

Development Management Sub-Committee Report

Wednesday 1 March 2023

**Application for Planning Permission
4 East Telferton, Edinburgh, EH7 6XD**

**Proposal: Change of use from Class 5 (Industrial) to climbing gym
(Class 11) with ancillary cafe.**

**Item – Committee Decision
Application Number – 22/04497/FUL
Ward – B14 - Craigentenny/Duddingston**

Reasons for Referral to Committee

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-committee as it has received more than six material representations in support and the recommendation is to refuse planning permission.

Recommendation

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

Summary

The application for development is unacceptable as it is contrary to the relevant policies within National Planning Framework 4 and the Edinburgh Local Development Plan, as it would undermine the provision of business and industry units, to the detriment of the economy of the city. The proposal would have no adverse effect on the character of the area or on neighbouring residential amenity. Sixty-three representations were received in support of the application, specifically in relation to the use being beneficial; some weight has been given to these comments. There are no material planning considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a large warehouse unit situated within the Telferton Industrial Estate, an area identified as an area for Business and Industry within the LDP, the site is accessed from the south side of Portobello Road, close to the main junction between Seafield Road East and Sir Harry Lauder Road. The unit currently operates as a Class 5 (Industrial) use. There are allotments to the north of the industrial estate, with housing beyond and to the west.

Description of the Proposal

The proposal is for the change of use from an industrial unit to a climbing gym (Class 11), with ancillary cafe.

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant planning history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Environmental Protection

Roads Authority

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 6 October 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 14 October 2022

Site Notices Date(s): Not Applicable

Number of Contributors: 63

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.

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 Climate and Nature Crises - Policy 1
- NPF4 Productive Places - Policy 26
- NPF4 Play, Recreation and Sport - Policy 21
- LDP Design Policies Des 1, Des 5 and Des 12.
- LDP Housing Policy Hou 7.
- LDP Employment Policy Emp 8.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory Guidance for Business is a material consideration that is relevant when considering NPF 4 Policy 26 and LDP Policy Emp 8.

Principle

The proposed change of use would result in the loss of business and industry floorspace (approximately 1315 sqm at ground floor and 260 sqm at first floor)

NPF 4 Policy 26 encourages LDPs to allocate sufficient land for business and industry, ensuring that there is a suitable range of sites that meet current market demand. LDP Policy Emp 8 sets out that proposals which would result in the loss of business, industrial or storage floorspace will not be permitted in areas identified as such in the LDP. The policy aims to retain a range of employment sites which are vital to the local economy and have been designed to cater for a diversity of uses and building sizes.

It is recognised that the proposed use would provide the opportunity for people to undertake exercise and would have the potential to deliver benefits to the health of residents and the vitality of the local area, as encouraged by NPF 4 Policy 21.

However, it would result in the loss of a significant level of Business and Industry floorspace, and this would undermine the objectives of LDP Policy Emp 8 and erode the provision of employment sites within the city, to the detriment of the local economy. On balance, the impact of the loss of industrial floorspace of significant size would not be outweighed by the benefits that would be achieved through the provision of the Class 11 use.

The proposal would be unacceptable as it is contrary to NPF 4 Policy 26 and LDP Policy Emp 8. Whilst the proposal has significant benefits in terms of the reuse of an existing building and promotes the aspirations of the health of residents the significant weight to be applied to NPF 4 Policy 1 does not tip the balance in favour for the proposal when considered in the context of the importance of the site for business and industry

Scale, Form and Design

The proposed external changes would be modest and acceptable in design. They would not have an adverse effect on the application site or the surrounding area.

This complies with LDP Policies Des 1 and Des 12.

Amenity

The proposal was assessed in terms of amenity. The proposal would not have a detrimental impact in relation to amenity. Environmental Protection was consulted, and no concerns were raised.

This complies with LDP Policies Des 5, Des 12 and Hou 7.

Transport

The Roads Authority was consulted and returned no objections, providing the development has sufficient car and cycle parking.

These are annotated on the drawings submitted as part of the application and are acceptable.

This complies with LDP Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The proposal is contrary to NPF 4 Policy 26 and LDP Policy Emp 8 as it would erode the provision of business and industry units, to the detriment of the local economy.

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

The following material planning considerations have been identified:

Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

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

Sixty-three representations were received (Support).

The main theme of the representations relates to the proposed use being beneficial for the area and despite this being contrary to the LDP, some weight must be given to these comments by virtue of their consistent theme and number. As stated above, whilst the proposed use may have benefits and merits, the site is identified as being of importance to the economy of the city and its loss cannot be justified.

Conclusion in relation to identified material considerations

The consideration of the material considerations does not outweigh the assessment in terms of the Development Plan.

Overall conclusion

The application for development is unacceptable as it is contrary to the relevant policies within NPF 4 and the LDP, which seek to protect the provision of industry and business units. The proposal would have no adverse effect on the character of the area or on neighbouring residential amenity. Sixty-three representations were received in support of the application, specifically in relation to the use being beneficial; some weight has been given to these comments. There are no material planning considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

Reasons

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 the loss of a significant Business and Industry unit.
2. The proposal would be contrary to NPF 4 Policy 26 (Productive Places), as it would result in the loss of business and industry floorspace, to the detriment of the city's economy.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 6 October 2022

Drawing Numbers/Scheme

01-08

Scheme 1

David Givan
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PLACE
The City of Edinburgh Council

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Appendix 1

Summary of Consultation Responses

NAME: Environmental Protection

COMMENT: No objections providing the below condition is met:

1 - The use of the property shall be restricted as an indoor climbing gym with ancillary cafe only with no other use within Class 11 permitted.

DATE: 25 October 2022

NAME: Roads Authority

COMMENT: No objections providing the following is provided:

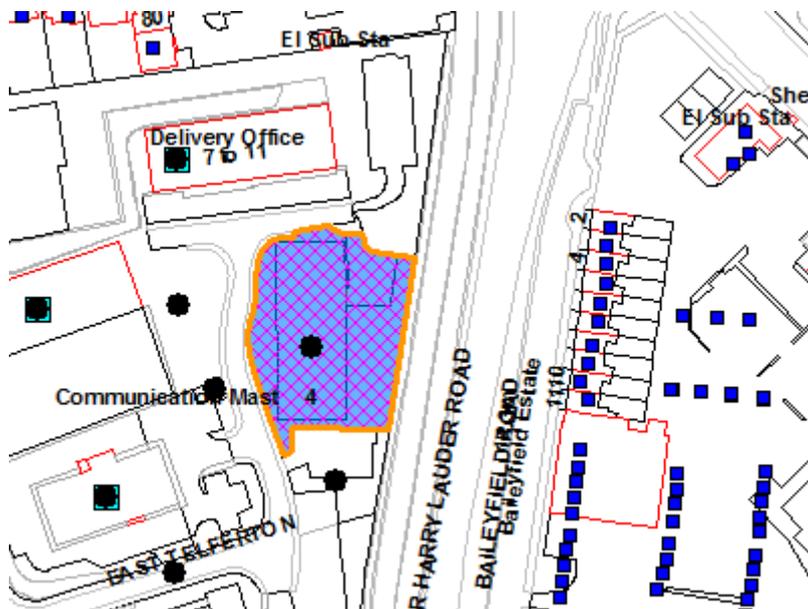
1. Total of 13 car parking spaces including 1 disabled bay and 7 existing spaces for the proposed change of use.

2. 24 existing cycle parking spaces for the proposed use.

DATE: 20 October 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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