

**Full Planning Application 08/02711/FUL**

at

**47A Pennywell Road**

**Edinburgh**

**EH4 4QR**

---

**Development Management Sub-Committee  
of the Planning Committee**

---

**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 S3 of the North West Edinburgh Local Plan regarding the protection of shop uses within local centres as the proposal will further increase the percentage of non-shop uses beyond the 20% threshold. An exception is justified in this instance due to the finalised Edinburgh City Local Plan. The proposal would be in compliance with ECLP Policy Ret 10 with regard to the change of use of a shop unit as the proposal does not result in 4 or more consecutive non-shop uses and it will not be detrimental to the vitality and viability of the centre.

## 1 Purpose of report

To consider application 08/02711/FUL, submitted by W Hill Organization Ltd. The application is for: **Change of use from class1 retail to class 2 licensed betting office**

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

## 2 The Site and the Proposal

### Site description

The application property is a vacant retail unit within the Muirhouse Shopping Centre which fronts directly onto Pennywell Road. The unit was previously occupied by a greengrocer. In total the centre has 24 units. Most of the units that front onto the road are occupied, although many within the covered arcade to the rear are vacant. The neighbouring unit to the south is occupied by a baker. To the north, across the entrance to the covered arcade there is an off-licence. There is an existing betting shop within the local centre.

### Site History

There is no planning history for the site.

### Description of the Proposal

The application proposes a change of use for the unit from Class 1 Retail to Class 2. The unit will operate as a licensed betting shop. This application is for the change of use only and any external alterations will be the subject of a separate application.

### 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;
- b) the existing residential amenity will be adversely affected.

a) The Muirhouse Shopping Centre comprises a number of shop units that serve local needs and a strong retail presence should be protected. Currently there are 8 out of 24 units within the local centre within non-shop use. This represents a percentage that is significantly higher than the 20% limit set by Policy S3 of the North West Edinburgh Local Plan. The proposed change of use would bring the percentage of non-shop units up to 37.5%.

However, this percentage based assessment has been replaced in the finalised Edinburgh City Local Plan. Policy Ret 10 states that a change of use in a local centre should not result in 4 or more adjacent units in non-shop use. The units to either side of the site are currently in Class 1 use and therefore the proposal would be in compliance with this requirement. The proposal would be in compliance with the second criterion of this policy as a betting shop would be an appropriate commercial use that would not be detrimental to the vitality or viability of the centre. A large number and diverse range of shops would remain in the local centre.

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

b) Services for Communities has no objections to the proposal provided it is subject to conditions regarding soundproofing and control of amplified sound, and conditions that restrict hours of operation and delivery and collection times. Hours of operation would not normally be controlled under the planning regime, but otherwise, with appropriate conditioning, the proposal would not impact on residential amenity.

In conclusion, the proposal does not comply with the adopted development plan but is in accordance with the finalised Edinburgh City 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 output and hours of deliveries.

*Alan Henderson*

**Alan Henderson**  
Head of Planning and Strategy

<b>Contact/tel</b>	Ian Tame on 0131 529 6133
<b>Ward affected</b>	A04 - Forth (NEW)
<b>Local Plan</b>	North West Edinburgh Local Plan
<b>Statutory Development Plan Provision</b>	Principle Shopping centre.
<b>Date registered</b>	31 July 2008
<b>Drawing numbers/ Scheme</b>	1-2 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, Helen Martin on 0131 529 3517. Email: [helen.martin@edinburgh.gov.uk](mailto:helen.martin@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)

### Appendix A



**Application Type** Full Planning Application

**Application Address:** 47A Pennywell Road  
Edinburgh  
EH4 4QR

**Proposal:** Change of use from class1 retail to class 2 licensed betting office

**Reference No:** 08/02711/FUL

---

### Consultations, Representations and Planning Policy

#### Consultations

#### Services for Communities – Environmental Assessment

*Environmental Health has no objections to the proposed development subject to the following condition:*

- 1) *The soundproofing of the premise and the control of all amplified sound, including music, speech, electronic video games or other amusement machines, shall be such that no amplified sound is audible within nearby noise sensitive premises.*
- 2) *The design and installation of any plant machinery or equipment associated with the retail unit shall be such that any noise complies with NR25 when*

*measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.*

- 3) *The sound insulation properties or sound transmission characteristics of the structures and finishes in the retail unit shall be such that no impact or airborne noise from the normal operations within the application retail premises is audible in any neighbouring living apartment.*
- 4) *Deliveries and collections, including waste collections, to be restricted to 07.30 – 20.00 hours Monday to Saturday and 09.00 – 17.00 hours Sunday.*
- 5) *The hours of operation shall be restricted to 07.30 – 22.00, Monday to Sunday.*

## Representations

The application was advertised on 8.8.08. One representation has been received that raised the following issues;

- the number of non-shop uses in the local centre;
- loss of a prominent retail unit;
- over-concentration of similar non-retail uses.

***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 identified as within a local centre in the adopted North West Edinburgh Local Plan and the finalised Edinburgh City Local Plan.

### **Relevant Policies:**

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

Policy S3 sets criteria for protecting the retail function in existing shopping centres.

#### **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).

**Application Type** Full Planning Application  
**Application Address:** 47A Pennywell Road  
Edinburgh  
EH4 4QR

**Proposal:** Change of use from class1 retail to class 2 licensed betting office

**Reference No:** 08/02711/FUL

---

## 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 soundproofing of the premises and the control of all amplified sound, including music, speech, electronic video games or other amusement machines, shall be such that no amplified sound is audible within nearby residential or commercial property.
3. 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.
4. The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any neighbouring living apartment.
5. Deliveries and collections, including waste collections, to be restricted to 07:30-20:00 hours Monday to Saturday, and 09:00-17:00 hours Sunday.

## **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.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.

---

End



**Application Type** Full Planning Application

**Proposal:** Change of use from class1 retail to class 2 licensed betting office

**Reference No:** 08/02711/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.