

**Full Planning Application 07/04677/FUL**

**at**

**16A Willowbrae Road**

**Edinburgh**

**EH8 7DB**

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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 S5 of the North East Edinburgh Local Plan regarding the protection of shopping uses within defined retail frontages of local 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 07/04677/FUL, submitted by Scottish National Party Constituency Association. The application is for: **Change of use from vacant shop (Use Class 1) to Parliamentary office (Use Class 2)**

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 a ground floor property situated within a four-storey, stone built tenement block fronting onto Willowbrae Road at its junction with Abercorn Road. The unit has shop windows across the full length of the facade, facing onto both roads and the corner. There is a recessed door entrance midway along the Willowbrae Road part of the frontage. It has a deep fascia area across the full width of the frontage all of which is painted blue; the colours relate to the former occupant 'Blockbuster'.

The property forms the south eastern extent of the Jock's Lodge local shopping centre. A main door entrance to the flats above adjoins the property and the unit beyond is in occupation as a barbers shop.

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

### Site History

7 September 1994 - Advertisement consent granted for illuminated fascia and projecting signs for the premises (Ref A/01603/94).

16 January 1996 - Planning permission granted for a new shop front (Ref A/03104/95).

#### *Other relevant site history*

6 August 2002 - Planning permission was refused for a change of use of 3 Wolseley Place to a dwelling house, class 9 (02/02230/FUL).

4 February 2003 - Planning permission for the above change of use was allowed on appeal (P/PPA/230/456). The number of non-retail premises in the defined local centre changed from 11 to 12 (48% to 52%).

9 September 2005 - Planning permission was refused for a change of use of 23 Jock's Lodge to a hot-food take-away use (05/02089/FUL).

31 May 2006 - Planning permission for the above change of use was allowed on appeal (P/PPA/230/808). The number of non-retail premises changed from 12 to 13 (52% to 57%).

10 November 2006 - Planning permission was granted for a change of use of 9 Wolseley Place to a class 2 office use (06/03390/FUL). The number of non-retail premises changed from 13 to 14 (57% to 61%).

## **Description of the Proposal**

The application is for the change of use of the premises from its last use as a retail shop (Class 1) to an office use (Class 2), specifically as a Parliamentary Office for the applicant.

The proposal involves no external alterations to the building or any other works within the premises that would require planning permission.

## **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 office use is acceptable in this location;
- b) there will be any loss of residential amenity as a result of the proposals.

a) The site is located within a defined 'local shopping centre' where policy S5 allows a maximum of 40% non-retail units in order to safeguard its retail character and vitality. There are 23 shop units in the centre, including this property, and the proposed change, if allowed, would increase the number of authorised, non-retail premises from 14 to 15 (61% to 65%) in breach of the policy.

Two of the last three planning permissions within the defined centre, proposing changes from retail use, were as a result of appeal decisions by the Scottish Executive.

The finalised Edinburgh City Local Plan 2006, at policy Ret 10, seeks to amend the provisions regarding retail policy within defined 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 use as a Parliamentary office (Class 2) is one that constitutes an appropriate and compatible use within a shopping centre. Also the properties immediately to the north of the application site are both operating as a Class 1 retail use. Accordingly, the proposal complies with criteria contained within draft policy Ret 10.

The proposed use would not lead to an imbalance of use types on this particular stretch of shopping frontage, which is comprised of predominantly class 1 retail uses. The proposed office use would attract visitors during normal shopping hours and would not result in dead frontage. The proposed use would thus make a contribution to the vitality and viability of this local shopping centre.

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 adopted policy in this case.

b) The use as an office would have no greater impact on the residential amenity of the occupants of the neighbouring tenements than the previous retail use. It is, however, considered that a standard condition should be applied, to ensure that noise levels arising from any associated equipment does not exceed the relevant standards, in order to safeguard residential amenity.

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 controlling noise levels from any plant or machinery.

*Alan Henderson*

**Alan Henderson**  
Head of Planning and Strategy

Contact/tel	John Maciver on 0131 529 3918
<b>Ward affected</b>	A14 - Craigtinny/Duddingston (NEW)
<b>Local Plan</b>	North East Edinburgh Local Plan
<b>Statutory Development Plan Provision</b>	Local Shopping Centre
<b>Date registered</b>	12 November 2007
<b>Drawing numbers/ Scheme</b>	01 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  
**Application Address:** 16A Willowbrae Road  
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EH8 7DB

**Proposal:** Change of use from vacant shop (Use Class 1) to Parliamentary office (Use Class 2)

**Reference No:** 07/04677/FUL

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## Consultations, Representations and Planning Policy

### Consultations

No consultations undertaken.

### Representations

The application was advertised as a potential departure from the development plan on 23 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 East Edinburgh Local Plan** - The site is within an area allocated as a 'Local Shopping Centre', where there is presumption to retain and maintain retail shopping as the principle use and within an area of Window Control.

**Finalised Edinburgh City Local Plan** - Jock's Lodge Local Shopping Centre.

### Relevant Policies:

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

Policy H7 (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 the reasonable prospects of further residential development where this is an objective of the Local Plan.

Policy S5 (PROTECTION OF SHOPPING USES - DISTRICT AND LOCAL CENTRES) sets out criteria for assessing changes of use (within defined retail frontages) from a shop unit to a non-retail use appropriate to a shopping centre.

**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 safeguard the amenity of neighbouring residents and other occupiers.

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End



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## Location Plan

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