

Full Planning Application 06/03615/FUL

at

21 Candlemaker Row

Edinburgh

EH1 2QG

Development Quality Sub-Committee of the Planning Committee

1 Purpose of report

To consider application 06/03615/FUL, submitted by S Medaci. The application is for: **Change of use to hot food take- away, limited to pizza baking**

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

2 The Site and the Proposal

Site description

The site is located towards the top of Candlemaker Row on the east side. The property is at ground floor in a three storey building with the upper floors being occupied by Pizza Parade. The adjoining properties are generally commercial at ground floor with residential on parts of the upper floors. The premises currently operates as a sandwich shop.

This property is located within the Old Town Conservation Area and the World Heritage Site. It is not listed.

Site History

No relevant planning history.

Description of the Proposal

The application is for a change of use from a sandwich shop to a hot food takeaway, limited to pizza baking. The premises will accommodate a servery and pizza oven, food preparation area, two toilets and an area which can accommodate approximately 12 seats. The only alteration to the exterior of the property is the addition of a ventilation grille in the existing shopfront.

3 Officer's Assessment and Recommendations

Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

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, are there any compelling reasons for approving them?

ASSESSMENT

To address these determining issues, the Committee needs to consider whether:

- a) This is an acceptable location for a limited hot food takeaway;
- b) The proposals will be detrimental to the character and appearance of the Conservation Area;
- c) The proposals will have an adverse effect on residential amenity and;
- d) The proposals will have an adverse effect on road safety.

a) Policies L2 and L3 of the Central Edinburgh Local Plan give support to this type of development in mixed use areas, subject to there not being an over concentration of this type of use. While there are restaurants in this part of the street there are also a number of other uses located at ground floor. The change from a sandwich shop to a hot food takeaway would not prejudice the diversity within the street or result in an over concentration of this use. The

site lies outwith the area of sensitivity identified in the supplementary guidelines. The principle of the use is acceptable.

b) The alterations to the exterior are limited to the insertion of a ventilation grille into the existing facade. The grille fits neatly into the existing pattern of fenestration and has a minimal impact on the appearance of the shopfront. The proposals preserve the appearance of this street and the conservation area, and the use is compatible with this mixed use area.

c) The area contains a mix of uses, including a number of restaurants and public houses and lies outwith the area of sensitivity. In this location this use is considered compatible with existing residential amenity subject to conditions controlling the operation of the unit. Services for communities are satisfied that the restricted nature of the use will not adversely impact on residential amenity, subject to conditions controlling noise and ventilation.

d) The area contains a number of other commercial premises which exit onto the street. While the pedestrian environment is restricted at this point the premises is an existing commercial business and therefore raises no additional issues relating to road safety.

In conclusion, the proposed change of use is considered compatible with the mixed use nature of the area and will preserve the character and appearance of the conservation area, residential amenity and road safety.

It is recommended that the Committee approves this application, subject to the conditions covering the issues of noise, ventilation, and cooking being restricted to a pizza oven.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Bruce Nicolson on 0131 529 3516
Ward affected	32 - Tollcross
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Mixed Activity Zone
Date registered	15 September 2006
Drawing numbers/ Scheme	1+3

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

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Consultations, Representations and Planning Policy

Consultations

Services for Communities, Environmental Assessment

I would advise you that this Department has no objection to this application subject to the following conditions:

1. *AM12C: The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured at night within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.*

2. *On the basis that only pizza is to be cooked (baked) on the premises, the kitchen shall be ventilated by a system capable of achieving thirty air changes per hour, comprising of an air extraction canopy with removable grease filters and carbon filters and the cooking effluvia shall be ducted to a suitable exhaust pipe to ensure that no cooking odours escape or are exhausted into any neighbouring premises, all to the satisfaction of the Head of Planning.*

If, however, the nature of cooking carried out on the premises changes, due to a change of practice or a change of ownership or management of the premises, then this condition will require to be reviewed.

3. *Cooking, heating and reheating operations on the premises to be restricted to the use of the pizza oven(s); no other forms of cooking, heating or reheating shall take place without the prior written approval of the Planning Authority.*

4. *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.*

Further Comments: 14.11.2006

This department would have no objection to my planning condition 3 being amended to read –

All cooking, heating and re-heating operations on the premises to be restricted to the use of the pizza ovens, microwave oven(s), electric soup turbine and compact grill for toasting Paninis only; no other forms of cooking, heating or re-heating shall take place without the prior written approval of the planning authority.

Representations

The application was advertised on 29.9.06. One letter of objection and a petition signed by 12 parties were received. The material grounds of objections are summarised as follows:

Impact on residential amenity, taken account of in assessment c)

- Increase in rubbish, noise and odour.

Impact on road safety, taken account of in assessment d)

- Increase in parked cars and crowds forming

Over concentration of hot food use, taken account of in assessment a)

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 site is identified in the Central Edinburgh Local Plan, as a Mixed Activities Zone, where the emphasis is on promoting an appropriate mix of uses to contribute to the area's vitality. The site lies immediately outwith the area of sensitivity identified in the supplementary guidance.

Relevant Policies:

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 L3 (LEISURE USES - RESTRAINT) requires particular care to be taken to prevent an excessive concentration of commercial leisure uses in the following areas

of mixed but essentially residential character: Tollcross, Grassmarket and Nicolson Street/Clerk Street and environs.

Policy CD5 (CONSERVATION AREAS - REDEVELOPMENT) sets out the criteria against which new development in conservation areas will be assessed, and seeks to preserve or enhance their character and appearance.

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

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.

Non-statutory guidelines 'COMMERCIAL LEISURE USES: CENTRAL EDINBURGH LOCAL PLAN POLICY L3: SUPPLEMENTARY PLANNING GUIDANCE' provides specific guidance in respect of such uses in identified areas of sensitivity.

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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 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.
3. On the basis that only pizza is to be cooked (baked) on the premises, the kitchen shall be ventilated by a system capable of achieving thirty air changes per hour, comprising of an air extraction canopy with removable grease filters and carbon filters and the cooking effluvia shall be ducted to a suitable exhaust pipe to ensure that no cooking odours escape or are exhausted into any neighbouring premises, all to the satisfaction of the Head of Planning.
4. All cooking, heating and re-heating operations on the premises to be restricted to the use of the pizza ovens for cooking pizzas only, microwave oven(s), electric soup tureen and compact grill for toasting Paninis only; no other forms of cooking, heating or re-heating shall take place without the prior written approval of the planning authority.
5. 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.

6. Details of the ventilation grille shall be submitted to and approved in writing by the Head of Planning & Strategy before work is commenced on site.
7. The ventilation system shall be designed so that there is no requirement for the erection of an external flue or duct.

Reasons

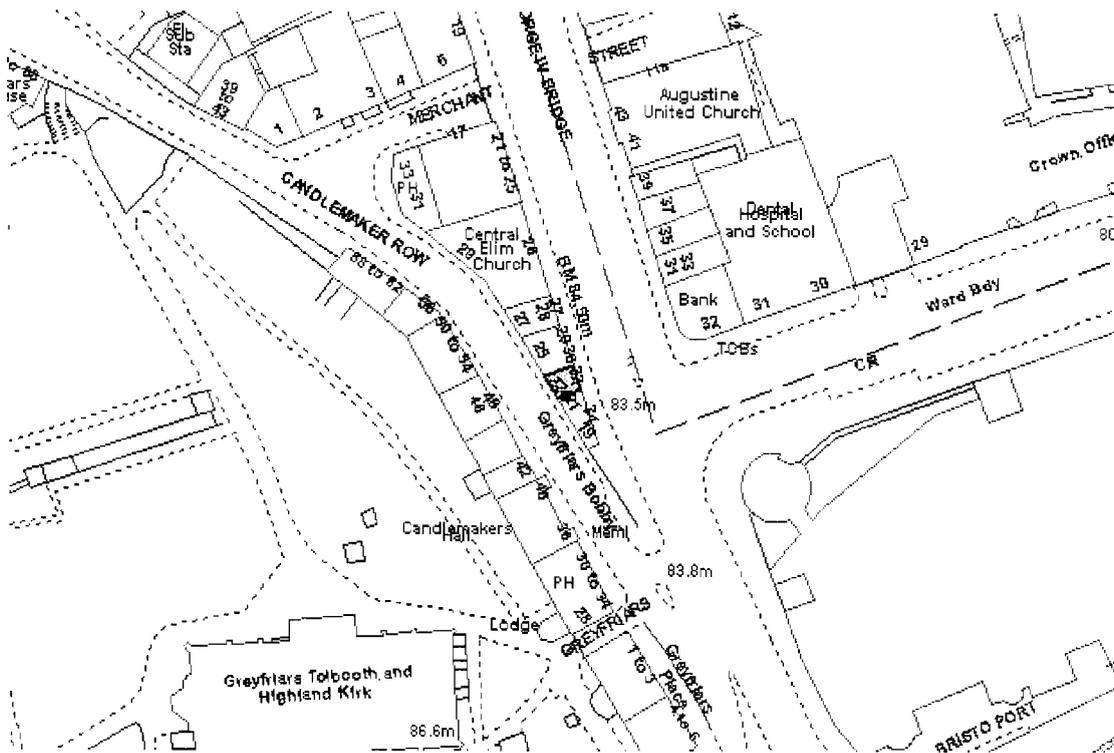
1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
7. In order to safeguard the character of the conservation area.

End

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Location Plan

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