

Development Management Sub Committee

Wednesday 24 September 2014

**Application for Planning Permission 14/01596/FUL
At Site 26 Metres West Of 7, Kew Terrace, Edinburgh
Application under Section 42 to delete conditions 1 and 2 of
planning permission reference 13/04207/FUL and proposed
new condition, site 26 metres west of 7 Kew Terrace,
Edinburgh.**

Item number	6.2
Report number	
Wards	A06 - Corstorphine/Murrayfield

Summary

The proposal fails to comply with the development plan. There are no compelling reasons for departing from policy. The proposal fails to comply with policy Ret 5 of the Edinburgh City Local Plan as the retail assessment identifies an alternative site in an edge of centre location which is sequentially preferable to the out of centre application site.

Links

[Policies and guidance for this application](#) LPC, CITR5,

Report

Application for Planning Permission 14/01596/FUL At Site 26 Metres West Of 7, Kew Terrace, Edinburgh Application under Section 42 to delete conditions 1 and 2 of planning permission reference 13/04207/FUL and proposed new condition, site 26 metres west of 7 Kew Terrace, Edinburgh.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site is a cleared site having previously housed a petrol filling station and comprises part of an embankment of the adjacent cycle route to the south and west. The site is irregular in shape and approximately 1663 sq.m. in area.

It is located on Kew Terrace on the south side of West Coates opposite Wester Coates Terrace and located between the entrance to Balbirnie Place on the east and the category B listed former railway bridge on the west (listed on 24.07.92, LB ref:30287). The category C listed Kew Terrace (listed on 25.04.77, LB ref: 29200) is to the east of the site beyond the access road to Balbirnie Place. The site fronts the A8, a main arterial route to the city centre.

The embankment to the western and southern part of the site forms part of a Local Nature Conservation Site and Open Space in the Edinburgh City Local Plan. The western part of the embankment also forms part of a safeguarded tram route. This application site is located within the Coltbridge And Wester Coates Conservation Area.

2.2 Site History

22 November 2000- planning permission granted for the alteration and extension of the petrol filling station kiosk (Reference: 00/02125/FUL).

10 September 2008- application for change the use from vacant petrol filling station to car/van hire refused and enforcement action authorised (Reference: 08/02165/FUL).

9 February 2009- planning appeal against the decision to refuse planning permission and authorise enforcement action dismissed (P/PPA/230/1042).

June 2009- direct action taken to secure the removal of vehicles and a portacabin from the site.

15 October 2009- planning permission refused for a change of use to a vehicular hire business (Reference: 09/01551/FUL).

11 August 2010- planning permission refused for a change of use of vacant land to a car valeting point including a new ground surface, new fencing and installation of portacabins (Reference: 10/01420/FUL).

11 September 2013- planning permission refused for a proposed class 1,2,3 and residential building over 3 floors (Reference: 13/00939/FUL).

11 April 2014- planning permission granted for a proposed class 1, 2, 3 and residential building over 3 floors (Reference: 14/04207/FUL). This proposal was granted contrary to recommendation by the Development Management Sub-Committee. Conditions restricting the use of the ground floor to Class 2 and Class 3 were attached.

8 August 2014- non-material variation to 13/04207/FUL for a proposed Class 1, 2, 3 and residential building over three floors granted (Reference 14/04207/VARY).

Main report

3.1 Description Of The Proposal

It is proposed to delete conditions 1 and 2 of 13/04207/FUL and add a new condition.

The existing conditions relate to the commercial units being restricted to classes 2 or 3 as set out in the Town and Country Planning (Use Classes) (Scotland) Order 1997 and no change of use being undertaken without the express prior consent of the Planning Authority.

It is proposed to replace these conditions with a condition restricting the use to Class 1 Retail (non-food) as set out in the Town and Country Planning (Use Classes) (Scotland) Order 1997.

The following document has been submitted in support of the application:

- Planning Retail Statement

This is available to view on the Planning and Building Standards Online Services.

3.2 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?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the principle of the development is acceptable;
- b) the proposal raises any equalities or human rights issues;
- c) representations raise issues to be addressed; and
- d) there are any other material considerations.

a) Principle

The original permission (13/04207/FUL) was conditioned to allow Class 2 and Class 3 uses only on the ground floor and no retail to protect the nearby local centre.

This proposal is for a Class 1 retail (non-food) use on the ground floor of the approved development. The site is in an out of centre location.

Policy Ret 5 of the Edinburgh City Local Plan (ECLP) applies. The objective of this policy is to rule out potential or desirable locations for retail developments in or on the edge of a centre and determine the acceptability of an out of centre location. The policy requires retail developments where the gross floorspace exceeds 250 sq.m to demonstrate compliance with all the requirements of policy Ret 5.

The primary catchment area (PCA) was drawn for this application to include Gorgie Dalry town centre as well as Roseburn and other local centres including Western Corner, Dundee Street and Balgreen Road.

The proposal fails to satisfy policy Ret 5 a) which requires other potential sites within or on the edge of centre to be assessed. A site at 396 Gorgie Road is in an 'edge of centre' location and sequentially preferable to this 'out of centre' application site. The aforementioned site is suitable and available (according to the selling agents Graham and Sibbald).

In respect of Ret 5b) which considers the effect of the proposal on the vitality and viability of existing centres within the PCA, the proposal is unlikely to have a significant impact on Roseburn local centre as the floorspace is small and the proportion of this type of retail in this centre is relatively small. Similarly, the impact on Gorgie Dalry is likely to be low despite the fact that it contains a reasonable proportion of comparison shops (including a limited amount of bulky goods).

In respect of Ret 5c) which considers the accessibility of the site by a choice of transport modes and the need for car journeys, the site is well served by and is easily accessible by a variety of transport modes. Whilst bulky goods retail normally generates more car based journeys which have implications for traffic movement and parking requirements, Transport Planning has no objections to the proposal.

In respect of 5d) which considers whether the proposal will fill a gap in provision locally, quantitatively whilst no deficiency in comparison shopping has been identified as such (either in the PCA as originally identified or in the expanded one), based on its size, the proposal could be absorbed without harming similar uses in the other centres.

In terms of qualitative deficiency, the availability of bulky goods in the existing PCA is limited and whilst the amended PCA has a greater share of comparison units, there are relatively few bulky goods retailers. The proposal complies with Ret 5d).

In summary, the proposal will not have an adverse effect on the centres within the PCA and largely complies with policy Ret 5 of the Edinburgh City Local Plan. However, a site at 396 Gorgie Road which is in an 'edge of centre' location is sequentially preferable to the 'out of centre' application site and therefore the proposal fails to comply with policy Ret 5. For this reason, the proposal is not acceptable in principle.

b) Equalities and Human Rights Issues

The proposal does not raise any equalities or human rights issues.

c) Representations

Material considerations

- road safety, taken account of in section 2.3 a) above; and
- detrimental to character of residential area and likely have a further impact on the ability to build a sustainable Roseburn community village, taken account of in section 2.3 a) above.

Two letters of support, one from an immediate neighbour and one from the Donaldson Area Amenity Association have been received.

Community Council Comments

No community council comments were received.

CONCLUSION

In conclusion, the proposal fails to comply with the development plan. There are no compelling reasons for departing from policy. The proposal whilst largely complying with policy Ret 5 of the Edinburgh City Local Plan, fails to comply with part 5a) as the retail assessment identifies an alternative site in an 'edge of centre' location which is sequentially preferable to the 'out of centre' application site.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Conditions:-

Reasons:-

1. The proposal is contrary to policy Ret 5 of the Edinburgh City Local Plan as the retail assessment identifies an alternative site in an edge of centre location (396 Gorgie Road) which is sequentially preferable to the out of centre application site.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 2 May 2014 and one letter of objection and two letters of support were received. The letter of objection raised the following material issues:

- road safety; and
- detrimental to character of residential area and likely have a further impact on the ability to build a sustainable Roseburn community village.

Two letters of support, one from an immediate neighbour and one from the Donaldson Area Amenity Association, have been received. These are in favour of the proposal for non-food retail on the ground floor of the development.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

Statutory Development

Plan Provision

The application site is in an Urban Area and forms part of a Local Nature Conservation Site and area of Protected Open Space in the Edinburgh City Local Plan.

It is in the Coltbridge and Wester Coates Conservation Area.

Date registered

25 April 2014

Drawing numbers/Scheme

01,

Scheme 1

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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Ret 5 (Out of Centre Retail Development) identifies the circumstances in which out-of-centre retail development will be permitted.

Appendix 1

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Consultations

Transport Planning

No objections.

Location Plan



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