

**Full Planning Application 05/03309/FUL
at
100-102 Dalry Road
Edinburgh
EH11 2DW**

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

1 Purpose of report

To consider application 05/03309/FUL, submitted by Mr R Sartore. The application is for: **Bakery, delicatessen with wine sales and cafe**

It is recommended that this application be **GRANTED** subject to the conditions in Appendix B.

2 The Site and the Proposal

Site description

The property is a ground floor vacant retail unit located on the north side of Dalry Road on the corner with West Park Place. Three storey residential properties are located above the unit with the surrounding area characterised by a mixture of commercial uses and residential.

The site lies within a Secondary Shopping Frontage, it is not in a conservation area and is not listed.

Site history

There is no relevant planning history for this site.

Description of the Proposal

The proposal is for a change of use from retail to bakery, delicatessen with wine sales and cafe. The hours of operation proposed are 8am to 6pm. There is an area within the unit for tables and chairs. It should be noted that the bakery element of the proposals is limited to the production of bread and similar for retail sale on the application premises and to supply the applicant's opposite restaurant La Partenope.

The proposal also involves external alterations, which include the relocation of the existing door on the Dalry Road elevation to the corner and altering a doorway into a window. On the West Park Place elevation an existing opening is to be formed into a doorway. The window openings on the Dalry Road elevation are to be enlarged and will be timber glazed units.

3 Officer's Assessment and Recommendations

DETERMINING ISSUES

The determining issues are:

- Do the proposals comply with the development plan?
- If the proposals do not 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 change of use is acceptable in this location;
 - b) There will be an adverse effect on the neighbouring residential amenity or road safety and;
 - c) The allocations are acceptable.
- a) The unit lies within a secondary frontage which restricts non-retail uses to 40%. There are presently twelve units in the frontage, 12 (100%) of these are in retail use. The proposed change of use to a class three use will be well within the 40% threshold and therefore is acceptable under Policy S7 of the Central Edinburgh Local Plan. Policy L2 of the local plan supports such uses where there are other commercial uses present subject to the compliance with other policies and protection of residential amenity. This is a busy commercial

street with a variety of uses and the location for the proposed use is acceptable.

b) In terms of residential amenity, the application site lies beneath three floors of flatted dwellings. An element of cooking is proposed and the bakery component is limited to the production of bread for retail sale on the premises and to supply the applicant's premises Le Partenope on the opposite side of West Park Place. The consent will restrict the forms of cooking within the premises. Environmental and Consumer Services are satisfied that the operation of the premises can be adequately controlled so it will have no adverse effect on neighbouring residents.

There are no particular transport issues.

c) The external alterations are acceptable and will not detract from the character and appearance of the area or the building.

In conclusion, the proposals comply with the development plan and non-statutory guidance and will not adversely affect the shopping centre, residential amenity or road safety.

It is recommended that the Committee approves this application subject to conditions on hours of operation, restricted cooking and protecting residential amenity.


19 **Alan Henderson**
Head of Planning and Strategy

Contact/tel	Lynsey Townsend on 0131 529 4279 (FAX 529 3717)
Ward affected	30 - Dalry
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Housing and Compatible Uses
Date registered	31 October 2005
Drawing numbers/ Scheme	01-05

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 blair.ritchie@edinburgh.gov.uk or sarah.bogunovic@edinburgh.gov.uk

Application Type Full Planning Application
Application Address: 100-102 Dalry Road
Edinburgh
EH11 2DW
Proposal: Bakery, delicatessen with wine sales and cafe
Reference No: 05/03309/FUL

Consultations, Representations and Planning Policy

Consultations

Environmental and Consumer Services

Following a site meeting with the applicant and his architect, it was established that the bakery component of the proposals are limited to the production of bread and similar for retail sale on the application premises, and to supply the applicant's adjacent restaurant premises, La Partenope. Production equipment is to be limited to one floor-standing rotary mixer, one 3-deck electric oven and one 4-burner cooking hob. Production and deliveries for wholesale purposes are not planned - although it is recommended that any consent be appropriately conditioned to ensure this.

Extract ventilation for the oven and hob is to be provided. It will be routed to the rear of the premises and taken to building roof height via an existing enclosed service duct - again an appropriate condition is recommended. Plant and equipment noise/vibration will require to be controlled, and a condition is recommended.

The retail delicatessen and wine sales aspects of the application, which to form the larger part of the business, do not pose any serious amenity concerns. The applicant has indicated that he wishes to operate the retail aspect of his business 8am - 6pm Mon to Sun, and is willing to have these hours conditioned. However, it is recommended that the bakery operation be restricted to 8am - 6pm Mon to Sat. The applicant confirms this is acceptable to him. Noise levels associated with refrigeration and other plant are covered by the same condition as above.

In summary, this Department has no objection to the application, subject to the following conditions:

- 1. Baking and cooking operations on the premises will be limited to the use of one 3-deck electric baker's oven and one 4-burner cooker hob. No other cooking equipment shall be used on the premises without the written permission of the Head of Planning.*
- 2. 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.

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 hours of operation of the bakery facility will be restricted to between 8am and 6pm Monday to Saturday.*
5. *The hours of operation of the non-bakery aspects of the business will be restricted to between 8am and 6pm Monday to Sunday.*
6. *Production of bakery goods shall be for retail sale on the premises only. No wholesale production of bakery goods is permitted.*
7. *All music and vocals, amplified or otherwise, shall be controlled as to be inaudible within any neighbouring premises.*
8. *Full details of the method and termination point of extract ventilation to service the 3-deck baker's oven and 4-burner hob unit shall be submitted to and approved in writing by the Head of Planning, prior to the use hereby approved being taken up.*

Representations

Neighbour Notification was carried out on 27 September 2005. Three letters of objection have been received. The grounds of objections are as follows:-

1. Already a number of eating establishments in the area.
2. Increased litter
3. Food smells

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

CENTRAL EDINBURGH LOCAL PLAN - The site lies within a Secondary Shopping Centre and area of Housing and Compatible Uses.

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.

Non statutory Guidelines on Commercial Frontages supplement Local Plan Policies by providing guidance on shop frontages, shop front security, adverts and signs and blinds and canopies.

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Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **GRANTED**

Conditions

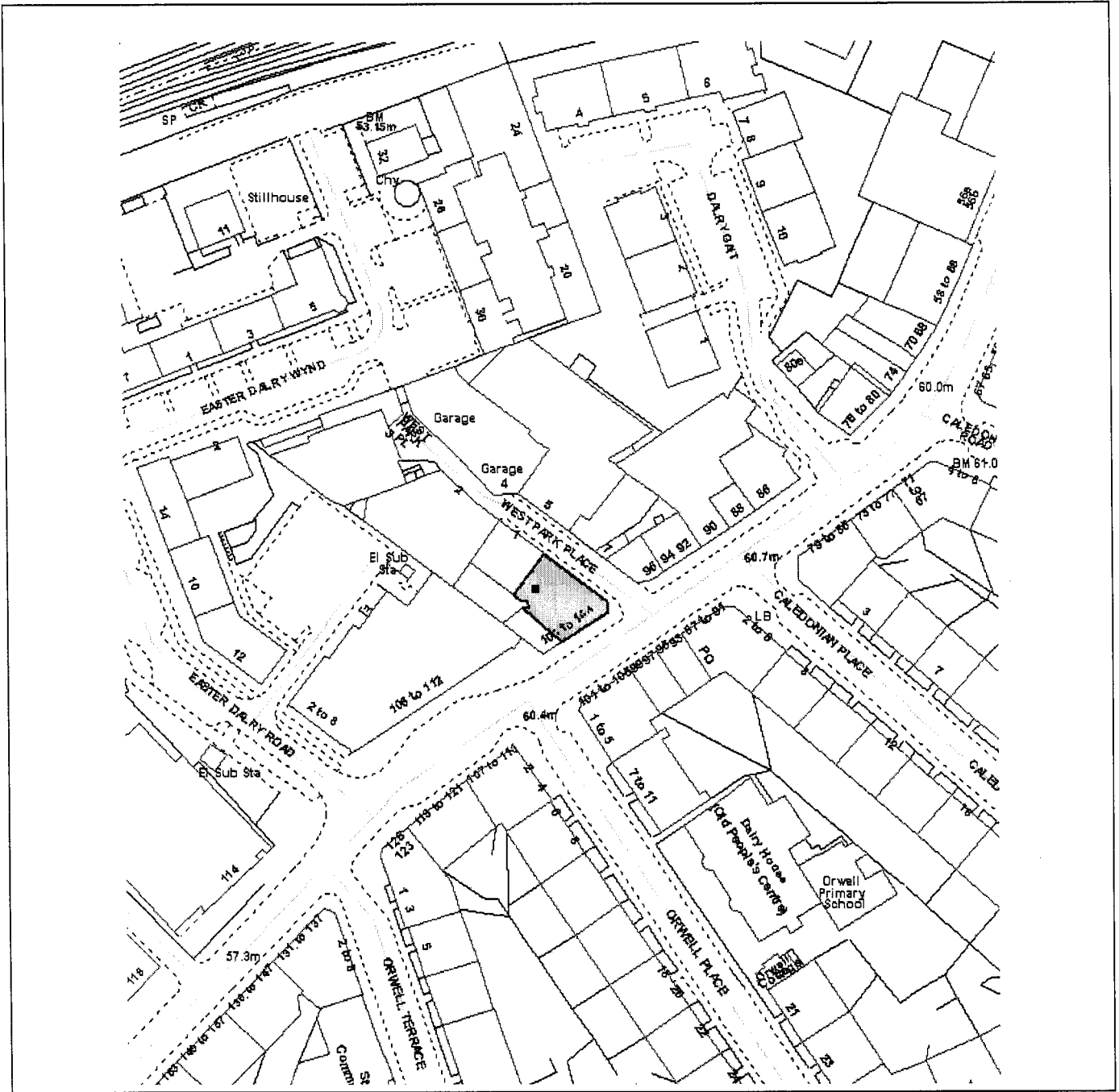
1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any neighbouring living apartment.
3. 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.
4. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
5. Baking and cooking operations on the premises will be limited to the use of one 3-deck electric baker's oven and one 4-burner cooker hob. No other cooking equipment shall be used on the premises without the written permission of the Head of Planning.
6. The hours of operation of the bakery facility will be restricted to between 8am and 6pm Monday to Saturday.
7. The hours of operation of the non-bakery aspects of the business will be restricted to between 8am and 6pm Monday to Sunday.

8. Production of bakery goods shall be for retail sale on the premises only and for the adjacent restaurant use at 96 Dalry Road. No wholesale production of bakery goods is permitted.
9. Full details of the method and termination point of extract ventilation to service the 3-deck baker's oven and 4-burner hob unit shall be submitted to and approved in writing by the Head of Planning, prior to the use hereby approved being taken up.
10. The ventilation system shall be designed so that there is no requirement for the erection of an external flue or duct.

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.
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9. In order to safeguard the amenity of neighbouring residents and other occupiers.
10. In order to safeguard the amenity of neighbouring residents and other occupiers.
11. In order to retain and/or protect important elements of the existing character and amenity of the site.

End



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PLANNING APPLICATION

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Proposal	Bakery, delicatessen with wine sales and cafe		
Application number:	05/03309/FUL	WARD	30- Dalry
THE CITY OF EDINBURGH COUNCIL			
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			