

Full Planning Application 07/02919/FUL

at

3 - 4 London Road

Edinburgh

EH7 5AP

Development Management Sub-Committee
of the Planning Committee

DEPARTURE FROM THE DEVELOPMENT PLAN

This development proposed by this application is a departure from the development plan:

The proposal is contrary to Policy S7 of the Adopted Central Edinburgh Local Plan in relation to the protection of the primary retail frontage, however the proposed use complies with the emerging Finalised Edinburgh City Local Plan and is therefore a justified departure from the Adopted Central Edinburgh Local Plan.

1 Purpose of report

To consider application 07/02919/FUL, submitted by Mr Aitken. The application is for: **Change of use from vacant hairdressers shop to hot food take-away**

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

2 The Site and the Proposal

Site description

The application site comprises a ground floor commercial unit of a tenemental building located to north of London Road in close proximity to the junction with Easter Road.

Site History

There is no relevant planning history for this site.

Description of the Proposal

It is proposed to change the use of an existing class 1 unit presently vacant, and formally in use as a hairdresser, to a hot food takeaway (Sui Generis). The proposed hours of operation have been detailed on the application "as designated by catering licence". An external duct is proposed which runs up the rear of the building to roof 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 proposed use is acceptable at this location;
- b) The proposal will have an adverse impact on the character or appearance of the surrounding area;
- c) The proposal will have an adverse effect on residential amenity.

a) The application site falls within a defined primary shopping frontage. Policy S7 of the adopted local plan seeks to retain 80% of units within a primary frontage in retail use. Within the Finalised Edinburgh City Local Plan, the site is identified as falling within a 'Local Centre' where policies Ret 4 and Ret 10 apply. Ret 10 allows changes of use from a shop use to a non-shop use provided:

i) Permitting the change of use would not result in four or more consecutive non-shop uses.

ii) The proposal is for an appropriate commercial or community use which would complement the character of the centre and would not be detrimental to its vitality and viability.

The defined primary / local centre includes units 1–26 London Road (as defined by both the adopted and finalised local plans). At present 13 of the 16 units within this frontage are within a retail use. This amounts to 81.25% retail and 18.75% non-retail. A further change would increase the non-shopping uses to 25%. This is contrary to the adopted local plan. However, the proposed change of use would not result in 4 or more consecutive non-shop uses and the proposals are for an appropriate commercial use that would complement the character of the centre. The proposed use complies with the emerging local plan and is considered acceptable.

b) In terms of the proposed physical alterations to the exterior of the building, the revised scheme detailing the formation of two external flue pipes, rather than the original scheme's one large and obtrusive single flue, is more in keeping with the character and appearance of the building. The two separate flues mimic a pair of rain water or soil pipes standard to a tenement block and is a more sensitive approach. The external alterations are acceptable.

c) In terms of the proposals impact upon neighbouring residential amenity, the unit is located within an area of essentially mixed in character and in close proximity to a busy junction. Provided ventilation requirements are implemented, the proposals will not detrimentally impact upon residential amenity.

Services for Communities (Environmental Assessment) has not raised any objection, subject to the conditions relating to noise, vibration and ventilation.

In conclusion, although the proposal is contrary to the adopted local plan in relation to the protection of the primary retail frontage, the proposed use complies with the emerging local plan and is a more up to-date statement of Council policy. The proposed external ducting will not have a detrimental impact upon the character and appearance of the property and is in accordance with both the adopted Central Edinburgh Local Plan and the Finalised Edinburgh City Local Plan. This departure from the adopted local plan regarding the protected shopping frontage is considered of insufficient weight to justify a refusal.

It is not considered that there are any material considerations which outweigh this view.

It is recommended that the Committee approves this application, subject to the conditions relating to noise, ventilation and painting of the flues.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Daniel Lodge on 0131 529 3901
Ward affected	A12 - Leith Walk (NEW)
Local Plan	Central Edinburgh Local Plan/Finalised Edinburgh City Local Plan
Statutory Development Plan Provision	Housing and Compatible Uses/Primary Shopping Frontage/Urban Area/Local Centre
Date registered	23 July 2007
Drawing numbers/ Scheme	01, 02, 04 Scheme 2

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, Ian Dryden on 0131 529 3464. Email: ian.dryden@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 Full Planning Application

Application Address: 3 - 4 London Road
Edinburgh
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Proposal: Change of use from vacant hairdressers shop to hot food take-away

Reference No: 07/02919/FUL

Consultations, Representations and Planning Policy

Consultations

Services for Communities: Environmental Assessment

The Department does not object to the application, subject to the following conditions:

AM19C: Full details of the method of ventilation shall be submitted to and approved in writing by the Head of Planning prior to the use hereby approved being taken up.

AM21C: The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to chimney head level to ensure that no cooking odours escape or are exhausted into any neighbouring premises, all to satisfaction of the Head of Planning.

AM03C: 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.

AM10C: All music and vocals, amplified or otherwise shall be so controlled as to be inaudible within any neighbouring premises.

AM12C: 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.

Transport Planning (Development Control)

The department has no objections to the application.

Representations

No representations have been received.

Planning Policy

The site lies within an area identified as Housing and Compatible Uses and on a defined 'Primary Shopping Frontage' in the Central Edinburgh Local Plan. In the Finalised Edinburgh City Local Plan it is within an 'Urban Area' and in a designated 'Local Centre'

Relevant Policies:

Relevant Policies of the Central Edinburgh Local Plan

Policy CD19 (BUILDING ALTERATIONS) sets out requirements for the design, form, materials and positioning of alterations and extensions.

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 L4 (LEISURE USES IN HOUSING AREAS) states that commercial leisure uses will not be acceptable in wholly or predominantly residential areas.

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.

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.

Relevant policies of the Edinburgh City Local Plan

Policy Des 11 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

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 4 (Local Centres) sets criteria for assessing proposals in or on the edge of local centres.

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**

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. The two rear flues shall be painted to match the colour of the existing downpipes on the rear elevation, the details of such shall be submitted to and approved by the Head of Planning and Strategy.
3. Full details of the method of ventilation shall be submitted to and approved in writing by the Head of Planning & Strategy prior to the use hereby approved being taken up. The ventilation system shall be in place and operational before the use commences.
4. 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.
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. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.

7. 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.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to minimise the visual impact of the flues.
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.

INFORMATIVES

It should be noted that:

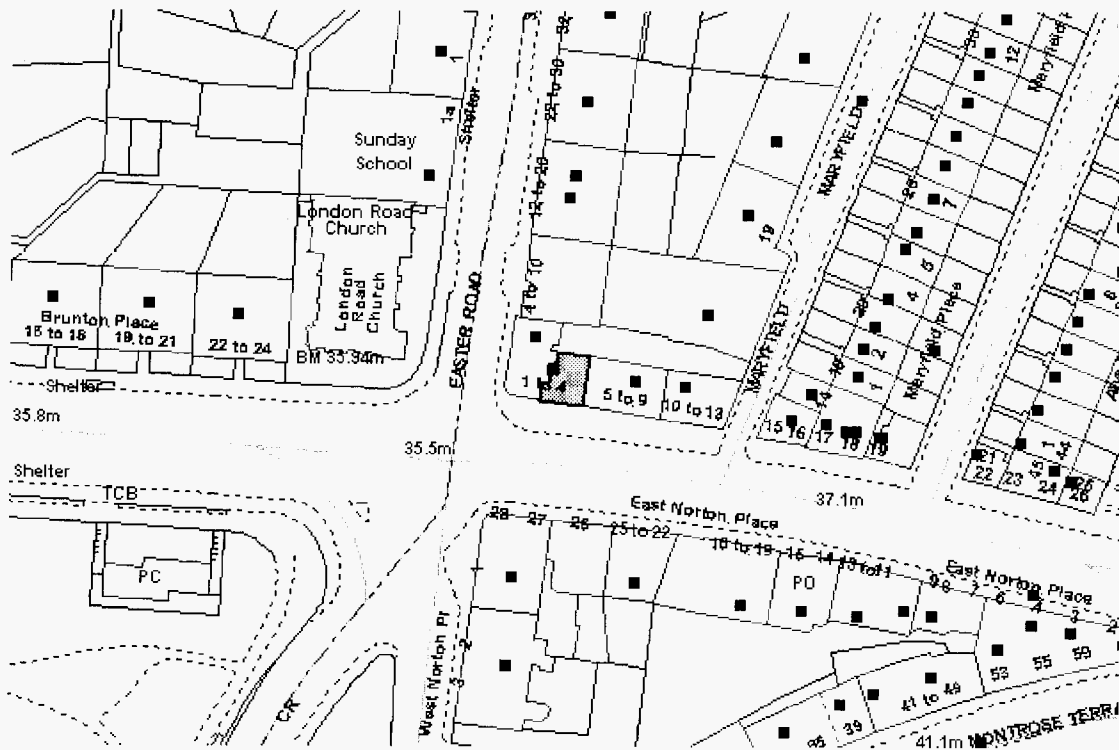
1. This application relates to a flatted building. This planning permission does not affect the legal rights of any other parties with an interest in the building. In that respect, the permission does not confer the right to carry out the works without appropriate authority.

End

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Location Plan

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