

**Full Planning Application 08/01277/FUL
at
13 Gracemount Drive
Edinburgh
Edinburgh
EH16 6RR**

**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 four consecutive non-retail uses is contrary to the development plan, a legal agreement to ensure a change of use at number 17 Gracemount Drive from a Class 2 Use to a Class 1 Use would address this.

1 Purpose of report

To consider application 08/01277/FUL, submitted by Morrison Bookmakers LTD. The application is for: **Change of use and alterations to form bookmakers**

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 single-storey shop unit within an existing parade of shops, comprising 11 in total, at the corner of Gracemount Drive and Captain's Road. The shops are formed in an 'L' shape and face onto a paved area and shared parking area. To the rear is an open area providing goods entrances to the shops and a garage court accessed off Captain's Drive.

Site History

22 November 2007 - Planning application refused for a change of use from shop to betting office (class 2) (07/03029/FUL).

18 September 2007 - Advert consent application granted for signage (07/03017/ADV)

24 April 1996 - Planning application refused for a change of use from shop to office (class 2) (Ref A/00448/96).

21 August 1996 - Planning permission was approved for a change of use from shop to office (class 2) (Ref A/01652/96). The application differed in that additional information was provided by the applicant with regard to the failed marketing of the property in excess of 12 months. The proposal was approved as an exception to policy.

Other relevant history

10 May 2005 - Planning permission was granted for 7 Gracemount Drive for change of use to a hot-food take-away use (sui-generis) (Ref 05/00659/FUL). Although contrary to policy S2 of the previous South East Edinburgh Local Plan (which allowed 20% non-retail uses within a Local Shopping Centre) it complied with the finalised South East Edinburgh Local Plan policy R7 (which allows up to 40% non-retail uses within a Local Shopping Centre) as the change of use represented 40% non-retail in the Centre.

Description of the Proposal

The application is for a change of use of a retail use (Class 1), previously a launderette, to form a bookmaker's office (Class 2) use. It is also proposed to carry out minor external alterations including infilling existing openings and fitting an extract fan.

Background

Morrison's Bookmakers currently operates from number 17 Gracemount Drive and the move to number 13 is to accommodate expansion. The owner of number 17 has stated in writing the intention to change number 17 from Class 2 to Class 1 to ensure policy is complied with.

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 bookmaker's office use is acceptable in this location;
- b) The external alterations are acceptable;
- c) There will be any loss of residential amenity as a result of the proposals.

a) The site is located within the Captain's Road/Gracemount local shopping centre, where policy R7 allows a maximum of 40% non-retail units within the whole of the defined local centre designed to safeguard its retail character and vitality. There are 11 units in total within the centre and the proposed change, if allowed, would increase the number of authorised, non-retail premises from 4 to 5 (36% to 45%) in breach of the policy. It would also result in four adjacent non-retail uses in the units at 13 through to 19 Gracemount Drive (odd numbers only).

The Finalised Edinburgh City Local Plan 2006, at policy Ret 10, seeks to amend and standardise the provisions regarding retail policy within local centres across the city. 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 use is one that constitutes an appropriate and compatible use within a local centre; indeed the applicant currently operates out of the unit at No 17 Gracemount Drive. However, all three of the properties on the eastern side of the application site are in non-retail use. To the east the property is in a Class 1 use. Accordingly, the proposal does not comply with criteria contained within draft policy Ret 10.

The applicant has submitted a letter from the owner of number 17 Gracemount Drive indicating the intention to change number 17 from Class 2 to Class 1 when Morrison's Bookmakers move from 17 to 13. This can be ensured by means of a legal agreement. This move would result in compliance with local plan policy and as such the application is acceptable.

b) The external alterations are not to the principal elevation and will not have an adverse effect on the appearance of the property or the area.

c) The change of use would have no detrimental impact upon the amenity of any surrounding property or of the nearest residential properties subject to a condition restricting noise.

The proposals, subject to a legal agreement, would comply with the relevant Local Plan policies and there are no material considerations which outweigh this conclusion.

It is recommended that the Committee approves this application subject to a condition relating to noise restriction and a legal agreement relating to change of use ensuring the vitality of the local shopping centre.



MP Alan Henderson

Head of Planning and Strategy

Contact/tel	David Shepherd on 0131 529 3924
Ward affected	A16 – Liberton / Gilmerton (NEW)
Local Plan	South East Edinburgh Local Plan
Statutory Development Plan Provision	Housing and Compatible Uses: Local Shopping Centre
Date registered	8 April 2008
Drawing numbers/ Scheme	1-5. 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, Graham Dixon on 0131 529 3519. Email: 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 or carol.richardson@edinburgh.gov.uk

Application Type Full Planning Application

Application Address: 13 Gracemount Drive
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Consultations, Representations and Planning Policy

Consultations

Services for Communities: Environmental Assessment

No objections subject to NR25 condition to protect residents from noise.

Representations

The application was validated on 8 April 2008. 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 South East Edinburgh Local Plan area under Urban Area and Local Shopping Centre land use designations. It is also within the Finalised Edinburgh City Local Plan area similarly under Urban Area and Local Shopping Centre land use designations.

Relevant Policies:

Relevant policies of the South East Edinburgh Local Plan.

Policy DQ19 states that in considering proposals for the alteration or extension of an existing building regard will be had to the form, proportions and character of the existing building and the wider impact of the proposal.

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 Des 11 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

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 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.

INFORMATIVES

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, ensuring number 17 Gracemount Drive is changed from Class 2 to Class 1 within 6 months of number 13 commencing operation under Class 2, has been concluded.

End

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Location Plan

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