

Development Management Sub Committee

Wednesday 23 September 2015

**Application for Planning Permission 15/03251/FUL
At 277 St John's Road, Edinburgh, EH12 7XD
Change of use from showroom to mixed use cafe and
bakery.**

Item number	4.3
Report number	
Wards	A06 - Corstorphine/Murrayfield

Summary

The proposal is unacceptable in principle; it is contrary to both the local plan policy and non-statutory guidance. The proposed change of use would result in the loss of retail on a primary shopping frontage in Corstorphine Town Centre, which already at present has more than one third of shop units in non-retail use. The loss of this retail unit will cause harm to the vitality and viability of Corstorphine Town Centre.

Links

Policies and guidance for this application	LPC, CITR2, CITR9, CITR12, CITH8, NSG, NSBUS,
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Report

Application for Planning Permission 15/03251/FUL At 277 St John's Road, Edinburgh, EH12 7XD Change of use from showroom to mixed use cafe and bakery.

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 partially detached, vacant retail unit located on the south side of St. John's Road in Corstorphine. The property is a single storey building with a double pitched, red pantile roof and was previously used as a showroom. Surrounding uses are predominantly commercial and residential. This site is not located within a conservation area or within the curtilage of a listed building.

2.2 Site History

02 August 1995. Planning consent refused for the change of use from lock up garages to joiners store/workshop (Ref: 95/00478/FUL).

24 January 1996. Planning consent refused for the change of use from lock up garages to joiners/store/workshop (Ref: 95/02615/FUL).

05 November 1997. Planning consent granted for the change of use to joiners store and workshop (Ref: 97/02447/FUL).

09 July 1998. Planning consent granted for alterations to shopfront (Ref: 98/01490/FUL).

Main report

3.1 Description Of The Proposal

The proposal is for the change of use from class 1 to a mixed use restricted class 3 with a bakery. The capacity will be for up to 36 patrons. No baking will take place on the premises.

There are no proposed alterations to the external appearance of the unit. There will be new signage within the existing fascia and repainting of the external timber.

The premises will not require late opening hours.

3.2 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?

3.3 Assessment

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

- a) whether the proposal is acceptable in principle;
- b) whether the proposal will be detrimental to neighbouring amenity;
- c) the proposal affects road safety;
- d) any impacts on equalities or human rights are acceptable; and
- e) any public comments raised have been addressed.

a) Whether the proposal is acceptable in principle

Edinburgh City Local Plan policy Ret 9 states that *"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."*

Excluding the accountants office at 263b St John's Road (as it is on the first floor only) there are a total of twenty retail units. At present, thirteen are in Class 1 use; six are in non-shop use and one which has mixed Class 1 and Class 3 uses. Therefore there is already more than one third of the total number of units in non-shop use; this proposal would further exacerbate the loss of retail along this Town Centre primary shopping frontage.

The non-statutory guidance "Corstorphine Town Centre Supplementary Guidance 2014" has identified 243 - 295b as a frontage that will not permit the loss of retail.

Corstorphine Town Centre has had to and is competing with the Gyle Shopping Centre, Hermiston Gait and a Superstore at Meadow Place Road, although its vacancy rate is low. It is not within the remit of planning to suggest that the applicants investigate the use of other vacant units. Although, it has been raised in objections that there is already a vacant premises with Class 3 use (Koffee Inn). This premises did obtain Class 3 use but in 2012 an enforcement case (Ref: 12/00543/ECOU) determined that the property was Class 1 and in use as a Sandwich Bar, so this was permitted development.

Therefore if the applicant was to consider the Koffee Inn, the situation would remain that there would still be a departure from policy as the percentage of non-shop use would be more than one third.

This application property only became vacant in April and marketing particulars were circulated to agents in June, therefore it is not considered acceptable to grant this change of use - which is contrary to policy - having only been on the market for a limited time. It is premature to assume that there is not a demand for Class 1 use for this site.

The proposal contains elements of retail; however the retail on offer is very limited novelty items and the predominant use of the premises is a restricted Class 3 cafe. The vitality and viability of this Primary Shopping Frontage in Corstorphine Town Centre would be compromised by further loss of retail, subsequently contributing to its inability to compete with surrounding areas.

The proposal is therefore contrary to both the Development Plan and non-statutory guidance.

b) Neighbouring Amenity

Environmental Assessment was consulted and had no objections on the basis of the cafe having restricted Class 3 use.

As there are neighbouring residential properties in close proximity to the premises, conditions would have to be attached to the permission if granted, to restrict the use of equipment.

c) Road Safety

Transport was consulted on this application and they had no objections.

This application site lies along the busy A8 trunk route which is a "Greenway" with double red lines. There are limited loading bays and controlled parking immediately in front of the site. Off-street parking in close proximity to the site is Corstorphine Bank Drive, Templeland Road and Featherhall Avenue, all of which are heavily used at present for off-street parking.

A material objection raised was that this change of use would generate more traffic and there will be parking issues which in turn will have an adverse impact on road safety. It is concluded that there is likelihood of more traffic being generated and due to the nature of the proposal; people driving to the premises will be more inclined to park and spend time in the facility.

d) Human Rights and Equalities

This application was assessed in terms of potential impacts on human rights and equalities. There were no impacts found on human rights and equalities.

e) Public Comments

The application has received fourteen representations and a petition carrying twenty-three signatures. Seven representations are in support, seven raise objections and the petition also raises objections.

Material Representations: Objections

- Adverse impact on parking in the locality - this has been addressed in section 3.3c) of the assessment.
- Change of use is unacceptable in principle - this has been addressed in section 3.3a) of the assessment.
- Loss of retail on a primary shopping frontage - this has been addressed in section 3.3a) of the assessment.

Community Council

No representations have been received.

Conclusion

The proposal is unacceptable in principle; it is contrary to both the Local Plan policy and non-statutory guidance. The proposed change of use would result in the loss of retail on a primary shopping frontage in Corstorphine Town Centre, which already at present has more than one third of shop units in non-retail use. This would cause harm to the Town Centre's vitality and viability. The neighbouring amenity is unlikely to be affected by a restricted Class 3 use of the premises; however the nature of the proposal is likely to generate more off-street parking in an area which is already heavily congested with traffic.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to Edinburgh City Local Plan Policy Ret 9 and Corstorphine Town Centre Supplementary Guidance 2014 in respect of Alternative Use of Shop Units - Primary Frontages in the City Centre and Town Centres, as the proposal results in further loss of retail on a primary shopping frontage that already has more than one third of units in non-shop use causing harm to the vitality and viability of Corstorphine Town Centre.

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

This application was advertised on 24.07.2015 and received:

- 7 letters of support;
- 7 letters of objection; and
- 1 petition of objection carrying 23 signatures.

Material Considerations

- Adverse impact on parking in the locality;
- Change of use is unacceptable in principle; and
- Loss of retail on a primary shopping frontage.

Non - Material Considerations

- Vacant premises on the same frontage as the proposal site with Class 3 use (previously used as a sandwich bar).

Support Comments

- It will increase the selection of shops in the area; and
- Encouraging the expansion of an Edinburgh - based local business.

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

Edinburgh Local Plan - Urban Area

This site is a Primary Shopping Frontage and located within the Corstorphine Town Centre.

Non Statutory Guidance - Corstorphine Town Centre Supplementary Guidance 2014.

Date registered

16 July 2015

Drawing numbers/Scheme

01-02,

Scheme 1

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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Ret 2 (Town Centres) sets criteria for assessing retail development in or on the edge of town centres.

Policy Ret 9 (Alternative Use of Shop Units – Primary Frontages in the City Centre and Town Centres) sets criteria for assessing the change of use of a shop unit to a non-shop use in primary frontages in the City Centre and town centres.

Policy Ret 12 (Food and Drink Establishments) sets criteria for assessing the change of use to a food & drink establishment.

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

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

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Consultations

Environmental Services

Change of use from showroom to a mixed use of bakery and cafe at 277 St John's Road (15/03251/FUL).

The applicant proposes changing the use of a commercial retail showroom to a restricted use class 3 bakery/cafe. This would include a main serving area with eight tables plus an informal area incorporating around four easy chairs for lounging. The proposed capacity for seating would therefore be up to 36. The main food items for sale will be confectionary items with hot foods available such as soup, Panini and toast.

The neighbouring unit at 279 St John's Road is a dry cleaning business, separated by a pend that leads to garage units at the rear. Above dry cleaners there are residential flats. To the east there is a gap of around 10m beyond this gap is a small shop which includes a local post office with residential located above.

The applicant has advised that due to the close proximity of the neighbouring residential properties no cooking will take place onsite due to potential adverse impacts cooking odours may have. It has therefore been agreed that a restricted use class 3 can be supported by Environmental Assessment. A condition will be required to control the equipment used on the site, this will mean no commercial high-level ventilation will be necessary.

Therefore Environmental Assessment has no objection to the proposal subject to the following condition:

1. Cooking, heating and reheating operations on the premises shall be restricted to the use of a Panini machine, toasty machine, baked potato oven, soup urn and one microwave only; no other forms of cooking, heating and reheating shall take place without prior written approval of the Head of Planning and no odours shall be exhausted into any neighbouring premises.

Transport

I have no objections to the application.

Location Plan



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