

## Enforcement Report

81 Saughton Road North, Edinburgh, EH12 7JB

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Development Quality Sub-Committee  
Of the Planning Committee

**Owner/s**                      **Mark Pennycuick**

**Occupier**                      **Mark Pennycuick**

**Reference No:**      **04/01889/FUL and 04/00255/E25**

### 1.      **Purpose of Report**

#### **Breach of Control**

The unauthorised change of use from a retail unit to a café.

#### **Recommendation**

That an Enforcement Notice be served to ensure that the unauthorised café use ceases.

### 2.      **Main Report**

#### **Site Description**

The property is a former video hire shop in the local shopping centre on Saughton Road North. There is an office above the shop unit at first floor level. The unit is in a Local Shopping Centre in the draft West Edinburgh Local Plan (DWELP), and is in a mainly residential area in the North West Edinburgh Local Plan (NWELP). The percentage of units in non-retail use in this local shopping centre should not exceed 40%, according to DWELP Policy R10.

## **History**

In August 2001 an application was submitted for change of use from retail to a hot food takeaway, reference 01/03016/FUL. This application was refused as a delegated item as being contrary to Policies S3 and H5 of NWELP. On 24<sup>th</sup> May 2004 an application was received for conversion of an ex video hire shop to "cafeteria/internet shop". This application was submitted following two letters from the department to the applicant. Both letters stated that the proposed change of use would be unlikely to receive approval. On 15<sup>th</sup> September 2004 the application, reference 04/01889/FUL, was refused by the DQ Sub Committee. The applicant opened without consent following the refusal. Following a site visit, a s272 notice was sent to Mr Pennycuick on 23<sup>rd</sup> November 2004. There was no response to the notice. A s272 Notice was sent to Mr Amjid of 100a Saughton Road North on 27<sup>th</sup> January 2005 and a response was received from him on 16<sup>th</sup> February 2005, stating that he is the owner and Mr Pennycuick is the leaseholder.

### **Other relevant history**

75 Saughton Road North – Planning permission was refused in 1997 for change of use from retail to a hot food takeaway, reference 97/02718/FUL. The reasons for refusal were loss of a retail unit and loss of residential amenity, contrary to Local Plan policies. The subsequent appeal was dismissed in June 1998.

75 Saughton Road North – On 15<sup>th</sup> November 1999 an application was submitted for part change of use from retail to form a hairdressers shop and hot food takeaway, reference 99/03475/FUL. Consent was refused on the basis that it was contrary to Local Plan policy S3 as it would have resulted in the loss of a retail unit to the detriment of the vitality and viability of the parade of shops, and also as it would be contrary to non-statutory guidance as it would result in a loss of amenity to neighbouring occupiers through increased noise, activity, and litter. There was no appeal against this refusal.

100a Saughton Road North – Planning permission was refused in April 2001 for change of use of a vacant retail unit to a hot food takeaway, reference 00/03182/FUL. The reasons given for refusal were loss of a retail unit to the detriment of the vitality of the shopping centre and loss of residential amenity. The consequent appeal was dismissed in October 2001.

100a Saughton Road North – An application was submitted on 1<sup>st</sup> October 2004 for change of use from beauty salon to residential use. This application was refused on 16<sup>th</sup> November 2004 as a delegated item, as it was contrary to policy S3 of NWELP and policy R8 of DWELP, in respect of existing shopping centres, as residential use is not appropriate in a shopping centre and would be to the detriment of its vitality and viability.

## **Representations**

None.

## **Policy**

The site is in a Local Shopping Centre in the DWELP and it is in a mainly residential area in the NWELP.

### Relevant Policies:

Policy S3 of North West Edinburgh Local Plan

Policy R10 of Draft West Edinburgh Local Plan

Non-statutory guidance on Restaurants, Cafes and Hot food shops

## **3. Conclusions and Recommendations**

### **Assessment**

The determining issue is whether the unauthorised change of use is acceptable in this location.

Consent was refused on the basis that the proposal would result in the loss of a retail unit in a shopping centre, contrary to policy S3 of NWELP and Policy R10 of DWELP to the detriment of the vitality and viability of the shopping centre. In spite of this refusal the change of use has taken place. The café provides hot and cold food for consumption on and off the premises, and is geared towards both take away food and eating in. Hot food and drinks available include waffles, burgers, soup, hot filled rolls and tea and coffee. In this frontage, 6 of the 15 units are currently in non-retail use. The addition of this café changes the balance to 47% non-retail, which is contrary to Policy S3 of NWELP and Policy R10 of DWELP, which undermines the viability of the shopping centre.

It is recommended that Committee agrees to take enforcement action to ensure the unauthorised café use ceases.

*Alan Henderson*

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**Alan Henderson**  
Head of Planning and Strategy

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| <b>Contact/tel</b>                              | Mark Dunlop on 0131 529 3478    |
| <b>Ward affected</b>                            | 24                              |
| <b>Local Plan</b>                               | North West Edinburgh Local Plan |
| <b>Statutory Development<br/>Plan Provision</b> | Housing and compatible uses     |
| <b>File</b>                                     |                                 |