

## Full Planning Application 07/03845/FUL

at

70 Main Street

Edinburgh

EH4 5AA

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

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#### DEPARTURE FROM THE DEVELOPMENT PLAN

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

The proposals do not comply with policy S3 of the North West Edinburgh Local Plan regarding the protection of retail uses within defined local shopping centres as the proposal will increase the percentage of non-retail use beyond the threshold. An exception is justified in this instance due to the finalised Edinburgh City Local Plan, the more up to date policies of which consider the change of use to be acceptable without detriment to the vitality and viability of the defined town centre.

#### 1 Purpose of report

To consider application 07/03845/FUL, submitted by McRobb Property Limited. The application is for: **Change of use from class 1 to class 2 - estate agents**

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

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

### **Site description**

The application site comprises a ground floor commercial property located on the south side of Main Street, Davidson's Mains. The property is currently vacant but was previously used as a travel agent shop (Class 1, retail use). The premises form part of a two storey terraced building, the ground floors of which are retail with residential accommodation above.

### **Site History**

There is no relevant planning history for this site.

### **Description of the Proposal**

The application is for the change of use of the premises from retail shop (Class 1) to an estate agents' office (Class 2, office use).

There are no proposed external alterations to the premises which extend to 42 square metres in total.

## **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 principle of a class 2 estate agents office is acceptable in this location;  
and
- b) There will be any loss of residential amenity as a result of the proposals.

a) The site is located within the Davidson's Mains principal shopping centre, where policy S3 allows a maximum of 20% non-retail units within the whole of the defined shopping centre designed to safeguard its retail character and vitality. There are 35 units in total within the centre and the proposed change, if allowed, would increase the number of authorised, non-retail premises from 15 to 16 (43% to 46%) in breach of the policy.

The finalised Edinburgh City Local Plan 2006, at policy Ret 10, redefines Davidson's Mains as a local shopping centre and seeks to amend the provisions regarding retail policy within those centres. 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, and the change of use would not result in four or more adjoining non-shop uses.

With regard to these criteria the proposed Class 2 office use is one that constitutes an appropriate and compatible use within a local centre. The five properties to the west of the application site are Class 1 retail use; to the east stand residential properties on Corbiehill Road outwith the defined centre. Accordingly, the proposal complies with criteria contained within draft policy Ret 10.

The finalised Edinburgh City Local Plan is a material consideration and weight should be given to the more up to date policies it contains. The proposal complies with the policies of the draft plan and this justifies an exception to current policy in this case.

b) Services for Communities (Environmental Assessment) has raised no objections to the proposal in relation to its impact on the residential amenity of the occupants of the neighbouring tenements subject to a condition.

In conclusion, the proposal does not comply with the statutory local plan. However, it complies with the provisions of the finalised Edinburgh City Local Plan regarding the protection of defined retail centres and this represents a compelling reason to justify a departure from the development plan. The proposal will not have any adverse implications for residential amenity and there are no material considerations which outweigh this conclusion.

It is recommended that the Committee approves this application, subject to a condition in respect of a restriction on noise from any machinery or equipment used in the premises.

  
Alan Henderson  
Head of Planning and Strategy

Contact/tel	John Maciver on 0131 529 3918
<b>Ward affected</b>	A01 - Almond (NEW)
<b>Local Plan</b>	North West Edinburgh Local Plan
<b>Statutory Development Plan Provision</b>	Principal Shopping Centre
<b>Date registered</b>	7 September 2007
<b>Drawing numbers/ Scheme</b>	01-02 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  
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## Consultations, Representations and Planning Policy

### Consultations

#### Services for Communities (Environmental Assessment)

*Has no objection to this development subject to a condition subject to a condition regarding a restriction on noise from any machinery or equipment used in the premises.*

### Representations

The application was advertised as a potential departure from the development plan on 9 November 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

**North West Edinburgh Local Plan** - 'Principal Shopping Centre', to be retained in shopping use. The site is also within a Mainly Residential Area, where existing residential character and amenities are to be protected.

**Finalised Edinburgh City Local Plan** - Defined Local Centre.

## Relevant Policies:

### **Relevant policies of the North West Edinburgh Local Plan**

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 S3 sets criteria for protecting the retail function in existing shopping centres.

### **Relevant policies of the Edinburgh City Local Plan**

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.

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**

### 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 ensure that the nature of the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.

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### Location Plan

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