

Full Planning Application
at
131 Dalry Road
Edinburgh
EH11 2EA

Development Quality Sub-Committee
of the Planning Committee

Proposal: Proposed hot food carry out (pizzas) and associated mechanical ventilation, (re-instatement of hot food carry out approval 98/03022/FUL)

Applicant: Dominos Pizza Group Ltd.

Reference No: 04/02622/FUL

1 Purpose of report

To recommend that the application be **GRANTED** subject to;

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. Full details of a cooking odour filtration system shall be submitted to and approved in writing by the Head of Planning and Strategy and shall be fully installed, tested and operational, all prior to commencement of operation of the business.
3. Cooking, heating and reheating operations on the premises shall be restricted to the use of the single pizza oven specified on the approved drawings; no other forms of cooking, heating or reheating shall take place without the prior written approval of the planning authority, and should the proposed oven require to be replaced in future this shall only be replaced with an oven to be agreed in writing by the Head of Planning and Strategy.

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. 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.
7. Notwithstanding the details of the Dalry Road elevation details on drawing 4040/P02 (CEC ref. 03), both windows to this elevation shall be kept clear of vinyl screening, and shall be clear visually transparent glass.

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.

2 Main report

Site description

The property is a commercial unit on the south side of the road, at the junction with Orwell Terrace. It is currently in use as an internet cafe. It is within a five-storey tenement, with four floors of residential above. Orwell Terrace is purely residential, whereas Dalry Road is a busy commercial shopping street, which is a classified road and is a designated 'Greenway'.

Site history

03/01602/FUL - Replacement shopfront approved 04.07.03

98/03022/FUL - Change of use from shop premises to form hot food carry out shop and café approved 10.02.99

Development

The proposal is for the change of use of the existing internet cafe to hot food takeaway. No external alterations are proposed other than louvered extract panels. Three of the windows are to be blanked out with silver film. The premises will utilise a PS55 pizza oven, which will be ventilated to street level via a filtration system.

The basement will be used for storage, toilets and plant, and the ground floor will have the customer service area, bake and serve area, the cold storage room, and the wash up area.

Consultations

Environmental and Consumer Services

This Department has no objections to the above application, subject to conditions on noise, ventilation and restricting cooking to a pizza oven. They have also requested the following condition:

- The hours of operation shall be restricted to 0800 - 2300 hours.

Representations

The application was advertised on 23/07/04. Two letters of representation have been received from residential neighbours. The issues raised are:

1. need for external ventilation
2. cooking smells
3. litter
4. Noise

Policy

The site is identified by the CENTRAL EDINBURGH LOCAL PLAN as being within an area for Housing and Compatible Uses. The property is on a secondary retail frontage within the Dalry district shopping centre.

Relevant Policies:

Policy CD23 (SHOPFRONT DESIGN) promotes high standard shopfront design and sets out criteria for assessing shopfront proposals.

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 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 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.

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.

3 Conclusions and Recommendations

DETERMINING ISSUES

The determining issues are:

- 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 the determining issues, the Committee needs to take account of the following specific considerations:

- a) Is this an appropriate location for a hot food takeaway?
- b) Will there be any adverse effect on existing residential amenity?
- c) Will there be any effect on the character and the vitality/viability of the shopping centre?

a) Policy L2 of the local plan supports such uses where there are other commercial uses present subject to compliance with other policies and protection of existing residential amenity. This is a busy commercial street, and the property is already in use as an internet café. The location for this use is therefore accepted in principle.

b) In terms of residential amenity, the application site is immediately beneath four floors of flatted dwellings. Cooking is proposed, but the applicant only intends to bake pizzas. The consent will be restricted to this form of cooking. Pizza baking is notably less intensive in terms of cooking odours compared to a 'fish and chip' shop, or the cooking of spiced meat/vegetable dishes to take away. Only a single pizza oven is proposed. The Director of Environmental and Consumer Services is satisfied that the operation of the premises can be adequately controlled so as to have no greater adverse effect on neighbouring residents than the existing use.

Environmental and Consumer Services have also requested that hours of operation be restricted, given the commercial context of the site and the fact that previous units had no restriction on hours of operation, this is not deemed necessary. Hours of operation will be controlled by licensing.

c) The proposed use will replace an existing non-retail use and there will therefore be no change in retail percentages on this secondary frontage as a result of this application. The use is one that is appropriate to a shopping centre, and it will contribute to the vitality of the centre.

In terms of the character of the shopping centre, it is considered to be important to retain a 'live' frontage. Whilst the blanking out of the side windows with a silver film is accepted, the loss of one of the windows to the front is not, and the applicant will need to address this in their internal layout.

Subject to the conditions proposed, the proposals will preserve the character of the area, the vitality of the shopping centre and the amenity of residents.

It is recommended that the Committee approves this application, subject to the conditions stated.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/Tel Kingsley Drinkwater on 0131 529 3648 (FAX 529 3717)

Ward affected 30 -Dalry

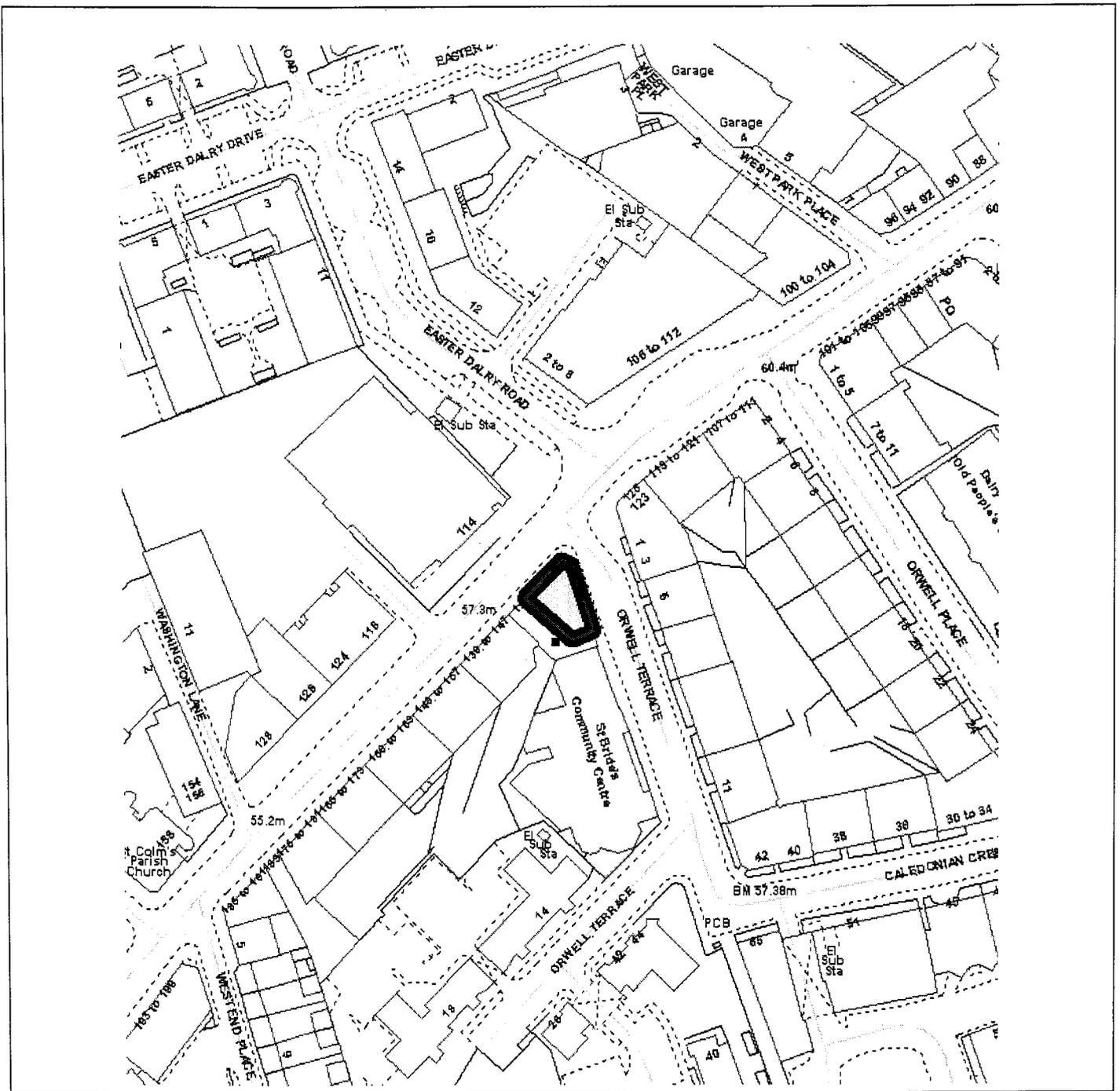
Local Plan Central Edinburgh

**Statutory Development
Plan Provision** Housing and Compatible Uses

File af

Date registered 9 July 2004

**Drawing numbers/
Scheme** 01-4
Scheme 1



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 2004.

PLANNING APPLICATION

Address	131 Dalry Road, Edinburgh, EH11 2EA		
Proposal	Proposed hot food carry out (pizzas) and associated mechanical ventilation, (re-instatement of hot food carry out		
Application number:	04/02622/FUL	WARD	30- Dalry

THE CITY OF EDINBURGH COUNCIL
 THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY