

Planning Permission 11/02603/FUL
at
134 Portobello High Street
Edinburgh
EH15 1AH

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.

1 Purpose of report

To consider application 11/02603/FUL, submitted by Cheque Centres Limited. The application is for: **Change of use from 1 (retail) to Class 2 (Financial and Professional Services) (retrospective)**.

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

2 The Site and the Proposal

Site description

The proposal site is a commercial property located on the north side of Portobello High Street, and approximately midway between the junctions of Portobello High Street with Ramsay Place and Bath Street. The proposal site is located in an area designated as Town Centre and Primary Shopping Frontage. The area of primary shopping frontage in which the property is located includes nos 100-162 and comprises 28 units. Not including the proposal, there are currently 8 non Class 1 units.

This property is located within the Portobello Conservation Area.

Site History

12th May 2011 - An enforcement case concerning the unauthorised change of use from class 1 (retail) to class 2 (financial services). 11/00254/ECOU

Pre-Application Process

Pre-application discussions were undertaken with the Planning Enforcement Officer who dealt with the aforementioned enforcement case.

Description Of The Proposal

The application is for a change of use from Class 1 to Class 2 (retrospective). The unit has been operating in a Class 2 capacity since September 2006.

3. Officer's Assessment and Recommendation

Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

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 proposal is acceptable in principle; and
- b) the proposal will maintain or enhance the character or appearance of the conservation area.

a) The area of primary shopping frontage in which the property is located includes nos 100-162 (even nos.) and comprises 28 units. Not including the proposal there are currently eight non Class 1 units. The proposed Change of Use would result in nine non Class 1 units, causing more than one third of the units in the frontage to be in non-shop use. The proposal would therefore not be in accordance with Policy Ret 9 of the Local Plan.

The unit has been operating in a Class 2 capacity since September 2006 and retains an active frontage which is commercial in character. The agent has advised that the use generates a monthly footfall of circa 1500 customers. As the unit has been operating as Class 2 for approximately five years and benefits from a healthy customer base, it is clearly a viable business with a demonstrated demand and contributes to the vitality of the town centre. The operation of the property as a Class 2 unit since September 2006 has not resulted in the degradation of the centre's retail character.

Although the proposed Change of Use constitutes an infringement of Policy Ret 9 of the Local Plan, the particulars of the application are such that a refusal would be unjustified.

b) The proposal does not include any physical alterations and as such will have no impact on the character or appearance of the conservation area. The character and appearance of the conservation area will be maintained.

In conclusion, although the proposal does not comply with Policy Ret 9 of the Edinburgh City Local Plan, it is deemed that the use of the property in a Class 2 capacity since September 2006 has had no detrimental impact and that therefore a refusal would be unjustified. The character and appearance of the conservation area will be maintained.

A committee decision is required as the proposal is not in accordance with Policy Ret 9 of the Edinburgh City Local Plan.

It is recommended that the Committee approves this application.

REASON FOR DECISION

Although the proposal does not comply Policy Ret 9 of the Edinburgh City Local Plan, it is deemed that the use of the property in a Class 2 capacity since September 2006 has had no detrimental impact and that a refusal would be unjustified. The character and appearance of the conservation area will be maintained.

John Bury
Head of Planning

Contact/tel	Colin Bryans on 0131 529 4279
Ward affected	A17 - Portobello/Craigmillar
Local Plan	Edinburgh City Local Plan
Statutory Development Plan Provision	Town Centre Urban Area Primary Shopping Frontage
Date registered	10 August 2011
Drawing numbers/ Scheme	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.

If you require further information about this application you should contact the following Principal Planner,
Paul Devaney on 0131 529 3519. Email: paul.devaney@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. Contact details can be found in the Committee Agenda papers.

Application Type Planning Permission
Application Address: 134 Portobello High Street
Edinburgh
EH15 1AH

Proposal: Change of use from 1 (retail) to Class 2 (Financial and Professional Services) (retrospective).
Reference No: 11/02603/FUL

Consultations, Representations and Planning Policy

Consultations

None.

Representations

None.

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 proposal site is located in an area designated as urban, Town Centre, Primary Shopping Frontage and within the Portobello Conservation Area, as designated by the Edinburgh City Local Plan.

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

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.

The Portobello Conservation Area Character Appraisal emphasises the village/small town character of the area, the importance of the long sea-front promenade, the high quality architecture, and the predominant use of traditional building materials

Appendix B



Application Type Planning Permission
Application Address: 134 Portobello High Street
Edinburgh
EH15 1AH

Proposal: Change of use from 1 (retail) to Class 2 (Financial and Professional Services) (retrospective).

Reference No: 11/02603/FUL

Conditions/Reasons associated with the Recommendation

Recommendation

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

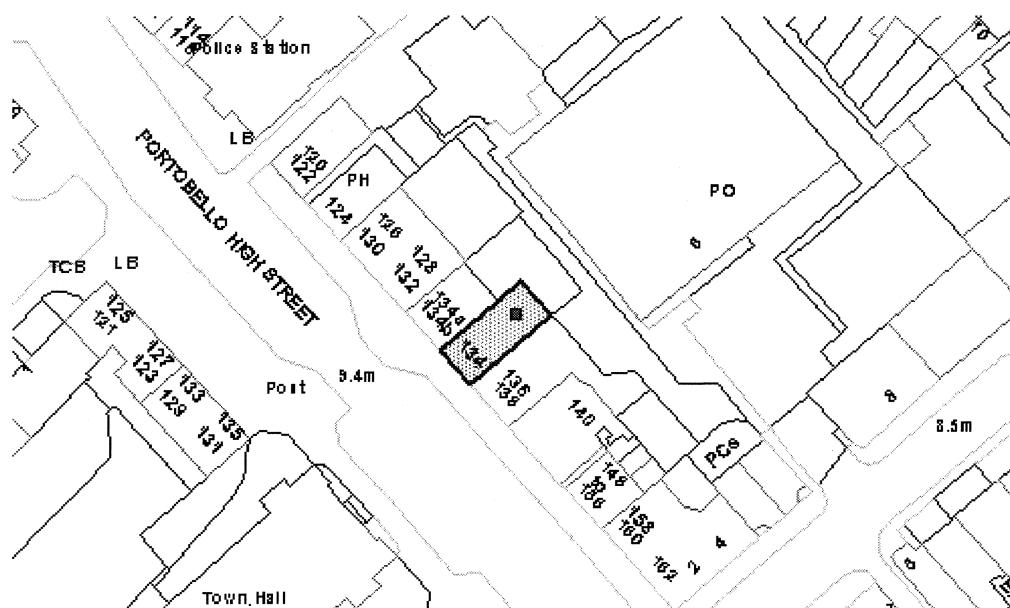
End

Appendix C

Application Type Planning Permission

Proposal: Change of use from 1 (retail) to Class 2 (Financial and Professional Services) (retrospective).

Reference No: 11/02603/FUL



Location Plan

Reproduction from the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright.

Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence Number 100023420 The City of Edinburgh Council 2005.