

## Full Planning Application 08/02949/FUL

at

99 Leith Walk

Edinburgh

EH6 8NP

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

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#### DEPARTURE FROM THE DEVELOPMENT PLAN

The development proposed by this application is a departure from the development plan:

Whilst the proposal is contrary to the adopted Central Edinburgh Local Plan, it complies with the finalised Edinburgh City Local Plan and is acceptable.

#### 1 Purpose of report

To consider application 08/02949/FUL, submitted by Afzal Sheikh. The application is for: **Change of use from sales of furniture to office of financial services**

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

## **2 The Site and the Proposal**

### **Site description**

The site is a ground and first floor commercial unit on the corner of Leith Walk and Manderston Street. Surrounding properties are commercial and, in nearby blocks, residential at upper levels.

This property is located within the Leith Conservation Area.

### **Site History**

There is no relevant planning history for this site.

### **Description of the Proposal**

It is proposed to change the use of the property from furniture sales (Class 1) to Office for Financial Services (Class 2).

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

### **ASSESSMENT**

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

- a) There will be any effect on the character or appearance of the conservation area,
- b) The principle of the change of use is acceptable,
- c) There will be any adverse impact on residential amenity.

a) No physical alterations are proposed as part of this application so there will be no effect on the appearance of the conservation area. External shop front alterations would be subject to a future planning application.

b) The site is located within a secondary frontage of Leith Walk, where policy S5 allows a maximum of 40% non-retail units within the whole of the defined frontage. This is designed to safeguard its retail character and vitality. There are 14 units in total within the centre and the proposed change, if allowed, would increase the number of non-retail premises from 6 to 7 (43% to 50%) in breach of the policy.

The Finalised Edinburgh City Local Plan 2006, at policy Ret 10, seeks to amend and standardise the provisions regarding retail policy within town centres across the city. This policy provides that, subject to compliance with certain defined criteria, a change of use may be permitted. Those criteria are that the proposed use is an appropriate commercial one that would complement the character of the centre and would not be detrimental to its vitality and viability & the change of use would not result in four or more adjoining non-shop uses.

With regard to these criteria the proposed use is one that constitutes an appropriate and compatible use within a local centre. There would not be more than four consecutive non-retail uses.

The principle of the change of use is acceptable.

c) The proposed use is one which would have no detrimental impact upon the amenity of any surrounding property or of the nearest residential properties.

It is recommended that Committee approves this application.



**John Bury**  
Head of Planning

Contact/tel	David Shepherd on 0131 529 3924
<b>Ward affected</b>	A12 - Leith Walk (NEW)
<b>Local Plan</b>	North East Edinburgh Local Plan
<b>Statutory Development Plan Provision</b>	Housing and Compatible Uses
<b>Date registered</b>	13 August 2008
<b>Drawing numbers/ Scheme</b>	1-2. Scheme 1

**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)

**Application Type** Full Planning Application  
**Application Address:** 99 Leith Walk  
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**Proposal:** Change of use from sales of furniture to office of financial services

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## Consultations, Representations and Planning Policy

### **Consultations**

#### **Services for Communities: Environmental Assessment**

*No objections*

#### **Transport Initiatives Edinburgh Ltd**

*No objections in relation to the tram route*

### **Representations**

The application was advertised on 7 October 2008. No representations have been received.

***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 within the North East Edinburgh Local Plan area under a land use designation. It is also within the Finalised Edinburgh City Local Plan area under an Urban Area land use designation.

**Relevant Policies:**

**Relevant policies of the North East Edinburgh Local Plan.**

Policy S5 (PROTECTION OF SHOPPING USES - DISTRICT AND LOCAL CENTRES) sets out criteria for assessing changes of use (within defined retail frontages) from a shop unit to a non-retail use appropriate to a shopping centre.

**Relevant policies of the Finalised Edinburgh City Local Plan.**

Policy Ret 10 (Alternative Use of Shop Units – Elsewhere in Defined Centres) sets criteria for assessing the change of use of a shop unit to a non-shop use in defined centres (excluding core and primary frontages).

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Conditions/Reasons associated with the Recommendation

**Recommendation**

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

**Conditions**

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.

**Reasons**

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

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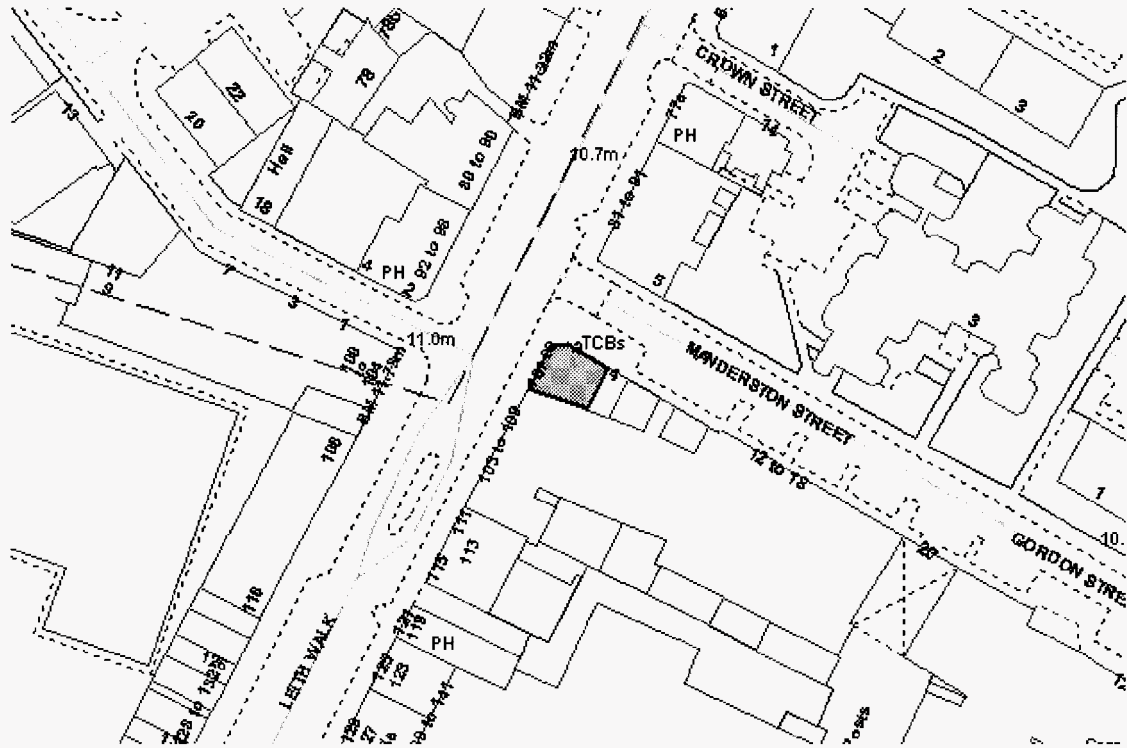
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## Location Plan

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