that it is a location where such uses are expected, but as there are residential properties on upper floors there are concerns about residential amenity.

The viability of the business has to be balanced against the amenity of neighbouring residents.

The use is well established in this location, however it is becoming increasingly pressurised to compete with other later opening competitors, and other premises upon which its trade depends.

Urban character Issues

The proposal is purely for an extension of hours, this will not impact physically upon the urban character. The extension of hours would be in keeping with the perceived character of the area, where many local premises are open until 1.00am and some of the clubs nearby are open until 3.00am. It is a very active area with a very high concentration of commercial leisure uses. That is the character of the Grassmarket, what it is known for, and what visitors expect of it. As it is described on Wikipedia "*The area is, and always has been, dominated by a series of public houses. In recent years many have become more family-friendly and include dining areas. The Council has recently further encouraged these to spill over onto outside pavements, giving the place a more Continental atmosphere*".

Cultural Heritage Issues

As this proposal is for an extension of hours only, there will be no cultural heritage issues.

Residential Amenity

The proposal is to extend opening by 3 hours.

The premises are the ground floor within a four-storey tenement with residential flats on the upper three floors. The amenity of the neighbours above the unit will therefore be one of the significant issues.