

Planning Permission 09/01373/FUL
at
74 Telford Road
Edinburgh
EH4 2NF

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

1. Purpose of report

To consider application 09/01373/FUL, submitted by McDonalds Restaurant Ltd. The application is for: **Variation of condition GA2 of A/01004/95 to allow the drive thru to trade between the hours 6am - midnight seven days a week**

It is recommended that this application be **GRANTED** subject to the conditions below.

2. The Site and the Proposal

Site description

The application property is a single-storey, detached restaurant with drive-thru facility located on the south side of Telford Road, just east of its junction with Groathill Avenue. With the exception of the Western General Hospital, Craighill retail park and the adjacent public house the surrounding area is wholly residential in nature.

Site History

20.09.1994 - Permission was refused to redevelop the existing filling station and carwash bay along with new McDonalds Drive Thru facility and associated car parking (94/00563/FUL).

20.09.1995 - Permission was granted to redevelop the existing petrol station with new drive thru restaurant facility and associated car parking (95/01004/FUL).

11.09.1996 - Permission was granted to amend condition GA2 of consent to extend hours of operation to allow opening at 8:00am (96/01125/FUL).

13.01.1999 - Permission was granted for a change of use from petrol station to fast food restaurant (98/01964/FUL).

01.11.2000 - An application to redevelop the existing filling station and carwash bay along with new McDonalds Drive Thru facility and associated car parking was withdrawn (94/00564/FUL).

15.05.2009 - An enforcement case into a breach of opening hours was closed (09/00008/ECOND).

PRE-APPLICATION PROCESS

There is no pre-application history.

DESCRIPTION OF THE PROPOSAL

Permission is sought to amend a condition restricting the operating hours of McDonald's drive-thru facility. The current hours of operation are 08.00 - 23.00, Monday to Saturday and 09.00 - 23.00 on Sundays. The proposed hours of operation are 06.00 - 00.00, daily.

3. Officer's Assessment and Recommendations

Determining Issues

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, the Committee needs to consider whether:

- a) residential amenity will be adversely affected;
- b) there are any road safety implications; and,
- c) there are any other material considerations;

a) The application site is set within a predominantly residential area and given the proposed operating hours of the drive-thru facility (6am - midnight) there is a potential conflict with residential amenity. However, the restaurant operates from 6am to midnight on a daily basis. Given that there is activity on the site during these hours, which is not subject to planning control, it is unlikely that the operation of the drive-thru facility at these times will worsen the level of disturbance. Services for Communities has raised no objections to the proposal.

Residential amenity will be protected.

b) The proposal seeks an additional 2 hours in the morning (6am - 8am) and a further hour at night (11pm - midnight) to align with the operating hours of the restaurant. Given that food is available on the site already during the proposed additional hours, no additional traffic will be generated. Existing access arrangements will be utilised.

There are no road safety implications.

c) The neighbour notification procedure was carried out incorrectly. Neighbours were renotified on 12 August 2009.

In conclusion, the proposals comply with the development plan and the relevant non-statutory guidelines, and would not prejudice residential amenity or road safety. There are no material considerations which outweigh this conclusion.

It is recommended that this application be approved.

REASON FOR DECISION

The proposal accords with the development plan and non-statutory guidelines. There are no implications for residential amenity or road safety. There are no material considerations that outweigh this conclusion.



John Bury
Head of Planning

Contact/tel	Andrew Trigger on 0131 529 3931
Ward affected	A05 - Inverleith
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Housing & Compatible Uses
Date registered	13 August 2009
Drawing numbers/ Scheme	01 Scheme 1

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Control Portal : www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner, Graham Dixon on 0131 529 3519.

Email: graham.dixon@edinburgh.gov.uk.

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail gavin.king@edinburgh.gov.uk or carol.richardson@edinburgh.gov.uk

Application Type Planning Permission
Application Address: 74 Telford Road
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Consultations, Representations and Planning Policy

Consultations

Services for Communities (Environmental Assessment)

We have assessed this application with respect to the amenity of neighbouring residential properties. The drive through of this restaurant is not a significant source of noise and is unlikely to result in any loss of residential amenity. Also, we have not received any noise complaints against the drive through. Consequently, Environmental Health has no objections to this proposed amendment of operating hours.

Representations

The application was advertised on 9 July 2009 as a potential bad neighbour development. Eleven letters of representations have been received, including those from Craigleith/Blackhall Community Council and Mark Lazarowicz MP, all of which are objections to the proposal.

The main points of objection/concern are:

- a) Issues relating to residential amenity, addressed in assessment a);
 - Increase in noise and disturbance at unsocial hours,
 - Increase in anti-social behaviour,
- b) Issues relating to road safety, addressed in assessment b);
 - Increase in traffic activity,
- c) Issues relating to procedural matters, addressed in assessment c);
 - Neighbour notification procedure carried out incorrectly,

Other matters raised are non-material planning considerations.

Neighbours were renotified on 12 August 2009. Four further letters of representations were received but raised no new issues.

Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.

Planning Policy

The application site is within an area identified by the Central Edinburgh Local Plan as suitable for housing and compatible uses. The finalised Edinburgh City Local Plan shows the site within the urban area.

Relevant Policies:

Relevant policies of the Central Edinburgh Local Plan.

Policy L2 (COMMERCIAL LEISURE USES) sets out criteria for assessing commercial leisure uses within the Retail and Office Cores, Mixed Activities Zone and other areas where commercial uses are present.

Policy H11 (HOUSING AMENITY) establishes a presumption against new development and changes of use likely to introduce increased levels of traffic or activity to the detriment of residential amenity or to the reasonable prospects of further residential development where this is an objective of the Local Plan.

Relevant policies of the Finalised Edinburgh City Local Plan.

Policy Ret 12 (Food and Drink Establishments) sets criteria for assessing the change of use to a food & drink establishment.

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'RESTAURANTS, CAFES AND HOT FOOD SHOPS' provide guidance on the location of such uses and set out conditions to control their impact.

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Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **GRANTED** subject to the conditions below.

Conditions

1. The hours of operation of the drive-thru facility shall be restricted to 06.00 - 00.00 hours daily.

Reasons

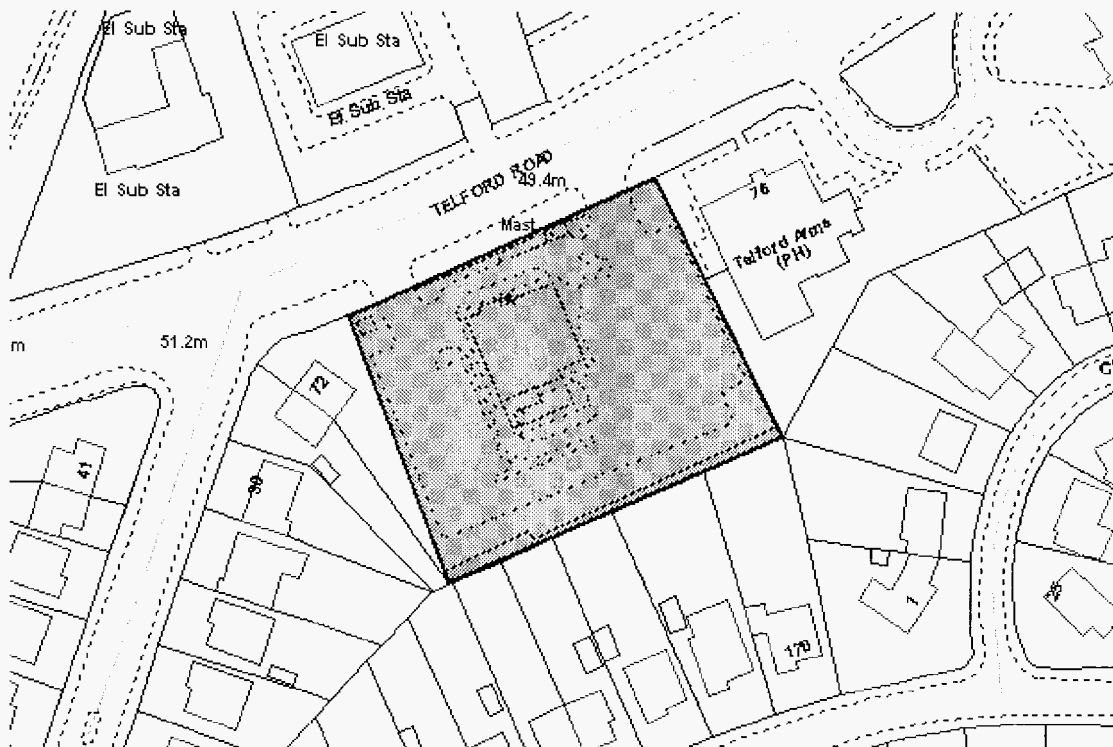
1. In order to safeguard the amenity of neighbouring residents and other occupiers.

End

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Location Plan

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