

Full Planning Application

at

151 Dundee Street

Edinburgh

EH11 1BP

Development Quality Sub-Committee of the Planning Committee

Proposal: Sun-bed studio and retail of ancillary products sui generis mixed use (retail + therapy)
Applicant: A Marcella.
Reference No: 03/02258/FUL

1 Purpose of report

To recommend that the application be **GRANTED** subject to;

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. 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. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.

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.

2 Main report

Site description

The application site relates to a ground floor commercial unit located on the south side of Dundee Street between Yeaman Place and Yeaman Lane.

The property is not listed and is not located within a conservation area.

Site history

30/04/03 - Planning permission refused to refurbish and upgrade shop front to match existing to form sunbed salon (class 2). The reason for refusal was that "The proposal is contrary to Central Edinburgh Local Plan Policy S7, in respect of Protection of Shopping Uses, as it would result in more than 40% of the units being in a non-retail use, to the detriment of the vitality and viability of the shopping centre."

Development

The application proposes a change of use from a hairdressing salon (class 1) to form a mixed use sunbed salon and shop. The retail element is to the front of the unit. The exterior is to remain unchanged, with repair work only being carried out.

The intended hours of operation are 10.00 - 22.00.

Included with the application, support in the form of 20 letters of representation was received stating;

1. Support of the proposal
2. Stating that the property has been vacant

Consultations

Environmental And Consumer Services

The department has no objections to the proposal, subject to the following conditions;

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 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.

All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.

Representations

The application was advertised on the 11th of July, there have been no letters of representation received.

Policy

The site is identified in the Central Edinburgh Local Plan as being within an Area of Housing and Compatible Uses and within a Local Shopping Centre.

Relevant Policies:

Policy H11 (HOUSING AMENITY) establishes a presumption against new development and changes of use likely to introduce increased levels of traffic or activity to the detriment of residential amenity or to the reasonable prospects of further residential development where this is an objective of the Local Plan.

Policy S7 (PROTECTION OF SHOPPING USES) sets out criteria for assessing changes of use (within defined retail frontages) from a shop unit to a service or other non-retail use appropriate to a shopping area.

3 Conclusions and Recommendations

The determining issues are:

- 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 are any compelling reasons for approving them.

ASSESSMENT

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

a) The proposal is acceptable at this location and would not detract from the vitality and viability of neighbouring shopping centre, and b) there would be any impact on residential amenity.

a) The site lies within a defined local shopping centre, where 60% of the units should be retained in retail use. At present 10 of the 19 units within this centre are in a retail use. This gives a figure of 53% retail and 47% non-retail. A further change of use would increase the non-shopping uses to 53%. This is contrary to policy S7 and could further undermine the shopping nature of this local centre.

It has been accepted that the introduction of an appropriate non-shopping use into a protected shopping frontage in breach of local plan percentage restrictions may be appropriate in the following circumstances:

- where the unit has been vacant for two or more years;
 - where evidence is submitted that the property has been actively marketed for retail use over this period; and
 - where the centre as a whole has experienced a vacancy rate of over 15% for two or more years;
- providing that:
- the proposal does not result in the establishment of more than three consecutive non-shopping uses; and
 - the proposal is not for a residential use; and
 - the proposal is compatible with other local plan policies, notably those affecting amenity.

The applicant has stated that the premises have been vacant for a minimum of five years. The applicant has submitted a collection of letters of representation along with the application in which neighbouring businesses have stated their support for the proposal and stated that the unit has not been in use for a number of years. A letter from the City of Edinburgh Council Finance, Revenues and Benefits Division was received stating that the property at No. 151 Dundee Street has been vacant since the 16th of January 1996. It is, therefore, clear that the unit has been vacant for a long period. An alternative use, other than retail, may therefore be appropriate to ensure an active use which contributes to the vitality of the local centre.

The proposal has positioned the retail element of the proposal to the front of the unit which will maintain the appearance of a retail shop.

It is considered that a Departure from Local Plan policy is appropriate in this instance.

b) It is not considered there are any implications for residential amenity.

It is recommended that the Committee approves this application; subject to the conditions stated.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel Daniel Lodge on 0131 529 3956

Ward affected 31 -Fountainbridge

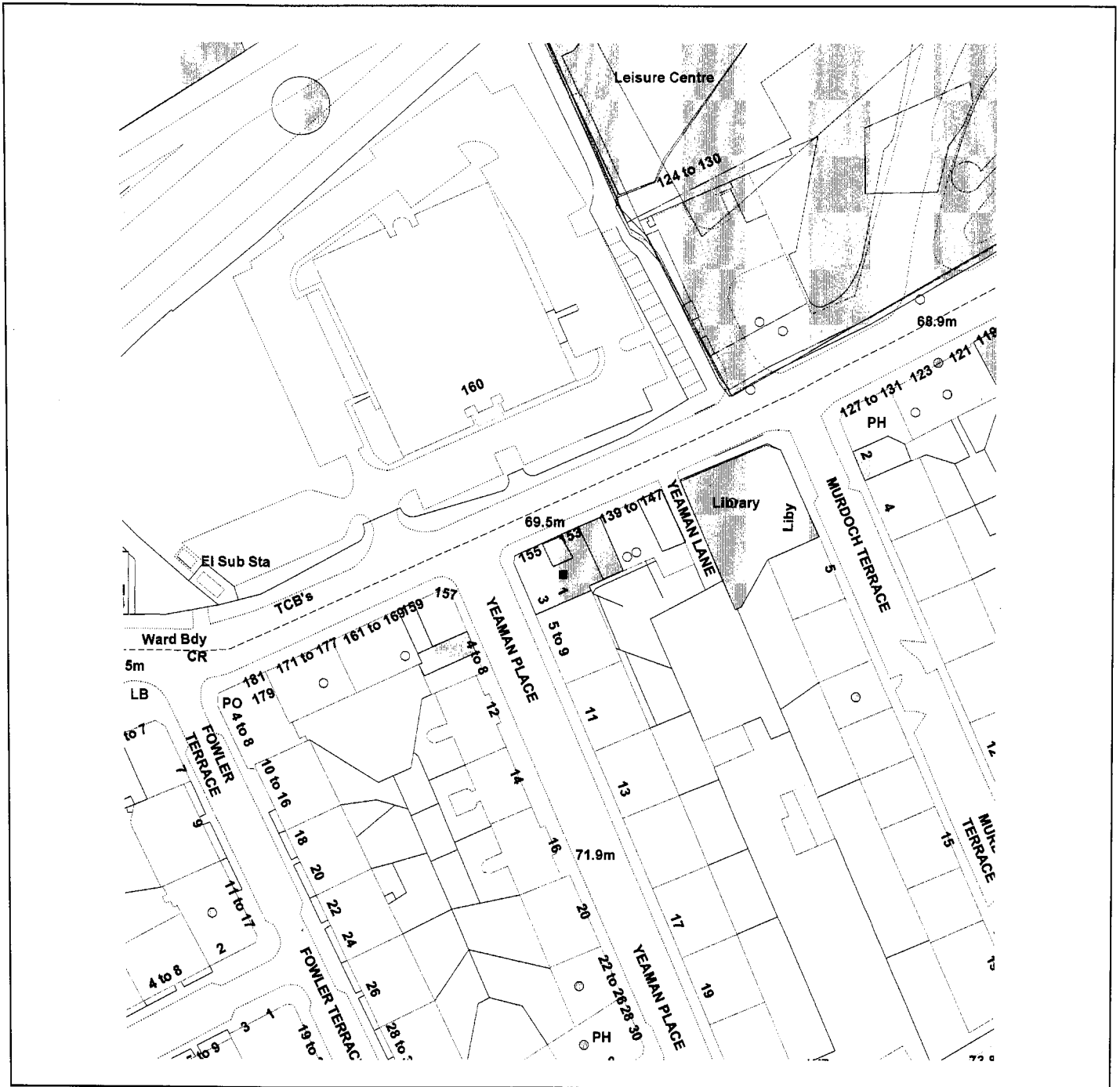
Local Plan Central Edinburgh Local Plan

**Statutory Development
Plan Provision** Housing and Compatible Uses

File 03/02258/FUL

Date registered 2 July 2003

**Drawing numbers/
Scheme** 01



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PLANNING APPLICATION

Address	151 Dundee Street		
Proposal	Sun-bed studio and retail of ancillary products sui generis mixed use (retail + therapy)		
Application number:	03/02258/FUL	WARD	31- Fountainbridge
THE CITY OF EDINBURGH COUNCIL			
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			