10am, Thursday, 16 May 2013

Supplementary Guidance: City Centre Retail Core and Tollcross Town Centre – drafts for consultation

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Links

- Coalition pledges: P15
- Council outcomes: CO7, CO8, CO19, CO21
- Single Outcome Agreement: SO1, SO4

Mark Turley
Director of Services for Communities

Contact: Naomi Sandilands, Planning Officer
E-mail: naomi.sandilands@edinburgh.gov.uk | Tel: 0131 469 3600
Supplementary Guidance: City Centre Retail Core and Tollcross Town Centre – Draft for Consultation

Summary

The purpose of this report is to seek Committee approval of Supplementary Guidance (SG) for the City Centre Retail Core and Tollcross Town Centre for consultation. The SG will guide the balance of uses in town centres. It will be used to determine planning applications for the change of use of shop units to non-shop uses.

Recommendations

It is recommended that the Committee:

1. approves the draft Supplementary Guidance for the City Centre Retail Core for consultation; and

2. approves the draft Supplementary Guidance for Tollcross Town Centre for consultation.

Measures of success

The vitality and viability of the City Centre Retail Core and Tollcross Town Centre are preserved and enhanced.

Financial impact

There are no direct financial impacts arising from this report. The costs of printing and publishing the draft SG will be met from existing budgets.
Equalities impact

The impacts of this report in relation to the Public Sector Equalities Duty and the ten key areas of rights have been considered. The report has no significant direct impact on the Council’s three equalities duties. The SG will have positive impacts on rights. The process of preparing the SG enhances the rights to participation, influence and voice by allowing people to participate in the formation of policy. The Guidance will enhance the rights to health, physical security and standard of living.

Sustainability impact

The proposals in this report will:

- reduce carbon emissions because they supports town centres which provide local services in sustainable locations, reducing the need for travel;
- increase the city’s resilience to climate change impacts because supporting town centres reduces the need to travel for services;
- help achieve a sustainable Edinburgh because town centres are places for social and economic interaction, and fostering their vitality and viability will protect their identity within our communities;
- help achieve a sustainable Edinburgh because it supports the town centres where many local businesses choose to locate; and
- help achieve a sustainable Edinburgh because they promote the continued use of shop units in beneficial use.

Consultation and engagement

Preliminary consultation on both items of SG has already taken place:

- an afternoon workshop attended by key stakeholders was held in June 2012 that focussed on shopping uses in the city centre retail core. This informed the City Centre Retail Core SG; and
- two drop-in events were held in March 2013 in Tollcross. All residents and local businesses in Tollcross were invited by letter. The views collected informed the Tollcross Town Centre SG.

Once approved, consultation on the two drafts will take place for a minimum period of eight weeks. The draft SGs will be available on-line and further engagement events will take place.
Background reading / external references

- Summary Report from Shopping Uses in the City Centre Workshop, June 2012
- Summary note of the Tollcross consultation drop-in events March 2013
- Report to Planning Committee, Local Development Plan – Proposed Local Development Plan and Development Plan Scheme (19 March 2013)
- Annual Review of Guidance report to Planning Committee (28 February 2013)
- Edinburgh Local Development Plan Main Issues Report (October 2011)
1. Background

1.1 The Proposed Local Development Plan was approved on the 19 March 2013. It requires supplementary guidance (SG) to be prepared for each town centre, including the city centre retail core. This new approach was consulted on in the Main Issues Report and set out in the report on the Annual Review of Guidance to Planning Committee on 28 February 2013.

1.2 Statutory SG is prepared under Section 22 of the Planning etc (Scotland) Act 2006.

1.3 When the items of SG are finalised they can be considered as material considerations in the determination of planning applications for the change of use of shop units. Once adopted, they will form part of the statutory development plan. It is intended to review the guidance every two years to take account of changes of use over time.

1.4 A programme for the seven remaining town centres SG has been prepared and is attached as Appendix 1.

2. Main report

City Centre Retail Core

2.1 Initial consultation on the alternative uses of shops in the City Centre Retail Core took place at a workshop held in June 2012.

2.2 The draft SG is attached at Appendix 2. It allows food and drink uses in the City Centre Core Frontage (Princes Street) in shop units that can safely accommodate outdoor seating and if the unit is under 300 sq m gross. This size is comparable to the Costa café on Castle St (310 sq m) or Starbucks on the corner of George St and Castle St (207 sq m). There are 25 shop units of 300 sq m or under on Princes St out of 78 units in total.

2.3 Future changes of use of food and drink establishments to financial, professional or other services (e.g. banks, betting office) will not be permitted. An Article 4
Direction will be sought from Scottish Ministers to revoke Permitted Development Rights for the change of use of Class 3 to Class 2 uses on Princes Street.

2.4 In Primary Frontages and elsewhere in the city centre retail core, the policy allows the change of use to non-shop uses, provided the resulting proportion of non-shop units will not exceed one third and no more than four consecutive non-shop uses.

2.5 This policy supports the aims of the report to the Transport and Environment Committee on 19 March 2013 on Building a Vision for the City Centre.

**Tollcross**

2.6 Two drop-in sessions took place in March 2013 where local residents and businesses were invited to record their views of shops and the environment in Tollcross. These views have informed the draft guidance.

2.7 The draft SG is attached at Appendix 3. It allows shops, financial, professional or other services and food and drink establishments in the town centre. Restrictions to this are made in order to retain prime retail units in shop use on parts of Lothian Road and Earl Grey Street. No further pubs or hot food shops are allowed, in line with the Council's Guidance for Businesses, with the exception of units along 1-11 Earl Grey Street which have office use above.

**Further Consultation**

2.8 Consultation on the draft SGs will take place prior to their finalisation and before they can be used as a material consideration for planning purposes. The following groups and organisations will be consulted: Community Councils, city-wide amenity bodies, property investors, commercial property letting agents, traders associations and the local residents and businesses.

2.9 The draft SGs will be available in local libraries and on-line for comment for a minimum of eight weeks. Further public engagement events are proposed for:

- residents and local businesses (Tollcross)
- key stakeholders such as property investors, letting agents and Essential Edinburgh (City Centre).
3. Recommendations

3.1 It is recommended that the Committee:

1 approves the draft Supplementary Guidance for the City Centre Retail Core for consultation; and

2 approves the draft Supplementary Guidance for Tollcross Town Centre for consultation.

Mark Turley

Director of Services for Communities

Links

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### Appendix 1

**Supplementary Guidance for Town Centres**

**Outline Preparation Programme at April 2013**

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* Supplementary Guidance cannot be formally adopted and issued as part of the development plan until the related Local Development Plan (LDP) has been adopted. The Edinburgh LDP is expected to be adopted in 2015.
Appendix 2

Supplementary Guidance: City Centre Retail Core – Draft for Consultation
**Introduction**

This document comprises Supplementary Guidance (SG) under Section 22 of the Planning etc (Scotland) Act 2006 and once adopted will form part of the development plan. The SG was prepared in accordance with Edinburgh Proposed Local Development Plan Policy Ret 8 Alternative Use of Shop Units in Defined Centres. It applies to all shop units within the defined City Centre Retail Core.

Other relevant policies in the Local Development Plan include:
- **Ret 1 City Centre Retail Core** – generally supports retail development, having particular regard to design, the city centre character and bringing upper floors into beneficial use.
- **Ret 10 Food and Drink Establishments** – considers the impact on residential amenity.
  - Detailed guidance is contained in the [Guidance for Businesses December 2012](#).

**Purpose**

The purpose of this SG is to guide the balance of shop uses and other related appropriate services to enhance the city centre’s character and shopping experience. This draft version takes account of initial public engagement in June 2012.

**Scope**

The extent of the area covered by this SG is illustrated in attached map.

**Preparation**

This draft SG has been prepared by:
- Survey work – analysis of shop unit history, current shop uses and the street environment.
- Community engagement – initial views and reactions from stakeholders.

Further consultation on this draft SG will take place before it is finalised. It is intended to frequently review the SG (potentially every 2 years).

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**What is a change of use?**

Most properties are classified under categories known as ‘Use Classes’. Common uses in town centres include:
- Class 1 Shops
- Class 2 Financial, professional and other services
- Class 3 Food and Drink

Some uses fall outwith these categories and are defined as ‘sui generis’, meaning ‘of its own kind’. Examples of sui generis uses include pubs and hot food takeaways. This is set out in [The Use Classes (Scotland) Order 1997 (Amended in 1998)](#).

Moving to a different use class is known as a change of use and may require planning permission, although some changes between use classes are allowed without planning permission. Planning permission is not required when both the present and proposed uses fall within the same ‘class’ unless there are specific restrictions imposed by the Council. [The Scottish Government Circular 1/1998](#) contains guidance on use classes.

‘Non-shop’ uses are those defined as uses not covered by Class 1.

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**What is a shop unit?**

Premises opening directly onto the street and designed primarily for shop use. In some locations the shop unit can be above street level or at basement level but still have direct access and visible from the street.
Policies

ERC 1: City Centre Core Frontage (Princes Street)
Planning permission will be granted for new shop units meeting the criteria in policy Ret 1 or for the reinstatement to shop use. Proposals for the change of use of shop units on the Core Frontage (Princes St) (defined in the map) to non-shop uses will only be permitted:

a) if the proposal is for a change of use to Class 3 Food and Drink use; and
b) it is in a location that can safely accommodate outdoor pavement seating; and
c) the change of use applies to a shop unit floor area of under 300 square metres (gross).

Explanatory Note

- Prior to the finalisation of this SG an Article 4 Direction of the General Permitted Development Order 1992 will be sought from Scottish Ministers to revoke Permitted Development Rights for the change of use of Class 3 to Class 2 along the Core Frontage (Princes St). The introduction of food and drink uses on Princes Street is considered here for exceptional reasons to enhance the shopping experience and animate the street in the evening. It is not considered that Class 2 uses, such as banks, would be able to deliver these aims.
- While pavement seating on the Core Frontage may not always be compatible with daytime shopping, it may be appropriate in the evening, especially in the summer months.
- The size threshold given is to ensure that larger shop units are retained in retail use.
- Any proposal for the change of use to Class 3 should consider how upper floors, if not in active retail use, could be brought back into beneficial use.
- This policy deals with the principles of changes of use for planning purposes. Food and drink uses will often require other consents and are subject to separate controls by licensing for alcohol, hours of operation and outdoor pavement seating. For more information on these see the Council’s website on the One Door Approach to development consents, the Council’s Guidance for Businesses December 2012 or contact the Business Gateway.
ERC 2: City Centre Primary Frontage
In the City Centre Primary Frontages (defined in the map), the change of use of a shop unit to a non-shop use will be permitted provided:
   a) as a result of permitting the change of use, no more than one third of the total number of units in the frontage will be in non-shop use; and
   b) permitting the change of use, would not result in four or more consecutive non-shop uses; and
   c) the proposal is for an appropriate commercial or community use which would complement the character of the City Centre Retail Core and would not be detrimental to its vitality or viability.

ERC 3: Elsewhere in the City Centre Retail Core
Elsewhere in the City Centre Retail Core, the change of use of a shop unit to a non-shop use will be permitted provided:
   a) permitting the change of use would not result in four or more consecutive non-shop uses; and
   b) the proposal is for an appropriate commercial or community use which would complement the character if the City Centre Retail Core and would not be detrimental to its vitality or viability.
Core Frontages:
10 – 147 Princes Street
South St David’s Street (Jenners)

Primary Frontages:
133a – 167 Rose Street  168 – 202 Rose Street  77 – 131 Rose Street
106a – 160 Rose Street  37 – 73 Rose Street  50 – 104 Rose Street
3 – 25 Rose Street  2 – 40 Rose Street

30 – 70 George Street  72 – 102 George Street
33a – 69 George Street  71 – 107 George Street

4 – 20 Castle Street  1 – 19 Castle Street  21 – 35 Castle Street

6a – 18 Frederick Street  20 – 36 Frederick Street
3a – 19 Frederick Street  21 – 31 Frederick Street

2 – 24 Hanover Street  28 – 56 Hanover Street
3 – 31 Hanover Street  35 – 51 Hanover Street

6 – 19a South St Davids Street  1 – 15 Multrees Walk  16 – 27 Multrees Walk

2 – 56 Shandwick Place  7 – 99 Shandwick Place
1 – 21 Queensferry Street  23 – 46 Queensferry Street
1 – 52 South Bridge  85 – 108 South Bridge

Each group of addresses constitutes a frontage for the purposes of calculating the proportion of ‘shop’ to ‘non-shop’ uses.
Appendix 3

Supplementary Guidance: Tollcross Town Centre – Draft for Consultation
Introduction
This document comprises Supplementary Guidance (SG) under Section 22 of the Planning etc (Scotland) Act 2006 and once adopted will form part of the development plan. The SG was prepared in accordance with Edinburgh Proposed Local Development Plan Policy Ret 8 Alternative Use of Shop Units in Defined Centres. It applies to all shop units within the defined Tollcross Town Centre.

Other relevant policies in the Local Development Plan include:
- Ret 2 Town Centres – generally supports shop uses in town centres.
- Ret 10 Food and Drink Establishments – considers the impact on residential amenity.
  - Guidance for Businesses December 2012

Purpose
The purpose of this SG is to guide the balance of shop uses with other related appropriate town centre services to meet the needs of those who live, work and shop here. It takes into account Tollcross’s individual characteristics and responds to initial public engagement.

Scope
The extent of the area covered by this SG is illustrated in the attached maps.

Preparation
This draft SG has been prepared by:
- Survey work – analysis of shop unit history, current shop uses and the street environment.
- Community engagement – initial views and reactions from stakeholders informed the analysis map.

Further consultation on this draft SG will take place before it is finalised. It is intended to frequently review the SG (potentially every 2 years).

What is a change of use?
Most properties are classified under categories known as ‘Use Classes’. Common uses in town centres include:
- Class 1 Shops
- Class 2 Financial, professional and other services
- Class 3 Food and Drink

Some uses fall outwith these categories and are defined as ‘sui generis’, meaning ‘of its own kind’. Examples of sui generis uses include pubs and hot food takeaways. This is set out in The Use Classes (Scotland) Order 1997 (Amended in 1998).

Moving to a different use class is known as a change of use and may require planning permission, although some changes between use classes are allowed without planning permission. Planning permission is not required when both the present and proposed uses fall within the same ‘class’ unless there are specific restrictions imposed by the Council. The Scottish Government Circular 1/1998 contains guidance on use classes.

‘Non-shop’ uses are those defined as uses not covered by Class 1.

What is a shop unit?
Premises opening directly onto the street and designed primarily for shop use. In some locations the shop unit can be above street level or at basement level but still have direct access and visible from the street.
Policies

Policy TC1: The change of use of a shop unit to classes 2 (Financial, professional or other services) and 3 (Food and Drink) uses or other appropriate commercial or community use will be allowed within the defined boundary of Tollcross, unless subject to TC2 or TC3 below.

Policy TC2: The change of use of the shop units on 120 – 148 Lothian Road and 2 – 48 Earl Grey Street will not be permitted, with the exception of the corner units where Class 3 uses are considered appropriate.

Policy TC3: The change of use of a shop unit on 1-11 Earl Grey Street to a pub or bar use will be allowed as an exception to the identified area of sensitivity (Council’s Guidance for Businesses).

Explanatory Notes

- In order to enhance the vitality of Tollcross and encourage footfall, the change of use of shop units to Class 4 Business Use and residential use will not be allowed.
- The larger shop units at 120 – 148 Lothian Road and 2 – 48 Earl Grey Street benefit from better loading options than elsewhere in Tollcross Town Centre. Keeping these units in shop use help ensure Tollcross retains a range of unit sizes in shop use.
- The corner units identified as appropriate for Class 3 use in TC2 are visually prominent and food and drink uses could help draw more activity to these junctions.
- The Council’s Guidance for Businesses identifies Tollcross as an area of sensitivity with regards to pubs and hot food takeaways. In order to prevent an excessive concentration, no new hot food shops, pubs and bars will be allowed, with the exception of the units identified in TC 3. Additional flexibility of uses is considered appropriate to encourage activity along this frontage, where there are no residential properties above.
- Any change of use proposals will only be permitted if they are for an appropriate commercial or community use.
Other Relevant Information:

- This policy deals with the principles of changes of use for planning purposes. Food and drink uses will often require other consents and are subject to separate controls by licensing for alcohol, hours of operation and outdoor pavement seating. For more information on these see the Council’s website on the One Door Approach to development consents, the Council’s Guidance for Businesses December 2012 or contact the Business Gateway.
Tollcross Town Centre

Prime retail units with rear loading bays

Junction improvements to help pedestrian cross and improve safety especially at West Tollcross

Shop front and pavement improvements

Under used - opportunity to split units or encourage other uses eg pub/bar

Prominent section of the Tollcross Junction but visually poor

Interest in outdoor seating raised here

Extend boundary

Bustling section but enough pubs/hot food take aways

Perceived as successful for independent shops

Tollcross Town Centre boundary

Shop units by Use Class - March 2013

- Class 1
- Class 2
- Class 3
- Class 4
- SUI GENERIS
- Class 11
- Vacant