

Full Planning Application 09/01369/FUL

at

167 - 171 Dundee Street

Edinburgh

EH11 1BY

Development Management Sub-Committee of the Planning Committee

1 Purpose of report

To consider application 09/01369/FUL, submitted by H Afzal. The application is for: **Change of use from offices to class 3 restaurant**

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

2 The Site and the Proposal

Site description

The site contains a vacant ground floor commercial unit that forms part of a local centre along the southern side of Dundee Street. The unit was previously used for office purposes and has a double frontage. There are three storeys of tenemental flats above the unit.

The frontage, from Yeaman Place to Fowler Terrace, currently accommodates a general store, two takeaways, a letting agency, the applicant's unit, hairdressers, sandwich shop, a pharmacy and a post office.

Other ground floor commercial units line the southern side of Dundee Street to the east and west of the application site and the Fountainpark entertainment complex is to the north-east.

Site History

There is no relevant planning history for this site.

Description of the Proposal

The proposal is to change the use of the unit into a restaurant. The opening hours will be from midday until 11pm. An external ventilation duct will be installed on the rear elevation that will terminate approximately 0.8 metres above eaves level.

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) the proposal is acceptable in principle;
- b) the proposal is detrimental to the amenity of neighbours;
- c) there are any transport or parking concerns.

a) The unit forms part of a commercial frontage within a local centre. It was last used as an office; therefore policies regarding the retention of shop uses within retail centres are not applicable.

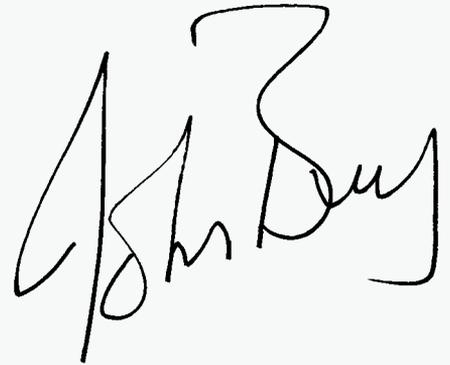
The site is on a main road and in a mixed area where there are already a significant number of properties in non-residential use. There are two takeaways on the same frontage as the application site and other restaurants and takeaways close by. The area is already characterised by late night vitality and the proposed restaurant will not have a significant impact on the level of on-street activity. The proposed opening hours are no later than other similar uses within the surrounding area. Overall, the proposal should not lead to an unacceptable increase in noise, disturbance or on-street activity to the detriment of the living conditions of nearby residents. The concentration of similar uses in this area is not deemed to be excessive with only three of the nine units on the frontage to be occupied by a restaurant or a takeaway. The proposed location is therefore in accordance with Central Edinburgh Local Plan Policy L2, finalised Edinburgh City Local Plan Policy Ret 12, and non-statutory guidance on Restaurants, Cafes and Hot Food Shops.

b) Services for Communities has, no objections to the proposal, provided the operation can meet conditions regarding noise, delivery times and ventilation. These conditions will ensure that the restaurant will not have a detrimental impact on nearby residential amenity. The applicant has provided details of an appropriate ventilation system to prevent strong odours affecting the properties above.

c) The proposal does not include any parking provision. However, parking control is in place in the surrounding road network and limited on street parking is available out of control times. Transport Planning has no concerns with regards to the impact of the development on road safety.

In conclusion, the proposal complies with the development plan and the relevant non-statutory guidelines and will not prejudice residential amenity or road safety.

It is recommended that the Committee approves this application, subject to conditions relating to residential amenity and the colour of the external duct.



John Bury
Head of Planning

Contact/tel	Ian Tame on 0131 529 6133
Ward affected	A09 - Fountainbridge/Craiglockhart
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Protected Shopping Frontage
Date registered	29 June 2009
Drawing numbers/ Scheme	1-3 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, Helen Martin on 0131 529 3517.

Email: helen.martin@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 david.emerson@edinburgh.gov.uk or henry.scullion@edinburgh.gov.uk

Application Type Full Planning Application
Application Address: 167 - 171 Dundee Street
 Edinburgh
 EH11 1BY

Proposal: Change of use from offices to class 3 restaurant

Reference No: 09/01369/FUL

Consultations, Representations and Planning Policy

Consultations

Transport comment 08/07/2009

No objections to the application

The application is limited to a COU with no parking provision. The applicant has no control of land for parking provision. Parking control is in place on the surrounding road network and limited on street parking is available out with control times.

Environmental Assessment comment 16/07/2009

The application proposes the change of use of an office to a Class 3 restaurant in the ground floor premises of a tenement block. The property sits on a busy main road, has an office to the east and a hairdresser to the west. Above the proposed restaurant are residential flats.

The applicant has provided this Department with satisfactory details of the proposed ventilation to ensure effluvia reach roof level. Additionally, the applicant's ventilation engineer has advised that the ventilation system will operate at noise levels acceptable to this Department.

Therefore, Environmental Assessment has no objections to this proposed development subject to the following conditions:

1. *The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to roof level to ensure that no cooking odour escape or are exhausted into any neighbouring premises, all to the satisfaction of the Head of Planning.*
2. *All music and vocals amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.*

3. *The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.*
4. *The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any neighbouring living apartment.*
5. *Deliveries and collections, including waste collections, to be restricted to 0700 – 1900 hours Monday to Saturday.*

Representations

The application was advertised on 10 July 2009 and attracted 4 letters of representation, including one from a ward councillor, and a petition signed by 12 residents.

The material points of objection/concern are:

- a. Issues of principle, taken account of in assessment a.:
 - oversupply of restaurants and takeaways in the locale;
- b. Residential amenity issues, taken account of in assessment a and b.:
 - noise and disturbance;
 - smell and odours.
- c. Transport issues, taken account of in assessment c.:
 - Parking problems and road safety.

Other points raised are not material.

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 unit is part of a local centre in the Central Edinburgh Local Plan and the finalised Edinburgh City Local Plan.

Relevant Policies:**Relevant policies of the Central Edinburgh Local Plan.**

Policy S7 (PROTECTION OF SHOPPING USES) sets out criteria for assessing changes of use (within defined retail frontages) from a shop unit to a service or other non-retail use appropriate to a shopping area.

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.

Relevant policies of the Finalised Edinburgh City Local Plan.

Policy Ret 10 (Alternative Use of Shop Units – Elsewhere in Defined Centres) sets criteria for assessing the change of use of a shop unit to a non-shop use in defined centres (excluding core and primary frontages).

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

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.

Application Type Full Planning Application
Application Address: 167 - 171 Dundee Street
Edinburgh
EH11 1BY

Proposal: Change of use from offices to class 3 restaurant

Reference No: 09/01369/FUL

Conditions/Reasons associated with the Recommendation

Recommendation

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

Conditions

1. The development hereby permitted shall be commenced no later than three years from the date of this consent.
2. The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to a suitable exhaust point to ensure that no cooking odours escape or are exhausted into any neighbouring premises, all to the satisfaction of the Head of Planning & Strategy.
3. All music and vocals amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
4. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
5. The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any neighbouring living apartment.

6. Deliveries and collections, including waste collections, to be restricted to 0700-1900 hours Monday to Saturday.
7. The external duct shall be painted to match the colour of the existing stonework, and shall be erected and operated before the change of use is implemented.

Reasons

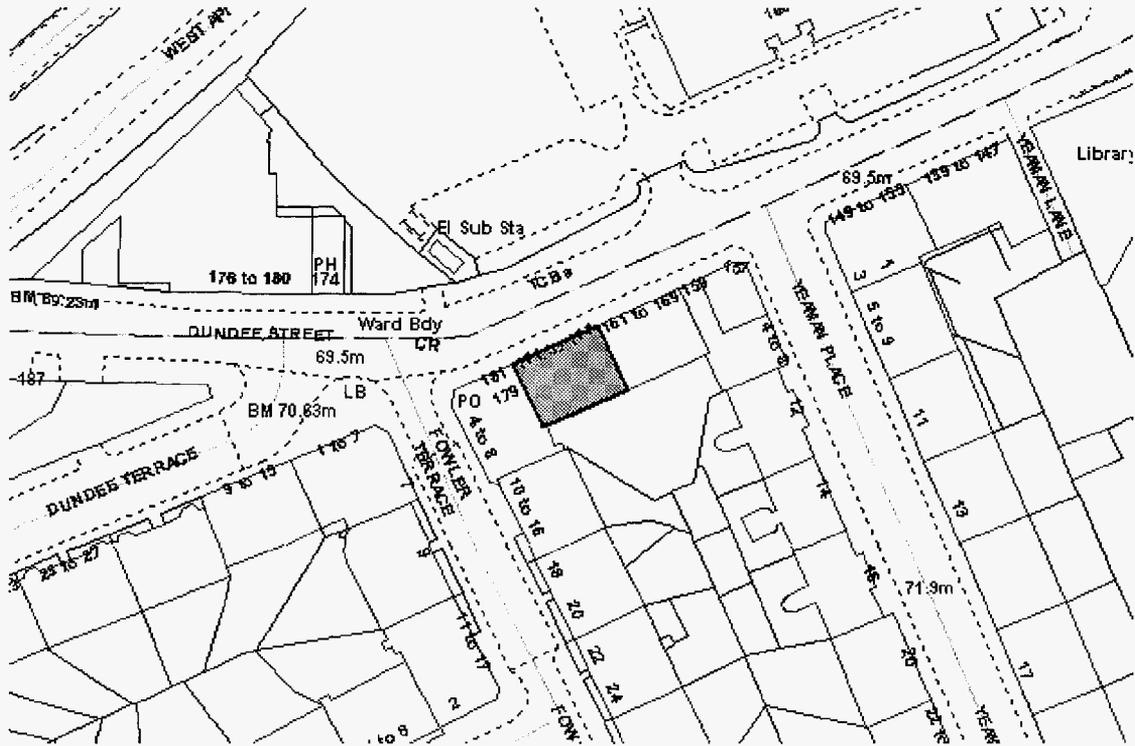
1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. In order to safeguard visual amenity.

End

Application Type Full Planning Application

Proposal: Change of use from offices to class 3 restaurant

Reference No: 09/01369/FUL



Location Plan

Reproduction from the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright.

Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence Number 100023420 The City of Edinburgh Council 2005.