

Development Management Sub Committee

Wednesday 25 February 2015

**Application for Planning Permission 14/04939/FUL
At 249 - 251 Leith Walk, Edinburgh, EH6 8NY
Installation of ATM to shop front and reposition doorway
entrance.**

Item number	4.4
Report number	
Wards	A12 - Leith Walk

Summary

The physical alterations proposed to the shopfront are minimal. The character and appearance of the conservation area are preserved. The provision of an ATM complies with development plan policies and non-statutory guidelines and is acceptable. No other considerations outweigh this conclusion.

Links

[Policies and guidance for this application](#) LPC, CITE6, CITD12, NSG, NSBUS,

Report

Application for Planning Permission 14/04939/FUL At 249 - 251 Leith Walk, Edinburgh, EH6 8NY Installation of ATM to shop front and reposition doorway entrance.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application relates to a double-width shop unit on the east side of Leith Walk. It lies at the ground floor of a four storey Victorian tenement, however the shop unit itself is modern: the fascia section dating from the 1950s, the shopfront itself from the 1970s or 80s.

This application site is located within the Leith Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application proposes installation of an ATM within an area occupied by an existing doorway into a shop.

The doorway is repositioned to the side within a section of modern shopfront.

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 alterations impact adversely upon the character or appearance of the conservation area;
- b) the use impacts upon the retail environment of the street;
- c) the use impacts upon road safety;
- d) comments raised have been addressed; and
- e) the proposals raise any equalities or human rights issues.

a) Impact Upon the Conservation Area

Leith Conservation Area Character Appraisal states that:

The traditional perimeter blocks... are given life by the local communities and the variety of goods and services on offer in ground floor premises.

Leith Walk is characterised by a mix of buildings of widely varied design, use, quality and relationship to street. Victorian tenements, set to the heel of the pavement, predominate, particularly on the east side, with shops and pubs at ground floor level.

The existing shopfront is not historic and dates from the 1970s or 80s. ATMs are part of the existing street character. The relocation of the door and addition of an ATM has no adverse impact upon the character or appearance of the conservation area.

b) Acceptability of the Use

The alteration has no material effect upon the viability of the retail unit which will continue to operate in this function.

Policy guidelines permit one ATM per business frontage. There is no guidance upon over-provision of ATMs. The closest ATM on this side of the road is over 300m to the north.

ATM usage is acceptable.

c) Road Safety

The site lies on a major arterial route within the city. Parking adjacent to the site is free but limited to a maximum of one hour.

Whilst it is acknowledged that cars may stop to use the ATM this is considered to be no different than stopping to use shops. There are no policy guidelines requiring ATMs to provide parking.

The proposal is acceptable in terms of road safety.

d) Public Comments

A petition with seven signatures was received from residents above the shop premises.

Material Objections

- The proposal will disrupt a traditional shop frontage - addressed in section 3.3 a) of the Assessment.
- Parking will be worsened - addressed in section 3.3 c) of the Assessment.

Non Material Objections

- There are sufficient ATMs in the area - there is no policy guidance on "over-provision".
- The proposals cause an imbalance in retail/residential balance - this is unaffected by the proposal.
- The proposal will create a "city environment" - the property is on a city street.
- The proposal represents overdevelopment and will lead to increased commercial activity - the proposal does not change development density.
- The proposal will cause queuing at anti-social hours with associated litter and noise - ATMs are not restricted in their operational hours - there are no guidelines on nuisance from ATMs.

Community Council Comments

No comments were made.

e) Equalities and Human Rights

The works raise no equality or human rights concerns.

Conclusion

The physical alterations to the shopfront are minimal. The character and appearance of the conservation area are preserved. The provision of an ATM complies with development plan policies and non-statutory guidelines and is acceptable. No other considerations outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

2. Any sign mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984.
3. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.
4. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
5. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

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 12 December 2014.

A group of residents living above the property wrote a petition of objection (with 7 signatures). This objected on grounds of:-

- No need for a further ATM;
- Loss of traditional shopfront;
- Additional parking use;
- Will cause an imbalance in the retail/residential character;
- Creates a city environment;
- Overdevelopment of the site; and
- Will cause queuing at unsocial hours.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The property lies in a Primary Retail Frontage in the Leith Conservation Area as shown in the Edinburgh City Local Plan.

Date registered

28 November 2014

Drawing numbers/Scheme

1-4,

Scheme 1

David R. Leslie

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Links - Policies

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 Des 12 (Shopfronts) sets criteria for assessing shopfront alterations and/or advertising proposals.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Appendix 1

Application for Planning Permission 14/04939/FUL At 249 - 251 Leith Walk, Edinburgh, EH6 8NY Installation of ATM to shop front and reposition doorway entrance.

Consultations

Transport

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. Any sign mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984.
2. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.

Location Plan



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