

Full Planning Application
at
2 Glasgow Road
Edinburgh
EH12 8HL

Development Quality Sub-Committee
of the Planning Committee

Proposal: Amendment of condition 7 to permit hot food take away facility
Applicant: Mrs Chu
Reference No: 03/00902/FUL

1 Purpose of report

To recommend that the application be **REFUSED**

Reasons

1. The proposed development is contrary to policy H5 of the North West Edinburgh Local Plan, policy H12 of the Draft West Edinburgh Local Plan and the Council's Non Statutory Guidelines on Restaurants, Cafes and Hot Food Shops in that the part change of use to a hot food shop would result in intensification of use and increased activity which would prejudice the amenity of residents in the area.
2. The proposal is contrary to policies T4 of the North West Edinburgh Local Plan, policies T4 and T8 of the Draft West Edinburgh Local Plan in that the site cannot cope with additional car parking generated by an intensification of use to the detriment of road safety in the area.

2 Main report

Site description

The site is that of a former bungalow at the north west corner of the junction between Glasgow Road and Drum Brae South, also previously used as a computer repair workshop. The building is single storey with slate pitched roofs. Previous extensions have been incorporated into those pitches and a new frontage has been installed.

Access for vehicles is taken from Drum Brae South, whilst two pedestrian entrances exist on the Glasgow Road Frontage. The access leads to a car park accommodating 8 cars and a cycle store. The frontage consists of a 1.5 metre high wall with railings on top, to the west there is a 2.5 meter high beech hedge and 3 metre high leylandii trees. To the north lies a semi-detached bungalow which sits on a higher level. From the frontage of the adjacent bungalow to Drum Brae South there is a 1.25 metre high wall. The ground rises to the rear and the boundary consists of a retaining wall with a larch lap fence on top totalling 2.3 metres in height. The rear flat roofed extension of the application site adjoins number 1, Drum Brae South to the rear. This property is the nearest residential use to the site. The distance between the house and the nearest point of the building is 6 metres.

To the west of the site lies a Dentist's surgery, across the road to the east there is a bank, diagonally across the junction to the south east there is a bed and breakfast house and to the south a large retail outlet and a restaurant.

Site history

8 April 1987 - Planning permission granted conditionally and personally for a change of use from domestic garage to computer repairs workshop (1747/86).

27 July 1988 - Planning permission refused for the change of use of dwelling to office computer maintenance depot. The reasons for refusal were that the proposal would involve the loss of a residential unit and would be contrary to the Council's policy regarding the retention to residential uses in the City (1123/88).

14 September 1989 - Appeal to the Secretary of State against the decision to refuse (1123/88). Planning permission granted on appeal.

29 September 1999 - Planning permission granted for the formation of a vehicular access for employee's vans/cars (99/01278/FUL).

31st October 2001 - Planning permission granted for a change of use from workshop to restaurant with external acoustic wall (01/00515/FUL)

4th February 2002 - Planning permission granted for alterations to frontage (01/04637/FUL)

10th July 02 - Planning permission refused for amendment to condition 7 of permission no (01/00515/FUL) to permit hot food take-away facility (02/00883/FUL)

25th April 03 - Planning permission varied for the replacement of a single chimney head with a double chimney head to increase the available discharge area for the existing ventilation system (01/00515/VARY)

Development

The site currently has consent for a restaurant use with conditions. When the original proposal was being considered two additional conditions were imposed by Committee in the interests of protecting residential amenity. Those conditions limited the use of the premises to use as a restaurant only and a limitation of hours of operation. This proposal seeks to amend Condition 7 to allow the use of the premises for hot food take away as well as a restaurant.

Consultations

Transport

The application should be refused on road safety grounds.

The parking provision for the restaurant is currently under our recommended minimum. Therefore there is no capacity in the car park for additional demand and on street parking cannot be accommodated nearby.

Environmental and Consumer Services Department

A previous consultation response in connection with a previous application last year for a hot food takeaway at the above premises, 2 Glasgow Road, 03/00902/FUL, with the Environmental and Consumer Services Department subsequent recommendation of refusal, until the premises "demonstrates it can operate without complaints as a restaurant before planning consent for further intensified use is sought".

Since that time, this Department has not received any noise or odour complaints concerning the operation of the restaurant, and on this basis the Environmental and Consumer Services Department does not object to the above current application.

However in order to avoid future complaints the following conditions are advised, with particular regard to the possible increase in the scope of kitchen activities and protection of increased noise emanating from the car park facility, and as per the previous conditional consent:

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.

The ventilation shall be designed so that cooking effluvia are ducted to eaves level, and no cooking odours escape or are exhausted into any neighbouring premises, all to the satisfaction of the Head of Planning.

The provision of a suitable acoustic barrier wall or similar, shall be provided and suitably located, in order to protect the amenity of nearby affected residential premises from noise originating from the car park to the rear of 2 Glasgow Road, Edinburgh.

Representations

The application was advertised on 07.04.2003.

8 letters of objection have been received, including one from the Local Councillor and one from the Corstorphine Community Council. Points raised are as follows:

- Road Safety
- Loss of residential amenity due to noise, smells, pollution, litter.
- Over provision within the area
- Hours of operation
- Litter problems
- Traffic problems have been caused by the restaurant operating a carryout facility without consent

Policy

The site is located in a mainly residential area in the North West Edinburgh Local Plan area.

The site is similarly allocated in the Draft West Edinburgh Local Plan

Relevant Policies:

North West Edinburgh Local Plan

Policy T4 states that adequate provision for car parking must be made by developers in all new development in conformity with the Council's adopted standards.

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.

Policy H12 states that development which would result in an unacceptable reduction in amenity for residents in the locality will not be permitted.

Draft West Edinburgh Local Plan

Policy T4 The Road Network, states that planning permission will not be approved if development would result in an inappropriate use of surrounding roads. With new development required to fund improvement measures in accordance with 'Movement and Development' standards.

Policy T8 requires that private car parking provision conforms with the Council's adopted parking standards and should be sited and designed to minimise its visual impact and effect on neighbouring properties and to take account of community safety.

3 Conclusions and Recommendations

DETERMINING ISSUES

The determining issues are:

- a) Do the proposals comply with the development plan?
- b) If the proposals comply with the development plan, are there any compelling reasons for not approving them?
- c) 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 consider:

- a) Whether the principle of the development is acceptable.
 - b) Whether there would be any adverse affect on the amenity of neighbouring property or on road safety.
- a) In policy terms the proposal lies within an area which is predominantly residential in character where the establishment or extension for a non-residential use will not be permitted if likely to lead to an unacceptable loss of amenity. A restaurant use on the site has been granted. The conditional consent recognised the possible additional disturbance by the use of the premises as a hot food takeaway. The site has been operating for over a year and the Environmental and Consumer Services Department has not received any complaints about noise or odour. They do not object to the proposal, but recommend conditions be imposed to ensure that the operations on site would be acceptable.
- b) The proposal is to intensify the use of the site and whilst the increase in cooking activities and noise from the car park are considered acceptable subject to conditions, the use will increase visits to the premises.

Transport consider the proposal is unacceptable on the basis that the restaurant is already under capacity for car parking and there is no opportunity for on street car parking in the vicinity. The proposal is considered to have an adverse impact on road safety.

It is recommended that the Committee refuses this application, for the reasons stated.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel David McFarlane on 0131 529 3512 (FAX 529 3716)

Ward affected 14 -North East Corstorphine

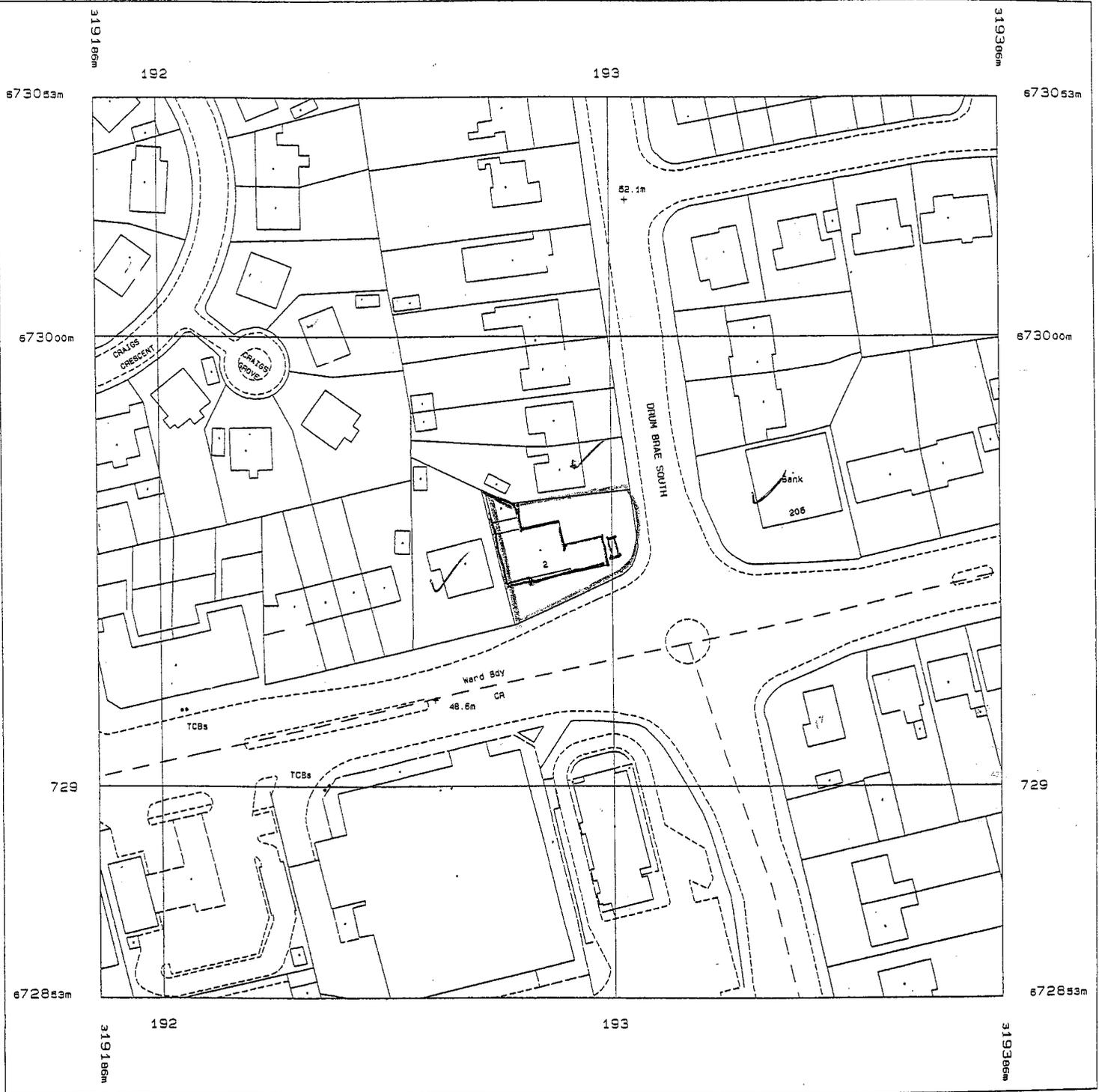
Local Plan North West Edinburgh Local Plan

**Statutory Development
Plan Provision** Residential

File

Date registered 19 March 2003

**Drawing numbers/
Scheme** 1,2



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Scale 1

PLANNING & STRATEGY	
DRAWING No.	01
DO REF	03/00/02/14
19 MAR 2003	
MEETING of ARS SUPERPLAN NO 972NDN	
1250	
The representation of a road, track or path is no evidence of a right of way.	

National Grid sheet reference at centre of ARS Superplan: NO972NDN