

Development Management Sub Committee

Wednesday 11 March 2015

**Application for Planning Permission 14/03693/FUL
At 58 - 66 Queen Charlotte Street, Edinburgh, EH6 7ET
Change of use and alterations of motor vehicle showroom to
Class 1 (Shop).**

Item number	4.9
Report number	
Wards	A13 - Leith

Summary

The proposal complies with the development plan and the Council's non-statutory guidance. The retail development is outwith a defined shopping centre. The location is considered appropriate and given its scale will not have a detrimental effect on the vitality and viability of the nearby shopping centre. The scale, form and design are acceptable and the character and appearance of Leith Conservation Area is retained. The proposal will not result in an unreasonable loss of neighbouring amenity. There are no material considerations which outweigh this decision.

Links

Policies and guidance for this application	LPC, CITR5, CITE6, NSG, NSBUS, OTH, CRPLEI,
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Report

Application for Planning Permission 14/03693/FUL At 58 - 66 Queen Charlotte Street, Edinburgh, EH6 7ET Change of use and alterations of motor vehicle showroom to Class 1 (Shop).

Recommendations

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

Background

2.1 Site description

The application lies on the south side of Queen Charlotte Street with the corner of John's Place. It relates to the ground floor premises of a modern corner building three storeys in height. The ground floor is vacant but previously occupied a motorbike showroom. The two floors above are occupied by office development. There are residential properties adjoining the building both at ground floor and at upper levels. To the east of the site lies Leith Links.

To the west of the site 44 Queen Charlotte Street lies an early 19th century. 3-storey and attic corner tenement block with public house at ground floor. It is a category C building and was listed on 29/04/1977. Ref 27873

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

Scheme 2

The application proposes a change of use and alterations of motor vehicle showroom to Class 1 (Shop) at ground floor level. The windows facing John's Place and Queen Charlotte Street would be amended to allow for future advertising which would be subject to a separate application.

It is proposed to form a local convenience store with a gross floor area of 325square metres.

Scheme 1

Condenser units were proposed to the rear of the building.

Supporting Statement

The applicant has submitted a supporting planning 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 development is acceptable in this location;
- b) the proposal is of an acceptable scale, form and design and protects the character and appearance of the conservation area and adjacent listed building;
- c) the proposal will result in an unreasonable loss of neighbouring amenity;
- d) the proposal is acceptable in terms of traffic and car parking;
- e) any impacts on equalities or human rights are acceptable; and
- f) comments raised have been addressed.

a) Principle of development

The site lies within the urban area as defined in the Edinburgh City Local Plan where the principle of retail development is acceptable subject to compliance with other policies of the development plan.

The site is not located in or near a designated shopping centre and is an out-of-centre development.

It needs to satisfy four criteria to comply with Edinburgh City Local Plan Policy Ret 5 (Out of Centre Development): a) all potential sites within or on the edge of a designated centre have been assessed and discounted as unsuitable or unavailable; b) the proposal will not have an adverse effect on the vitality and viability of existing centres; c) the site is easily accessible; and d) the proposal will fill a gap in provision locally or meet the needs of an expanding residential or working population.

Ret 5 a) all potential sites, either within or on the edge of a town centre, have been assessed and can be discounted as unsuitable or unavailable;

The applicant considered potential alternative sites under the sequential approach and concluded they were unsuitable or unavailable for the development proposed. The sites were: 2-22 Duke Street (including the former Job Centre and Sanctuary night club). Numbers 2-8 Duke Street are vacant but are not being marketed as 'available' and as such cannot be considered. Numbers 10-22 Duke Street are a series of vacant units but are not being marketed as being 'available' but are also subject of a planning permission (13/01002/FUL) conversion to 5 residential flats. It also appears that these units for this part of Duke Street have individual floor spaces which are less than that of the application site and as such they are considered not 'suitable'. Closer to the town centre at the eastern end of Great Junction Street, there is a vacant unit being marketed by Graham & Sibbald. Not only is the unit considered too small to accommodate the proposal, but it is also no longer being shown as 'available' on the agent's website. The vacant units within New Kirkgate Centre have smaller floor space than that being sought at Queen Charlotte Street so are considered unsuitable.

The proposal complies with part (a) of Policy Ret 5.

Ret 5 b) the proposal will not have an adverse effect on the vitality and viability of existing centres;

The local plan recognises that retail development, of an appropriate scale, in and on the edge of existing town centres can encourage and enhance the vitality and viability of existing town centres. It is the applicant's experience that food stores tend to impact like-for-like, such that the main trade drawn to the application site is expected to be trade that currently goes to other equivalent sized main operator branded convenience stores throughout the city. Trade is expected to come from more remote stores where local residents currently shop whilst there on a visit for another purpose (i.e. work, commute, leisure etc). A small amount of proposed store trade is expected to be drawn from non-equivalent stores such as Tesco in Leith Town Centre, but not at a level that is expected to have any meaningful impact.

The application is for a local convenience store with a gross floor area of 325 square metres and by virtue of its size and position within a residential area it is considered it will function as a convenience shopping facility and not as a main food shop.

The convenience stores identified within Leith Town Centre including Tesco, Lidl and Farmfoods are larger than the proposal and all typically serve as the main food shopping destinations.

It is accepted that there a small number of retailers within the town centre who sell other types of food goods including butcher and fishmonger which will be sold in the proposed store. The ability of these types of specialist shops to co-exist is demonstrated by the fact that they have remained viable and in operation alongside that of the larger fore mentioned stores, all of which seem more likely to impact on trade due to being in more close proximity than the proposal.

The proposal complies with part b of policy Ret 5.

Ret 5 c) the site is easily accessible;

The site is well served by public transport to the foot of Leith Walk and to Leith Links or can be made easily accessible by car. As a proposed retail site, it is easily accessible by a choice of transport modes.

The proposal complies with part (c) of policy Ret 5.

Ret 5 d) the proposal will fill a gap in provision locally or meet the needs of an expanding residential or working population.

The applicant has analysed the demographics of the area alongside the existing convenience store coverage and has identified a shortfall of convenience store provision. A catchment area is identified within their supporting statement. Within this catchment, two existing convenience stores have been identified (Links Convenience store at Elbe Street/Links Place and Bishops Newsagent at Constitution Street/Bernard Street). Both of these shops serve local residents and businesses, and co-exist without any recognisable impact on the vitality and viability of Leith Town Centre. Though Leith area is generally quite well provided for in terms of convenience stores, the immediate area has few such facilities and could benefit from a store of this size.

The proposal complies with Policy Ret 5 (d) of Edinburgh City Local Plan.

In conclusion the principle of development is acceptable in terms of policy Ret 5 in the Edinburgh City Local Plan.

b) Scale, form, design and character and appearance of the conservation area

The Leith Conservation Area Character Appraisal emphasises *the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value.*

Leith Conservation Area Management Plan which was approved by the Council on 22 February 2007, is a material consideration in determining proposals. The Plan aims to *manage change appropriately whilst protecting and enhancing and promoting Leith built and natural heritage for the benefit of all.*

The proposal is for the change of use of a building. The scale, form and design of the building will remain as existing. The only alterations are to the windows facing Queen Charlotte Street and John's Place. The upper astragals are to be removed to allow for a future fascia sign to be formed. The signage would be subject to a separate application.

The proposal complies with Env 6 of the Edinburgh City Local Plan.

The scale, form and proposed materials of the development complement the historic character of the adjacent C(s) listed building at 44 Queen Charlotte Street (LB 27873, Listed 29th April 1977). The proposal will have no adverse impact and preserves the setting of the listed building.

The proposal is of an acceptable scale, form and design and preserves the character and appearance of the conservation area and the adjacent listed building.

c) Neighbouring amenity

Any additional noise resulting from the proposed change of use would be minimal and the effect on neighbouring residential amenity would be negligible, as such it is considered that the amenity of residential occupiers will be maintained.

Residential amenity will be maintained.

d) Traffic and car parking

There is existing on-street parking in this area and Transport offer no objections to the proposal.

e) Equalities and Human Rights Impacts.

This application was assessed in terms of equalities and human rights. No impact was identified. An Equality and Rights Impact Assessment Summary is available to view on Planning and Building Standards online services.

f) Public comments

Material considerations

- design, scale and form; assessed in section 3.3b).
- oversupply of retail development; assessed in section 3.3 a).
- increased traffic; assessed in section 3.3d).
- noise and disturbance assessed in section 3.3 e).
- character and appearance of conservation area; addressed in section 3.3b).

Non-material considerations

- sale of alcohol - subject to separate statutory control - Licensing (Scotland) Act 2005.
- design of signage not appropriate for conservation area – the application does not include any proposal for signage. This would be subject to a separate application for advertisement consent in the future.

Community Council

No comments were received.

Conclusion

The proposal complies with the development plan and the relevant non-statutory guidance. The retail development is out of town centre. The location is considered appropriate and given its scale will not have a detrimental effect on the vitality and viability of the nearby shopping centre. The proposal is acceptable in this location. The proposal is of an acceptable scale, form and design and protects the character and appearance of Leith Conservation Area. The proposal will not result in an unreasonable loss of neighbouring amenity. There are no material considerations that would justify refusal.

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

3.4 Conditions/reasons/informatives

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. 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.
3. 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 requirement 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 26 September 2014 and attracted 13 letters of objection. These were from Leith Links Residents Association and residents.

Material considerations

- design, scale and form;
- oversupply of retail development;
- increased traffic;
- noise and disturbance; and
- character and appearance of conservation area.

Non-material considerations

- sale of alcohol; and
- design of signage not appropriate for conservation area.

Community Council

No comments were received.

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](#)
- [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 site lies within the urban area of Edinburgh City Local Plan and is designated as Leith Conservation Area.

Date registered

12 September 2014

Drawing numbers/Scheme

1,2A,3A,4A,5A,

Scheme 2

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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.

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

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.

Other Relevant policy guidance

The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value.

Appendix 1

**Application for Planning Permission 14/03693/FUL
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Consultations

Transport Planning

I have no objections to the application.

Location Plan



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