

Planning Services UK.  
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The Circle  
Westerwood Business Park  
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Cornucopia Ltd.  
FAO: Graham Ludar Smith  
30 King Street  
Inverkeithing  
KY11 1NB

**Decision date: 13 August 2024**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Change of use from Class 4 to Class 1A (2b) Professional Services, Class 3 (Cafe) and Class 11 (Assembly and Leisure).  
At 27 Bankhead Terrace Edinburgh EH11 4DY

**Application No:** 24/01891/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 2 May 2024, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

**Reason for Refusal:-**

1. The proposal is contrary to the Local Development Plan Policy Emp 8 in respect of Business and Industry Areas, as it would result in an unacceptable loss of a significantly sized business and industry unit.
2. The proposal would be contrary to NPF4 Policy 26 as it would result in the loss of a significantly sized Business and Industry unit.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-02, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal is unacceptable and conflicts with the relevant policies within NPF4 and the Edinburgh Local Development Plan as it would result in an unacceptable loss of a significantly sized business and industry unit. There are no material considerations which outweigh this conclusion.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Conor MacGreevy directly at [conor.macgreevy@edinburgh.gov.uk](mailto:conor.macgreevy@edinburgh.gov.uk).



**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

## NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at [www.eplanning.scot](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# Report of Handling

**Application for Planning Permission**  
**27 Bankhead Terrace, Edinburgh, EH11 4DY**

**Proposal: Change of use from Class 4 to Class 1A (2b) Professional Services, Class 3 (Cafe) and Class 11 (Assembly and Leisure).**

**Item – Local Delegated Decision**  
**Application Number – 24/01891/FUL**  
**Ward – B07 - Sighthill/Gorgie**

## **Recommendation**

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

## **Summary**

The proposal is unacceptable and conflicts with the relevant policies within NPF4 and the Edinburgh Local Development Plan as it would result in an unacceptable loss of a significantly sized business and industry unit. There are no material considerations which outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site is a commercial unit situated within a large 'U-shaped' warehouse that is situated within a Business and Industry area of the city. The surrounding area is characterised by large business and industry commercial units with associated car parking.

### **Description Of The Proposal**

The application proposes a change of use from Class 4 to Class 1A (2b) Professional Services, Class 3 (Cafe) and Class 11 (Assembly and Leisure).

### **Relevant Site History**

22/04345/FUL  
Unit 4  
27 Bankhead Terrace

Edinburgh  
EH11 4DY  
Change of Use from administration office (Class 4) to private adult club (Sui Generis)  
Refused

25 January 2023

23/03286/FUL  
27 Bankhead Terrace  
Edinburgh  
EH11 4DY  
Change of use from Class 4 (office space) to Class 3 (cafe) and Class 11e (assembly and leisure) in partial retrospective.  
Refused

25 October 2023

### **Other Relevant Site History**

No other relevant history.

### **Consultation Engagement**

Environmental Protection

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 6 May 2024

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 0

## **Section B - Assessment**

### **Determining Issues**

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations; and
- any other identified material considerations.

## **Assessment**

To address these determining issues, it needs to be considered whether:

### **a) The proposals comply with the development plan?**

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- NPF4 Policies 1, 14 and 26.
- LDP Policy Ret 8 and Ret 11.
- LDP Employment Policy Emp 8.

The non-statutory 'Guidance for Business' is a material consideration that is relevant when considering the aforementioned policies.

### Principle

The surrounding area is characterised by large commercial units with associated car parking. These units primarily operate within business or industrial uses, which is reflected in the development plan zoning for the area.

NPF Policy 26 and LDP Policy Emp 8 aim to protect business and industry uses. The proposed change of use would result in the loss of business and industry floorspace of approximately 582 sqm. The loss of a business and industry unit of this scale would be contrary to LDP Policy Emp 8 and would adversely affect the provision of this type of use within the city. Small scale proposals for ancillary uses which support local businesses may be supported as an exception to this policy. However, the aforementioned floorspace is considerable in size and the proposed use would not be seen as supportive of the surrounding uses.

In terms of NPF4 Policy 1, the proposal would have a neutral impact.

The proposal would be unacceptable as it is contrary to NPF4 Policy 26 and LDP Policy Emp 8.

### Scale, Form and Design

The application does not propose any external alterations to the property.

### Amenity

The proposal was assessed in terms of amenity against the relevant Guidance. The proposal would not have a detrimental impact in relation to residential amenity.

Environmental Protection was consulted in relation to the proposal and no concerns were raised. The proposal would comply with Ret 8 and 11 in terms of amenity.

### **Conclusion in relation to the Development Plan**

The proposal is contrary to NPF4 Policy 26 and LDP Policy Emp 8 in terms of the loss of business and industry floorspace.

#### **b) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

##### Emerging policy context

On 5 April 2024 the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

##### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

##### Public representations

No comments were received.

### **Conclusion in relation to identified material considerations**

These have been addressed above.

### **Overall conclusion**

As considered within the Development Plan assessment of the application it is concluded that the proposals will have an unacceptable impact and the approval of the proposals would be in conflict with the relevant policies within NPF4 and the LDP. The proposal would have no adverse impact on neighbouring residential amenity. There are no material considerations which outweigh this conclusion.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

## **Reason for Refusal**

1. The proposal is contrary to the Local Development Plan Policy Emp 8 in respect of Business and Industry Areas, as it would result in an unacceptable loss of a significantly sized business and industry unit.
2. The proposal would be contrary to NPF4 Policy 26 as it would result in the loss of a significantly sized Business and Industry unit.

## **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information** - [Local Development Plan](#)

**Date Registered:** 2 May 2024

## **Drawing Numbers/Scheme**

01-02

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Conor MacGreevy, Planning Officer  
E-mail:conor.macgreevy@edinburgh.gov.uk



Appendix 1

**Consultations**

NAME: Environmental Protection

COMMENT: INSERT

DATE: 31 July 2024

The full consultation response can be viewed on the Planning & Building Standards Portal.

## Appendix 2

### **Application Certification Record**

#### **Case Officer**

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: Conor MacGreevy

Date: 6 August 2024

#### **Authorising Officer**

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Sonia Macdonald

Date: 13 August 2024

**From:** Eden Anderson <Eden.Anderson@edinburgh.gov.uk>  
**Sent:** 12 Jun 2024 01:59:42  
**To:** myemails.dms@edinburgh.gov.uk  
**Cc:**  
**Subject:** FW: 24/01891/FUL 27 Bankhead Terrace, South Gyle, Edinburgh  
**Attachments:**

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**From:** Conor MacGreevy <Conor.MacGreevy@edinburgh.gov.uk>  
**Sent:** Wednesday, June 12, 2024 1:57 PM  
**To:** Planning Support <Planning.Support@edinburgh.gov.uk>  
**Subject:** FW: 24/01891/FUL 27 Bankhead Terrace, South Gyle, Edinburgh

Hi,

Can I get this email chain uploaded as EP CONS – SENSITIVE.


Thanks,

**Conor MacGreevy**

Senior Planning Officer

Locals - City Wide

Sustainable Development | Place Directorate | The City of Edinburgh Council | Waverley Court, Level G:2, 4 East Market Street, Edinburgh, EH8 8BG [Conor.macgreevy@edinburgh.gov.uk](mailto:Conor.macgreevy@edinburgh.gov.uk) | [www.edinburgh.gov.uk](http://www.edinburgh.gov.uk)

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Please be advised that our target response time for responding to e mail enquiries is 10 working days.

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**From:** Colin Brown <Colin.Brown2@edinburgh.gov.uk>  
**Sent:** Wednesday, June 12, 2024 11:24 AM  
**To:** Conor MacGreevy <Conor.MacGreevy@edinburgh.gov.uk>  
**Subject:** 24/01891/FUL 27 Bankhead Terrace, South Gyle, Edinburgh

Hi Conor,

Further to your request for a response from Environmental Protection I would confirm the following:

A café is proposed within the premises and therefore it is recommended that the applicant provide the following ventilation details:

1. Confirmation from a suitably qualified ventilation specialist of the following:
  - a. The system will be able to attain a minimum of 30 air changes per hour.
  - b. The effluvia extraction point is above all surrounding windows within a 30m radius (including roof windows).
  - c. All internal ventilation system features and requirements (including fan(s) positions, specifying/showing number of fans, flue exit point from restaurant to flue etc) are all shown on a referenced and dated drawing.
  - d. Any proposed ventilation system flue and extract point should be shown on a referenced and dated drawing.
  - e. The proposed ventilation system kitchen entry points to the flue should be shown on a referenced and dated drawing.

If no extraction is proposed then the applicant should confirm and agree with this team the equipment proposed for use within the Class 3 cafe premises (which should be non-odour producing e.g. microwave, soup kettle, panini machine) and this can be conditioned.

Once the above has been provided then I hope to be in a position to further the application.

Regards  
Colin

Colin Brown | Environmental Health Officer | Environmental Protection | Regulatory Services | Directorate of Place | City of Edinburgh Council | Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG | [colin.brown2@edinburgh.gov.uk](mailto:colin.brown2@edinburgh.gov.uk) | 0131 469 5802

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## MEMORANDUM

**To:** Planning Officer  
Conor MacGreevy

**From:** Transport  
Greg McDougall

**Our Ref:** 24/01891/FUL

**24/01891/FUL  
27 BANKHEAD TERRACE  
EDINBURGH  
EH11 4DY**

### TRANSPORT CONSULTATION RESPONSE

#### Summary Response

No objections to the application.

#### Full Response

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

The applicant should consider providing cycle parking on site.

Greg McDougall

**TRANSPORT  
Greg McDougall  
Senior Transport Officer**