

**Full Planning Application 06/04110/FUL**  
**at**  
**62 Granton Road**  
**Edinburgh**  
**EH5 3QU**

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

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1 Purpose of report

To consider application 06/04110/FUL, submitted by Mr Conafray. The application is for: **Amend condition 2, to - the hours of operation shall be 7. 00am to 11. 00pm Monday to Sunday (as further amended to 7.00 am to 7pm Monday to Saturday and 10 am to 6pm on Sundays)**

**Amend condition 3 - the six burner domestic cooker to be changed to six burner commercial cooker with additional equipment of chargrill and fryer**

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

2 **The Site and the Proposal**

**Site description**

The application site comprises a vacant video rental shop in a two storey block with flatted residential property above and adjacent. The block comprises three units, and is considered to form part of a larger shopping parade of ten units, which includes seven units to the south at the Granton Road/Fraser Avenue junction.

The centre is not specifically defined in the adopted Local Plan, but is considered to constitute "a smaller group of shops". At present it includes

eight Class 1 shops (including the application site), a veterinary surgery and an existing hot food takeaway.

### **Site History**

1 February 1995 - planning permission refused for change of use of shop to hot food takeaway (95/00367/FUL).

24 October 2001 - planning permission refused for change of use of shop to hot food takeaway (01/03252/FUL).

5 August 2004 - planning permission granted for change of use to limited hot food takeaway (04/00260/FUL). The application, originally recommended for refusal, was amended following Committee presentation to include reduced operating hours and restricted cooking equipment. The following conditions were *inter alia* attached to the consent:

- The hours of operation shall be restricted to 7am to 3pm, Monday to Saturday, with no Sunday operation.
- Cooking, heating and reheating operations on the premises shall be restricted to the use of one six burner two oven domestic cooker, two soup toureens only; no other forms of cooking, heating or reheating shall take place without the prior written approval of the planning authority.

8 December 2004 - planning permission granted for change of use to Class 2 office (04/04069/FUL).

21 March 2005 - planning permission granted for disabled access ramp (05/00514/FUL).

### **Description of the Proposal**

The application is for:

- a) the amendment of operating hours as detailed in condition 2 of the existing consent for hot food takeaway use, from 7am to 3pm, Monday to Saturday, with no Sunday operation, to 7am to 7pm Monday to Saturday, and 10am to 6pm on Sundays.
- b) The amendment of condition 3 of the existing consent for hot food takeaway use to permit the use of a fryer and chargriller and use of a commercial six burner cooker (in addition to two soup urns and one pannini toaster).

The proposals illustrate ventilation by means of an extract duct terminating at chimney level. A secondary ventilation point on the rear elevation has been deleted.

## **Previous Scheme**

The originally proposed operating hours were from 7am to 11pm Monday to Sunday. Full ventilation details were not illustrated. A secondary ventilation exit point on the rear elevation of the building was shown.

### **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, are there any compelling reasons for approving them?

#### **ASSESSMENT**

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

- The proposed extension of operating hours and amendment to cooking facilities will have any adverse impact on neighbouring residential amenity.

The proposed operating hours (as amended), extending to between 7am and 7pm Monday to Saturday and 10am to 6pm on Sundays, do not extend into the bad neighbour period referred to in the General Development Procedure Order, and are not likely to result in significant loss of amenity for neighbouring residents through increased noise and disturbance. The street is already a relatively busy route between these hours, with a degree of noise and disturbance. Matters relating to potential anti-social behaviour during these hours are not planning concerns. Further planning consent would be required for any operation of the premises outwith the approved hours.

The proposed operating hours are acceptable.

The proposed use of a commercial oven, chargriller and fryer in addition to the approved soup urns and pannini toaster is unlikely to give rise to additional amenity concerns provided that suitable ventilation is provided. Control and operation of the ventilation system are covered by conditions.

Services for Communities has no objections to the amended proposals, subject to conditions on noise, ventilation and operating / delivery hours.

The proposals will not unduly affect residential amenity and are acceptable.

There are no material considerations which outweigh this conclusion.

It is recommended that the Committee approves this application, subject to conditions on ventilation, noise, operating and delivery hours.

*Alan Henderson*

**Alan Henderson**  
Head of Planning and Strategy

Contact/tel	Michael Paton -Mon, Tues, Thurs, Friday (not Wednesday) on 0131 529 3902
<b>Ward affected</b>	10 - Granton
<b>Local Plan</b>	North East Edinburgh Local Plan
<b>Statutory Development Plan Provision</b>	Housing and Compatible Uses
<b>Date registered</b>	3 October 2006
<b>Drawing numbers/ Scheme</b>	01-02; 04--05 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](http://www.edinburgh.gov.uk/planning).

If you require further information about this application you should contact the following Principal Planner, Graham Dixon on 0131 529 3519. Email: [graham.dixon@edinburgh.gov.uk](mailto:graham.dixon@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](mailto:gavin.king@edinburgh.gov.uk) or [carol.richardson@edinburgh.gov.uk](mailto:carol.richardson@edinburgh.gov.uk)

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## Consultations, Representations and Planning Policy

### Consultations

### Services for Communities

*The original proposed amendment to Condition 2, to extend daily operating hours from 07.00hrs to 15.00hrs to 07.00hrs to 23.00hrs, could not be supported. This portion of Granton Road experiences low ambient noise levels in the evening/late evening periods - any increase in street activity at these times is likely therefore to impact deleteriously on neighbouring residential amenity, in respect of noise. The applicant has been made aware of these concerns, and as a result has revised the amendment request to 07.00 - 19.00hrs.*

*These operating hours are more in line with prevailing local ambient noise conditions, and are acceptable to Environmental Assessment, subject to these being applied as per the current consent i.e. Mon to Sat.*

*Regarding the proposed amendment to Condition 3, to allow the use of a 6-burner commercial gas hob, the applicant has submitted drawings showing that the kitchen extract ventilation system will be up-rated to provide an appropriate level of extraction for odours and thermal load, and will terminate at chimney head level. The existing through-window extract vent will no longer be acceptable, and consequently the applicant has provided information to show that it is to be sealed off.*

*Subject to the above, and to the continuing application of the remaining conditions attaching to consent ref 04/00260/FUL, Environmental Assessment has no objections to the amendments to Conditions 2 and 3, as revised.*

## Further Response 13 December 2006

*To allow for a day of reduced noise impact on residential neighbours, i.e. Sunday, where daytime ambient noise levels are somewhat lower in the early mornings and evenings at this location, I would strongly recommend that any amendment to permit operation on Sundays be limited to between the following - 10:00 to 18:00 hrs.*

### **Transport**

*No objections.*

### **Representations**

It has been certified that neighbours were notified, and the application was advertised on 20 October 2006.

A total of ten letters of objection were received. The material points of concern are issues relating to residential amenity, taken into account in the Assessment:

- Noise, disturbance, odours, litter, road safety, existing provision of similar outlets.

Objectors were notified of the amended proposals on 14 December 2006.

A total of five letters of objection have been received. The material points of concern are issues relating to residential amenity, taken into account in the Assessment:

- Noise, disturbance, odours, litter, road safety, provision of similar outlets, future extended use.

***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**

#### **Draft City of Edinburgh Local Plan**

#### **Relevant Policy**

Hou 8 - Inappropriate Uses in Residential Areas

**North West Edinburgh Local Plan** – Mainly Residential Area, where existing residential character and amenities are to be protected.

Relevant Policies:

Policy H5 states that within areas of predominantly residential character, the establishment or extension of a non-residential use will not be permitted if likely to lead to an unacceptable loss of amenity through increased traffic, unsightliness or noise.

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 hours of operation shall be restricted to 7am to 7pm Monday to Saturday and 10am to 6pm on Sundays.
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. Cooking, heating and reheating operations on the premises shall be restricted to the use of six burner commercial cooker, one chargrill, one fryer only; no other forms of cooking, heating or reheating shall take place without the prior written approval of the planning authority.
5. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.



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. The kitchen ventilation system being designed and installed so that gases are expelled with a minimum upwards velocity of 15 metres per second.
8. 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.
9. Deliveries to and from the premises shall be restricted to between the hours of 7am to 7pm Monday to Saturday and 10am to 6pm on Sundays.

### **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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End

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## Location Plan

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