

## Full Planning Application 09/01376/FUL

at

18 Niddrie Mains Road

Edinburgh

EH16 4BG

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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:

The proposals do not comply with policy R7 of the South East Edinburgh Local Plan regarding the protection of shopping uses within defined retail frontages of district 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 local centre.

#### 1 Purpose of report

To consider application 09/01376/FUL, submitted by P King. The application is for: **Change of use from shop to an office**

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

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

### Site description

The application site is the ground floor unit of a 2-storey building situated on the south side of Niddrie Mains Road at its western extremity. The unit is currently vacant and has previously operated as a post office. The upper floor is in residential use. The surrounding area is characterised by commercial activities at street level with residential properties above.

### **Site History**

22.01.2009 - An application for a mixed use development including, residential (houses + apartments), residential care homes (class 8), business (class 4), retail (class 1), food store (class 1) (including cafe), petrol filling station, classes 2 and 3, Community High School (including public library, cafe and sports/ leisure facility), Train Station, with associated landscaping, infrastructure and car parking is currently minded to grant subject to a legal agreement (08/02553/OUT).

There is no planning history relating directly to the individual premises.

### **Description of the Proposal**

Permission is sought to convert a vacant shop unit to form an office. The operating hours will be 9am to 5pm.

## **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 the proposed use is acceptable; and
- b) residential amenity will be adversely affected;

a) The application unit is located amidst an area supporting a mix of uses including a high retail presence. The retail offering in this area is protected, and the section of Niddrie Mains Road within which the application unit sits, is a designated local centre and therefore the proposal has to meet certain criteria.

The South East Edinburgh Local Plan stipulates that no more than 40% of the ground floor units in the entire local centre shall be occupied by non-retail uses and that no more than 3 consecutive non-retail uses will be supported. However, the finalised Edinburgh City Local Plan, which represents the Council's latest planning policy thinking, sets no minimum threshold. The criteria for local centres is that proposals would not result in four or more consecutive non-shop uses and that any non-retail use must be compatible with surrounding uses and not threaten the vitality or viability of the centre.

The proposal will result in 16 of the 31 units within the local centre operating as non-retail uses. This figure equates to 52%. Whilst 52% exceeds the threshold outlined in the adopted local plan, the finalised plan does not seek to restrict the number of non-retail uses in such locations. A hot food take-away occupies the unit immediately to the east but beyond that is a shop use and there are consecutive shop units to the west; therefore, a consecutive row on non-retail uses will not be established. The proposal will remove a vacant unit from the centre which will aid the vitality and viability of the shopping centre. The proposed office use is compatible with the existing retail provision.

The proposal is contrary to the adopted local plan but it does comply with the criteria set out in the finalised Edinburgh City Local Plan, which is at an advanced stage, and therefore the principle of the proposal is acceptable.

b) It is unlikely that the proposed office use will result in substantial disturbance to residential amenity. However, it would be prudent to impose a condition ensuring that any equipment complies with NR 25 to safeguard amenity.

Provided that conditions relating to noise are imposed, residential amenity will be protected.

In conclusion, the proposal does not comply with the development plan but it is in accordance with the finalised local plan and would not prejudice residential amenity. There are no material considerations which outweigh this conclusion.

It is recommended that the Committee approves this application subject to conditions relating to noise.



**John Bury**  
Head of Planning

<b>Contact/tel</b>	Andrew Trigger on 0131 529 3931
<b>Ward affected</b>	A17 - Portobello/Craigmillar
<b>Local Plan</b>	South East Edinburgh Local Plan
<b>Statutory Development Plan Provision</b>	Local Shopping Centre
<b>Date registered</b>	12 June 2009
<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 [david.emerson@edinburgh.gov.uk](mailto:david.emerson@edinburgh.gov.uk) or [henry.scullion@edinburgh.gov.uk](mailto:henry.scullion@edinburgh.gov.uk)

Appendix A



**Application Type** Full Planning Application  
**Application Address:** 18 Niddrie Mains Road  
Edinburgh  
EH16 4BG

**Proposal:** Change of use from shop to an office

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Consultations, Representations and Planning Policy

Consultations

**Services for Communities (Environmental Assessment)**

*The application premise is situated in a row which consists of commercial premises at ground floor level with residential accommodation above at first floor level. The premise is structurally attached to a hot food takeaway to the east and a stairwell accessing the residential accommodation above to the west.*

*This department has no objections to this proposed development subject to the following conditions:*

1. *The premise should be restricted to class 4 only with no permitted change to class 6.*
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. *All music and vocals amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.*

## Representations

No representations have been received.

## Planning Policy

The application site is identified by the South east Edinburgh Local Plan with a local shopping centre. The finalised Edinburgh City Local Plan shows the site within a local centre.

### **Relevant Policies:**

#### **Relevant policies of the South East Edinburgh Local Plan.**

Policy R6 states that proposals for the change of use of a ground floor shop unit in a local centre or other neighbourhood centre will be permitted provided the proposed use is an appropriate shopping centre use and the proposed use would not be detrimental to the amenity of any nearby housing.

Policy R7 states that in addition to the requirements of policy R6 proposals for the change of use of a ground floor shop unit in a local centre will be permitted provided the resulting proportion of shop units in non-retail use would be no higher than 40% of the total in the centre as a whole and the proposal would not result in more than three adjacent non-retail uses.

#### **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 three 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. 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.

End

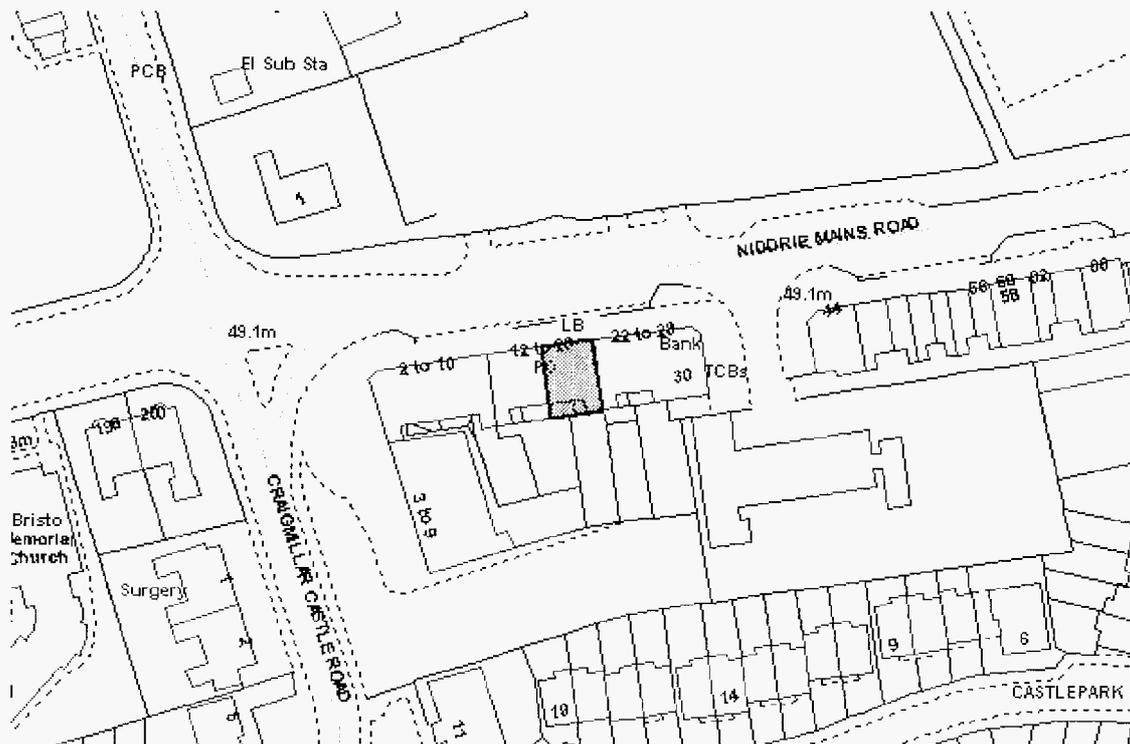
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**Location Plan**

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