

**Full Planning Application 07/04037/FUL
at
26 Earl Grey Street
Edinburgh
EH3 9BN**

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

DEPARTURE FROM THE DEVELOPMENT PLAN

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

Whilst the proposed change of use is contrary to the adopted local plan, it complies with the finalised local plan and is acceptable.

1 Purpose of report

To consider application 07/04037/FUL, submitted by Remploy Ltd. The application is for: **Change of use from class 1 retail to class 2 use as a facility for assessing, developing and training disabled people for employment**

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 floor, street level, commercial unit on the west side of Earl Grey Street. It is in a block which contains a mixture of commercial and residential with the Category B listed Central (Mission) Hall above. Across the road is the Princes Exchange development.

Site History

November 2007 - Advert application relating to the change of use granted (07/04692/ADV).

Description of the Proposal

It is proposed to change the use class of the property from Class 1 (Retail) to Class 2 (Professional services).

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 plan, are there any compelling reasons for approving them?

ASSESSMENT

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

- a) The change of use is acceptable in terms of the relevant retail protection polices within the development plan,
- b) There would be an adverse impact on residential amenity.

a) The Central Edinburgh Local Plan states that no further changes of use away from Class 1 are permitted if the percentage of Class 1 units in a protected frontage is less than 80% of the total. In this case, the percentage of Class 1 units between 2 and 48 Earl Grey Street is just over 83%. The proposal to move a unit away from Class 1 would result in a 75% total which is contrary to the adopted Local Plan.

In terms of the Finalised Local Plan, the number of non-retail uses should not exceed a third of all units. With the current number of non-retail units there would be space for a further loss of a Class 1 unit.

The finalised local plan, as an up-to-date statement of planning policy, is a material consideration in determining applications. The change of use is acceptable as it complies with emerging policy.

b) Residential amenity would not be compromised by the proposed change of use, subject to the adherence of the recommended condition controlling noise and vibration. There are other Class 2 uses in the area.

In conclusion, the use is acceptable, retail vitality will be maintained and residential amenity will be protected.

It is recommended that Committee approves this application, subject to the condition relating to the restriction of noise and vibration.



Alan Henderson
Head of Planning and Strategy

Contact/tel	David Shepherd on 529 3924
Ward affected	A11 - City Centre (NEW)
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Mixed Activities Zone
Date registered	19 September 2007
Drawing numbers/ Scheme	1. 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.

If you require further information about this application you should contact the following Principal Planner, Ian Dryden on 0131 529 3464. Email: ian.dryden@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 or carol.richardson@edinburgh.gov.uk

Application Type Full Planning Application
Application Address: 26 Earl Grey Street
Edinburgh
EH3 9BN
Proposal: Change of use from class1 retail to class 2 use as a facility for assessing, developing and training disabled people for employment
Reference No: 07/04037/FUL

Consultations, Representations and Planning Policy

Consultations

Services for Communities: Environmental Assessment

No objections subject to a condition restricting noise and vibration.

Representations

The application was validated on 19 September 2007. 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 Central Edinburgh Local Plan area under a Mixed Activities Zone land use designation. It is also within the Finalised Edinburgh City Local Plan area.

Relevant Policies:

Relevant policies of the Central Edinburgh 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.

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.

Relevant policies of the Edinburgh City Local Plan

Policy Ret 9 (Alternative Use of Shop Units – Primary Frontages in the City Centre and Town Centres) sets criteria for assessing the change of use of a shop unit to a non-shop use in primary frontages in the City Centre and town centres.

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

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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 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.

Reasons

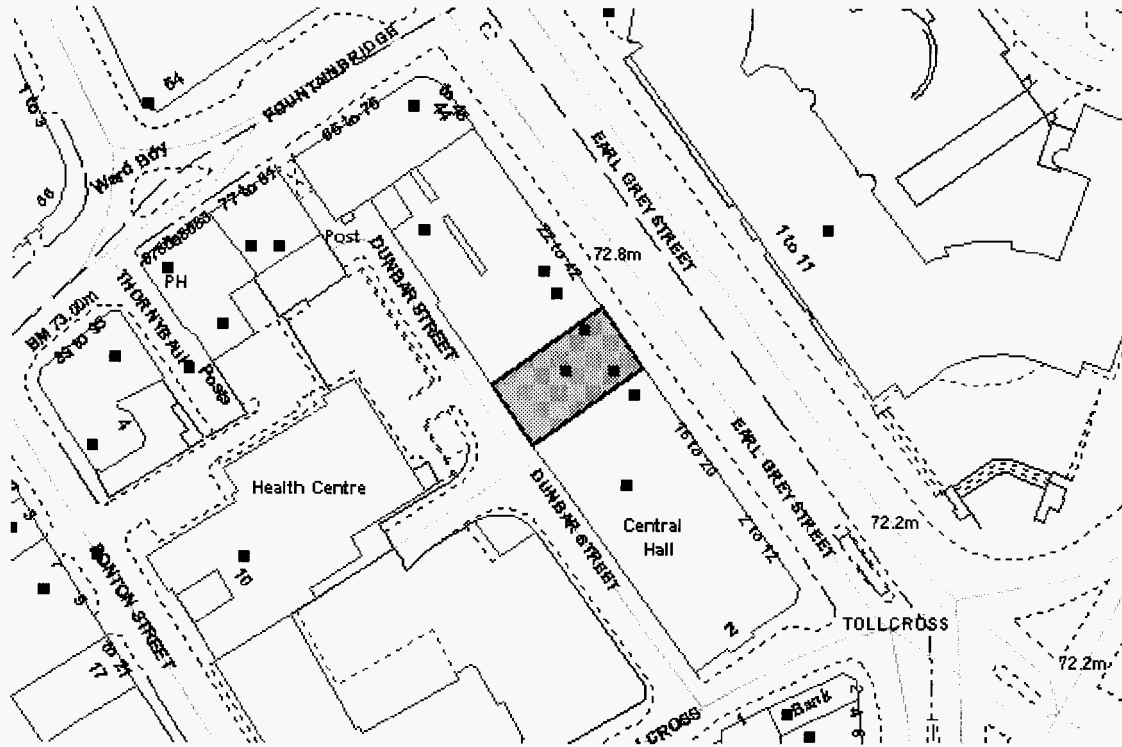
1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.

End

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Location Plan

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