

**Planning Permission 12/02227/FUL
at
156 Saughton Road North
Edinburgh
EH12 7DS**

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

Previous Committee

This application was previously considered by Committee on **10.10.2012**

Outcome of previous Committee

Reasons for Refusal - This application was recommended for approval. The Committee decided to refuse the application and it is returning to Committee to agree the reasons for refusal as set out in the addendum at the end of section 3 of the report.

1 Purpose of report

To consider application 12/02227/FUL, submitted by Mr Hao Zheng. The application is for: **Change of use from Class 1 Retail to Hot Food Takeaway**

It is recommended that this application be **Granted** by Committee.

2 The Site and the Proposal

Site description

The site is a vacant ground floor shop unit on the east side of Saughton Road North. The site is on the ground floor of a two storey terraced building which

has residential property above commercial units at ground floor level. To the rear are gardens that serve the first floor residential units. There are residential dwellings opposite the proposal site.

Site History

There is no relevant planning history for this site.

Pre-Application Process

Pre-application discussions took place on the proposals and advice was given on the principle of the development.

Description Of The Proposal

The proposal is to change the use of a Class 1 retail unit to a hot food take-away.

The proposed opening hours for the unit are:

- 4.30pm to 11pm - Sunday to Thursday; and
- 4.30pm to 11.30pm Friday and Saturday.

No exterior alterations are proposed as part of this application.

3. Officer's Assessment and Recommendation

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) there are any adverse impacts upon residential amenity;
- b) there are any adverse impacts on the vitality and viability of the local shopping centre;
- c) the proposal will have an adverse impact on transport infrastructure and road safety; and

a) The site lies within a block of 9 commercial units at ground floor level, which have various uses and opening times. The mixture of residential and commercial uses on the street makes up the area's character.

The proposal will not have an adverse impact upon residential amenity subject to the conditions controlling odours, vibration and hours of operation.

The application of conditions to restrict the transmission of vocals and music is considered unreasonable, as where there is an impact on neighbouring properties, there are other more appropriate remedies through the statutory nuisance provisions contained in the Environmental Protection Act 1990.

The proposal complies with Edinburgh City Local Plan Policy Hou 8 and Policy Ret 12. Representations were raised in relation to anti-social behaviour, the Police were consulted but did not provide a comment in relation to the application.

b) The proposal site is not within a defined shopping centre, the proposed use of the unit is compatible with the character of the area and there is no clear justification to retain the unit for retail use to meet local needs. It is not in an area of restriction for hot food shops as set out in the Edinburgh Planning Guidance on Food and Drink Establishments. The proposal complies with Edinburgh City Local Plan Policy Ret 11.

c) The proposal is unlikely to adversely affect transport infrastructure, road safety or parking. Transport Planning have no objections.

In conclusion, the proposals comply with the Development Plan and supplementary planning guidance. The site is suitable for the use as a hot food take-away use. The proposal will not have an adverse impact on residential amenity, road safety and infrastructure or the vitality and viability of the shopping centre.

There are no material considerations that outweigh this conclusion.

It is recommended that the Committee approves this application subject to conditions on odours, vibration, and hours of operation.

Addendum

The application was considered at the Development Management Sub-Committee on 10 October 2012.

Committee was concerned that the proposal would introduce noise and disturbance into a predominantly residential area to the detriment of residential amenity.

Committee indicated it was minded to refuse the application and continued the application for reasons to be drafted.

The suggested reason for refusal is:

The proposal would have an adverse impact on the amenity of neighbouring residents by reason of increased noise and disturbance and is contrary to Policies Hou 8 and Ret 12 of the Edinburgh City Local Plan and non-statutory guidelines on Food and Drink Establishments.

REASON FOR DECISION

The proposals would have an adverse impact on the amenity of neighbouring residents.

John Bury
Head of Planning & Building Standards

Contact/tel	Alex Candlish on 0131 529 4468
Ward affected	A06 - Corstorphine/Murrayfield
Local Plan	Edinburgh City Local Plan
Statutory Development Plan Provision	Urban Area
Date registered	26 June 2012
Drawing numbers/ Scheme	01 Scheme 1

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Standards Portal : www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner, Helen Martin, helen.martin@edinburgh.gov.uk, 0131 529 3517

If this application is not identified on the agenda for presentation and you wish to request one at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting. Contact details can be found in the Committee agenda papers.

Appendix A



Application Type Planning Permission
Application Address: 156 Saughton Road North
Edinburgh
EH12 7DS

Proposal: Change of use from Class 1 Retail to Hot Food Takeaway
Reference No: 12/02227/FUL

Consultations, Representations and Planning Policy

Consultations

Transport

Have no objections to the application.

Environmental Assessment

The application proposes the change of use of a retail premises to a hot food take-away. Residential properties are situated above with retail premises situated on either side to the north-west and south-east.

The agent for the application has provided confirmation that the kitchen ventilation will attain a minimum of 30 air changes per hour and be ducted to chimney pot level, all to the satisfaction of this Department. A condition will be recommended by this Department which ensures that odours are not allowed to escape or be exhausted into any neighbouring premises.

Residential properties are situated above the application premises and thus there is the potential for these premises to be affected by the internal take-away operations by way of noise unless the application premises are appropriately conditioned. This Department will recommend conditions to control noise from within the application premises to ensure that the residential property above is protected from noise. In addition, this Department will recommend a condition to restrict the hours of deliveries to within appropriate times which is designed to reduce residential amenity impacts from noise.

Regarding hours of operation, the applicant has advised that they wish to operate from 4.30pm to 11pm daily. Hot food take-away premises can cause external noise and disturbance to affect surrounding residential properties associated with patrons visiting, leaving and congregating at the premises. The area is a reasonably well trafficked area during the day but quiets throughout the evening and night. In addition, no similar premises currently operate within the immediate local vicinity into the evening hours. Therefore, this Department will recommend a condition which restricts the opening hours

of the premises to 11pm to ensure that any associated noise and disturbance associated with the premises is restricted to that time.

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

- 1. (i) The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour and ducted to chimney pot level to ensure that no cooking odours escape or are exhausted into any neighbouring premises.
(ii) The ventilation system shall be installed, tested and operational prior to the use hereby approved being taken up.*
- 2. 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.*
- 3. 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.*
- 4. Hours of operation to be restricted to between 0700 to 2300 hours Monday to Saturday and 0900 to 2300 hours on Sundays.*
- 5. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.*
- 6 Deliveries and collections, including waste collections, to be restricted to 0700 to 1900 hours Monday to Saturday*

Representations

The application was advertised, 13 representations were received during this time, of which 13 were objections.

material points addressed in assessment a)

- noise;
- anti-social behaviour;
- odours; and
- litter.

material points addressed in assessment b)

- over provision of hot food take-aways in the area.

material points addressed in assessment c)

- parking;

- traffic generation; and
- road safety.

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 proposal site lies within the designated 'Urban Area' of the adopted Edinburgh City Local Plan.

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Policy Ret 11 (Alternative Use of Shop Units in Other Locations) sets out the factors to be taken into account in assessing the change of use of a shop unit outwith defined centres.

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 'FOOD AND DRINK ESTABLISHMENTS' provide guidance on the location of such uses and set out conditions to control their impact.

Appendix B



Application Type Planning Permission
Application Address: 156 Saughton Road North
Edinburgh
EH12 7DS

Proposal: Change of use from Class 1 Retail to Hot Food Takeaway
Reference No: 12/02227/FUL

Conditions/Reasons associated with the Recommendation

It is recommended that this application be Granted by Committee, subject to the conditions, reasons and informatives stated below.

Conditions:-

1. (i)The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour and ducted to chimney pot level to ensure that no cooking odours escape or are exhausted into any neighbouring premises and (ii) The ventilation system shall be installed, tested and operational prior to the use hereby approved being taken up.
2. 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.
3. Hours of operation to be restricted to between 0700 to 2300 hours Monday to Saturday and 0900 to 2300 hours on Sundays.

Reasons:-

1. In order to safeguard the amenity of neighbouring residents and other occupiers.
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.

End

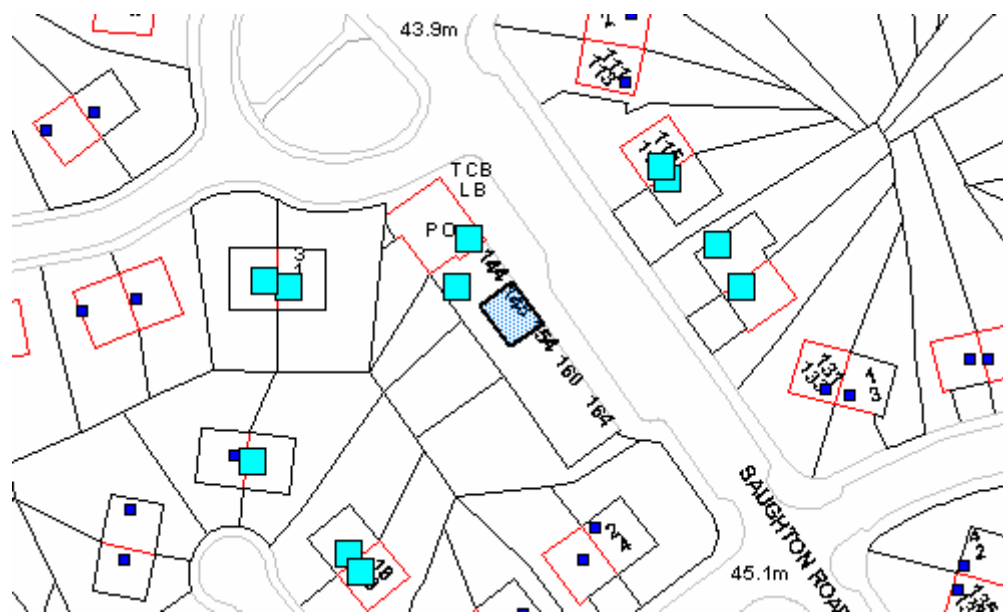
Appendix C



Application Type Planning Permission

Proposal: Change of use from Class 1 Retail to Hot Food Takeaway

Reference No: 12/02227/FUL



Location Plan

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