

Planning Committee

10am, Thursday, 5 December 2013

Supplementary Guidance: Tollcross Town Centre

Item number	5.2
Report number	
Wards	9 - Fountainbridge/Craiglockhart 10 - Meadows/Morningside

Links

Coalition pledges	P15
Council outcomes	CO7 , CO8 , CO19 , CO21
Single Outcome Agreement	SO1 , SO4

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Executive summary

Supplementary Guidance: Tollcross Town Centre

Summary

The purpose of this report is to seek Committee approval of finalised Supplementary Guidance (SG) for Tollcross Town Centre. The SG will guide the balance of uses in the town centre. It will be used to determine planning applications for the change of use of units in shop use to non-shop uses.

Recommendations

It is recommended that the Committee approves the finalised Supplementary Guidance for Tollcross Town Centre.

Measures of success

The vitality and viability of Tollcross Town Centre is preserved and enhanced.

Financial impact

There are no direct financial impacts arising from this report. The costs of publishing the SG will be met from existing budgets.

Equalities impact

The impacts of this report in relation to the Public Sector Equalities Duty and the ten key areas of rights have been considered. The report has no significant direct impact on the Council's three equalities duties. The SG will have positive impacts on rights. The process of preparing the SG enhanced the rights to participation, influence and voice by allowing people to participate in the formation of policy. The Guidance will enhance the rights to health, physical security and standard of living.

Sustainability impact

The proposals in this report will:

- reduce carbon emissions because they supports town centres which provide local services in sustainable locations, reducing the need for travel;
- increase the city's resilience to climate change impacts because supporting town centres reduces the need to travel for services;
- help achieve a sustainable Edinburgh because town centres are places for social and economic interaction, and fostering their vitality and viability will protect their identity within our communities;
- help achieve a sustainable Edinburgh because it supports the town centres where many local businesses choose to locate; and
- help achieve a sustainable Edinburgh because they promote the continued use of shop units in beneficial use.

Consultation and engagement

Pre-draft consultation on the SG took place through two drop-in events in March 2013 in Tollcross. All residents and local businesses in Tollcross were invited by letter. The views collected informed the preparation of the draft SG.

Consultation on the draft SG took place from 17 June until 9 August this year with a public drop-in event held on Saturday 22 June for residents, local businesses and those responding to the pre-draft consultation. The draft SG was also available on-line and in public libraries.

Background reading / external references

- [Summary](#) note of the Tollcross consultation drop-in events March 2013.
- [Report to Planning Committee](#), Local Development Plan – [Proposed Local Development Plan](#) and Development Plan Scheme (19 March 2013).
- [Annual Review of Guidance report](#) to Planning Committee (28 February 2013).
- Edinburgh Local Development Plan [Main Issues Report](#) (October 2011).
- [Report to Planning Committee](#), Supplementary Guidance: City Centre Retail Core and Tollcross Town Centre – drafts for consultation (16 May 2013).

Supplementary Guidance: Tollcross Town Centre

1. Background

- 1.1 The Proposed Edinburgh Local Development Plan was approved on 19 March 2013. It requires supplementary guidance (SG) to be prepared for each town centre. This new approach was consulted on in the Main Issues Report and set out in the report on the Annual Review of Guidance to Planning Committee on 28 February 2013.
- 1.2 Statutory SG is prepared under Section 22 of the Planning, etc (Scotland) Act 2006.
- 1.3 Finalising the SG for Tollcross means it can be considered as a material consideration in the determination of planning applications for the change of use of shop units. The SG cannot be formally adopted and issued as part of the development plan until the related Local Development Plan has been adopted. The expected date for adoption is October 2015. It is intended to review the guidance every two years to take account of changes of use over time.
- 1.4 A programme for the remaining town centres SG has been prepared and is attached as Appendix 1.

2. Main report

Consultation on Draft supplementary Guidance

- 2.1 Consultation on the draft SG took place from 17 June until 9 August this year. The draft SG was available on-line and in local libraries for comment. Residents, local businesses and those responding to the pre-draft consultation were invited to a public drop-in event held on Saturday 22 June. A schedule of the responses received is attached at Appendix 2.

Finalised Supplementary Guidance

- 2.2 The finalised SG is attached at Appendix 3. As in the draft, it allows shops, financial, professional or other services and food and drink establishments in most of the town centre. This will allow shops to change to those uses that maximise the Town Centre's easily accessible location for the community. Restrictions to this are made in order to retain prime retail units in shop use on parts of Lothian Road and Earl Grey Street.

- 2.3 As a result of the consultation, one change has been made to the SG. The suggestion in the draft SG to allow the change of use of a shop unit on 1-11 Earl Grey Street to a pub or bar received strong opposition and has been removed. No further public houses or hot food shops are allowed, in line with the Council's Guidance for Business.
- 2.4 The SG once finalised can be used as a material consideration and be used day-to-day to decide applications. Once the SG is adopted in 2015 it will form part of the development plan and, as such, planning applications must be considered in accordance with it.

3. Recommendations

- 3.1 It is recommended that the Committee approves the finalised Supplementary Guidance for Tollcross Town Centre.

Mark Turley

Director of Services for Communities

Links

Coalition pledges	P15 Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
Council outcomes	CO7 Edinburgh draws in new investment in development and regeneration CO8 Edinburgh's economy creates and sustains job opportunities CO19 Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm CO21 Safe – Residents, visitors and businesses feel that Edinburgh is a safe city.
Single Outcome Agreement	SO1 Edinburgh's economy delivers increased investment, jobs and opportunities for all SO4 Edinburgh's communities are safer and have improved physical and social fabric
Appendices	Appendix 1: Supplementary Guidance for Town Centres: Outline Preparation Programme at October 2013 Appendix 2: Draft SG for Consultation – Schedule of Responses Appendix 3: Supplementary Guidance: Tollcross Town Centre

APPENDIX 1

Supplementary Guidance for Town Centres Outline Preparation Programme at October 2013

Title	Stage*	Indicative Date
<i>Early 'pilot' cases</i>		
Tollcross	Draft	May 2013
	Finalised	December 2013
City Centre Retail Core	Draft	May 2013
	Finalised	Spring 2013
<i>2nd Batch</i>		
Corstorphine	Draft	Spring 2014
	Finalised	End 2014
Gorgie/Dalry	Draft	Spring 2014
	Finalised	End 2014
Leith/Leith Walk	Draft	Spring 2014
	Finalised	End 2014
<i>3rd Batch</i>		
Morningside/Bruntsfield	Draft	Autumn 2014
	Finalised	Spring 2015
Nicolson St/Clerk St	Draft	Autumn 2014
	Finalised	Spring 2015
Portobello	Draft	Autumn 2014
	Finalised	Spring 2015
Stockbridge	Draft	Autumn 2014
	Finalised	Spring 2015

* Supplementary Guidance cannot be formally adopted and issued as part of the development plan until the related Local Development Plan (LDP) has been adopted. The expected date for adoption of LDP is October 2015.

Appendix 2: Tollcross Draft Supplementary Guidance for Consultation – Schedule of Responses Grouped Summary with Council Response

TC1 & TC2 - Some concern over allowing more food and drink. Some support for Class 3 in corner units.

Council Response: Class 3 will only be allowed where it meets the criteria in TC1 which aims to allow more mixed uses to support the town centre role while protecting key units in TC2. Clarification now in finalised SG that food and drink is not referring to pubs and hot food takeaways.

TC3 - Majority of respondents opposed to allowing the large shop unit in 1-11 Earl Grey Street change to a pub or bar use. A few suggest a restaurant use or keeping it retail but dividing it into smaller units.

Council Response: Remove proposal to change to a bar and keep as a retail unit.

Types of shops – number of comments on types of shop uses and encouraging local shops.

Council Response: Planning Legislation cannot distinguish between types of shops in a unit. SG aims to allow more mixed uses to support the town centre role

Boundary – A few respondents suggest expanding the town centre boundary to include Brougham Street, Morrison Street, Bread Street and Bruntsfield Place. While another states changes should be small.

Council Response: Recommend these expansions be considered in the context of the Local Development Plan as it involves altering the proposals map. This will also allow changes to policy in current town centre time to bed in.

Public Realm - Many comments about environmental and promotional issues.

Council Response: these are out with the realm of the SG to address and are being passed to the relevant sections of the council.

Individual Responses

Respondent	Summary of response
Respondent 1	<ul style="list-style-type: none">• No need to encourage more food and drink, need to develop creative ways of encouraging shops instead.• Need for change is small and should involve environmental improvements and nurturing retail by encouraging buying in local shops.• Opposed to a bar on east side of Earl Grey Street. Enliven it by splitting up the unit to make it easier to rent or convert into a retail arcade or allow a restaurant.

Respondent 2

- Guidance should include Brougham Street.
- Changes to use classes is not enough, needs a wider range of initiatives looking at the areas image, appearance of street frontages, uncontrolled signage, poor pavement surfaces, street clutter and prominence of traffic over pedestrians, improvements to the public realm, provision of community space, a shop frontage improvement scheme, reduced business rates to encourage incubator businesses, make better day time use of the Cameo, Kings etc.

Respondent 3

- TC3 would be inappropriate and of no benefit to locals in an overprovided sector
- Suggests Council consider improving the outdoor experience in favour of those on foot, a program of tree planting and more bike stands.

Respondent 4

- More food and drink is not future current residents are hoping for.
- Boundary should include Brougham Street, Morrison Street, Bread Street and Bruntsfield Place.
- Need to address management of the centre such as anti-social behaviour, cleanliness, pedestrian safety, pavement widths, speed of traffic and ease of crossing roads.

**Tollcross
Community Council**

- TC1 negates retail protection in an area already overprovided with food and drink. TC1 contradicts what the guidance says about “no new hot food shops, pubs and bars” being allowed.
- TC3 is not welcome, suggest breaking the unit up for shops or a restaurant but no more pubs.
- Wish shops on west side of Bruntsfield to be included in town centre or be included in Bruntsfield Town Centre. Also wish to see shops in Brougham Street, Morrison Street and Bread Street included.

Respondent 6

- Need to refurbish street furniture, improve pavement condition, attend to road conditions particularly outside the King’s Theatre.
 - TC3 is not supported as there is already an over provision of alcohol in the area. Would be good to see the premises in use perhaps by dividing into two units.
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Respondent 7

- Guidance appears to reduce the number of retail units rather than protect them.
- TC3 is not supported as already too many licensed premises.
- Need to address pedestrian access as motorised traffic has absolute priority at the major junctions. Pedestrians need to be given genuine priority.

Respondent 8

- Strongly object to TC3 as another pub will not help current over provision.

Respondent 9

- Endorses Respondent 4's comments
- More pubs are not needed.

Respondent 10

- Objects to any part of Central Hall being licensed for sale of alcohol as already over provided for.

Respondent 11

- Object to TC3 as already over subscribed with pubs and fast food outlets.

Central Hall

- Support proposal to allow visually prominent corner shop units to be permitted class 3 use.
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APPENDIX 3

Tollcross Town Centre

Supplementary Guidance

December 2013



Introduction

Tollcross Town Centre is one of Edinburgh's nine Town Centres. Within these Centres the Council is committed to ensuring they continue to serve those who live, work, visit and shop there. One way it does this is by guiding when a shop unit can change from a shop use to another use suited to a Town Centre. This document sets out when the Council will give planning permission for changing the use of a shop unit in Tollcross Town Centre.

Tollcross Town Centre

The Town Centre is defined as lying within the area shown on the map below. A mix of uses currently exists including shops, offices, cafes and bars. **Where a unit is used as a shop it is necessary to get planning permission from the Council to change to another use.**

The continued existence of a variety of shops is seen as critical to the health of Tollcross. However, there are also benefits in allowing shops to change to other uses that maximise the Town Centre's easily accessible location for the community. It is therefore felt that, in certain areas, permitting a change of use to a professional office or a cafe/ restaurant use would enhance the Centre.

To prevent non-shop uses that detract from the streets' liveliness, changes to uses such as residential and light industry are not acceptable. To prevent excessive concentration, no new hot food takeaways, pubs or bars will be allowed. New cafes and restaurants must not lead to an unacceptable impact on living conditions for nearby residents.

What is a shop unit? Premises opening directly onto the street and designed primarily for shop use. In some locations the shop unit can be above street level or at basement level but still have direct access and be visible from the street.

What is a shop use? A unit used for the sale of goods (not hot food), e.g. post office, sale of tickets, travel agency, cold food for consumption off the premises, hairdressing, funeral parlour, launderette or dry cleaners.

All where the sale, display or service is principally to visiting members of the public.

(These types of use are grouped together and collectively called Class 1 Shops)

Types of non-shop uses

Changing a shop to non-shop use is known as a “change of use” and will always require an application for planning permission.

The non-shop uses which the Council will consider a change to are:

Professional Offices - lawyers, accountants, estate agents, health centres, surgeries of dentists, doctors and vets.

(These types of use are grouped together and collectively called Class 2 Financial, professional and other services)

Food and Drink consumed on premises - restaurant, cafe, snack bar (not a public house or hot food take-away).

(These types of use are grouped together and collectively called Class 3 Food and Drink)

Policies

TC1 Within the defined boundary of Tollcross the change of use of a shop unit to a non-shop use will be permitted provided the proposal is:

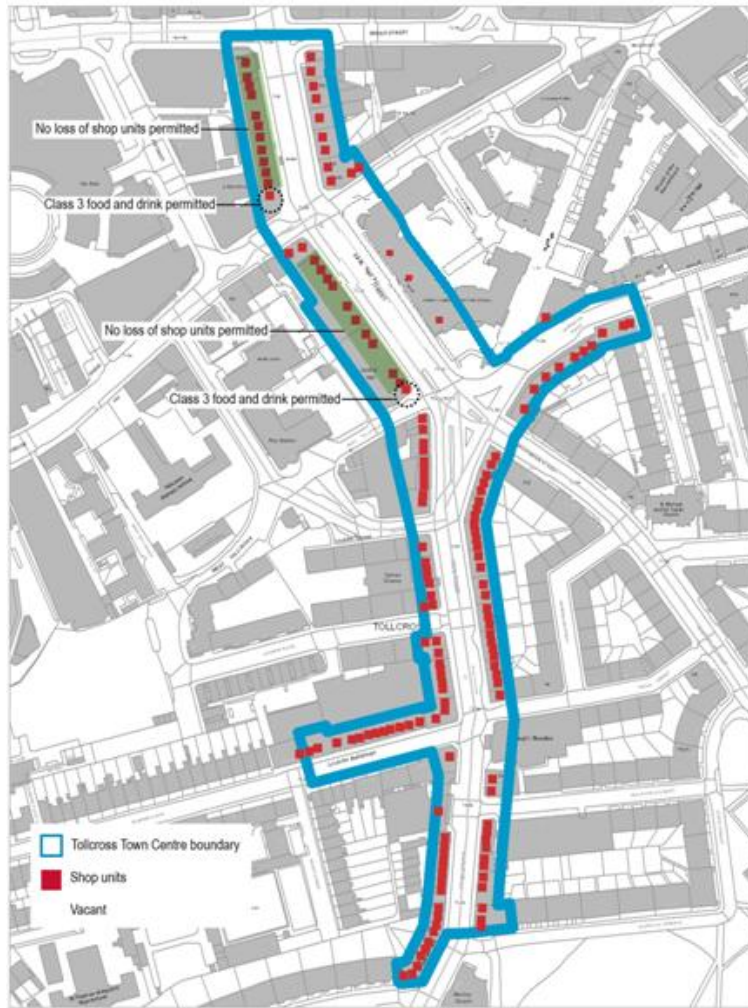
- a) Class 2 Financial, professional or other services
- b) Class 3 Food and Drink uses
- c) an appropriate commercial or community use which would complement the character of the centre and would not harm its vitality and viability
- d) subject to TC2 below.

TC2 The change of use of a shop unit to a non-shop use on 120 – 148 Lothian Road and 2 – 48 Earl Grey Street will not be permitted, with the exception of the corner units where Class 3 Food and Drink uses are considered appropriate.

Finalised Supplementary Guidance

Tollcross Town Centre

Policies



Draft Supplementary Guidance

Planning Committee – 5 December 2013 v1.2

