



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto:planning.support@edinburgh.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100611734-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

### Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

### Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Pritchett Planning Consultancy"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Phil"/>	Building Name:	<input type="text" value="PO Box"/>
Last Name: *	<input type="text" value="Pritchett"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07901557484"/>	Address 1 (Street): *	<input type="text" value="8052"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="EH16 5ZF"/>
Email Address: *	<input type="text" value="phil@pritchettplanning.co.uk"/>		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="8"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Margaret Rose Crescent"/>
Company/Organisation	<input type="text" value="Santorinia Investments"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH10 7EZ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="phil@pritchettplanning.co.uk"/>		

## Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="45-47 SHANDWICK PLACE"/>
Address 2:	<input type="text" value="NEW TOWN"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH2 4RG"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="673585"/>	Easting	<input type="text" value="324585"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Change of use from Class 1 to Class 3 with ancillary hot food take away and installation of rear mounted kitchen extract flue. At 45 - 47 Shandwick Place Edinburgh EH2 4RG

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

see attached written submission

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

1 Refusal Decision Notice, 2 Report of Handling, 3 Covering Letter, 4 Commercial Agent Letter, 5 Application Form, 6 Location Plan, 7 Existing Ground Floor Plan, 8 Existing Upper Floor Plan, 9 Existing Rear Elevation, 10 Proposed Ground Floor Plan, 11 Proposed Part Rear Plan, 12 Proposed Rear Elevation Written Submission

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/02672/FUL

What date was the application submitted to the planning authority? \*

17/05/2022

What date was the decision issued by the planning authority? \*

30/09/2022

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Phil Pritchett

Declaration Date: 23/12/2022



**Change of use from Class 1 to Class 3 with ancillary hot food take away  
and installation of rear mounted kitchen extract flue  
45 - 47 Shandwick Place Edinburgh EH2 4RG**

## **LOCAL REVIEW BODY SUBMISSION**

**PLANNING APPLICATION 22/02672/FUL  
for Santorinia Investments Limited**



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## 1.0 INTRODUCTION AND COMMERCIAL CONTEXT

- 1.1 This submission is lodged to the City of Edinburgh Council Local Review Body to reconsider a delegated decision by the Head of Planning in respect of application 22/02672/FUL. The refusal decision notice is document 1. The officer report of handling is document 2.
- 1.2 The planning application sought permission to change the use of a vacant retail unit at 45-47 Shandwick Place to a class 3 use which would allow a restaurant to trade. The application was refused with the only reason for refusal being:
- 1. The proposal is contrary to LDP Retail Policy Ret 9 and the associated City Centre Shopping and Leisure Supplementary Guidance in that it would result in over 50% of non-shop uses within the block, thus undermining the retailing function of the City Centre Retail Core.*
- 1.3 The policy is contained in the 2016 Local Development Plan which is now out of date. Scottish Planning Policy guidance requires developments to be considered against SPP where development plans are more than five years old. In respect of Shandwick Place there have been material changes in circumstances regarding the functioning of the street which is now a through route for public transport. It has not been a core retail street for many years, if it ever was. The last major retailer in Shandwick Place was Habitat which closed well over a decade ago. Retail policy has not been updated to take account of changing circumstances. Further justification and a response to the reason for refusal and an assessment of the Report of Handling will be considered in the next section.
- 1.4 The planning application was supported by a covering letter – document 3 as well as a letter from commercial agents who have been marketing the building for the last two years – document 4. The application form is document 5 and supporting plans documents 6-12. It should also be noted that the former Co-op store which is adjacent to the subject site has closed and is now the Lothian Buses Travel Hub. The Co-op was a convenience store and should have had relatively high footfall. It is telling that this store closed to be replaced by a ‘ticket office’. Whilst a ticket office is considered to be a ‘retail’ use and therefore no change of use is required, it is evident that the ticket office has very low footfall and has no active or attractive frontage. In fact the ticket office is only part of the use, with much of the floorspace given over to a café. The below photograph is the Lothian Buses ‘Hub’. The façade windows are blank with opaque glazing. There is no window activity. It is a ‘dead’ frontage.
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Fig 1: Lothian Buses Ticket office

- 1.5 By contrast the class 3 operations in this area have very active frontages and have high footfall adding to the vitality of the street at all times of the day. The council's very blunt policy suggesting that it is only retail that creates vitality and viability for a city centre street is outdated and does not reflect modern commercial reality.



Fig 2: Class 3 Uses Nearby

### Current Commercial Context

1.6 Edinburgh City Centre planning policy relating to retail uses and the city centre core area have been changing over the last decade. Unprecedented external forces have also rapidly changed the function of town and city centres with the retail environment adjusting to the effects of the global pandemic and changing shopping habits. The Edinburgh LDP is now six years old and the supplementary planning guidance on the city centre retail core predates the pandemic. City of Edinburgh Council have also promoted and now succeeded in shifting the primary retail focus of the central area from Princes Street eastwards to Edinburgh St James. The western end of Princes Street has seen a marked shift away from anchor retail stores to none retail uses. Debenhams and House of Fraser have closed and are being redeveloped for exciting new non-retail uses with the Johnnie Walker experience in the former House of Fraser store and a new 208 bed hotel and ancillary bars and restaurants in the former anchor Debenhams store. Restaurants are also now beginning to appear in the west end of Princes Street to cater for the growing tourist and hotel accommodation and tourist and visitor attractions at the west end. There are also a host of serviced apartments and short term let accommodation in the west end of the city centre as well as a strong business sector and upcoming residential sector. The upper floors at the east end of Shandwick Place are also soon to be the subject of proposals for a large scale hotel conversion. The recent changes to the local commercial context therefore include:

- Co-op closing and becoming Lothian Buses Ticket hub and café
- House of Fraser closure becoming Johnnie Walker Experience
- Shandwick Place becoming car free and a busy public transport hub and public transport thoroughfare and interchange
- Hotel and class 3 uses being supported in Debenhams on Princes Street
- St James Centre opening resulting in major shift of retail core eastwards
- No pedestrian improvements on Shandwick Place thereby creating conflict between public transport users and shoppers/visitors
- No cars allowed on Shandwick Place and restricted parking locally
- No anchor stores anywhere near Shandwick Place with House of Fraser and Debenhams closing. Major anchors are non-retail uses.

1.7 Shandwick Place has never been a 'prime shopping street', but in terms of guidance it is regarded in the same hierarchy as the Edinburgh St James.

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The plan below is an extract from the supplementary planning guidance identifying the city centre core.



Fig 3: Core City Centre Plan

- 1.8 The suggestion in this plan is that Shandwick Place and Queensferry Street have similar roles to St James and Waverley Mall. This has never been the case and there is no assessment of footfall or roles in the supplementary guidance. From a simple assessment of footfall at the main entrance to St James and comparing this with Shandwick Place it is very clear that these two areas are materially different. Shandwick Place now has a very limited retail function and has no 'comparison' shopping element where retailers wish to congregate together. The retailers in Shandwick Place fulfil a convenience function. There are only so many convenience stores needed or viable in such an area. There is however a bustling restaurant atmosphere both in the street and in surrounding areas. The hotels and leisure uses in the area support these class 3 uses. They do not support a retail function.
- 1.9 City of Edinburgh Council has also physically changed the nature of the street. The street now has no through traffic or car parking which means that the footways are dominated by people queuing for buses and trying to walk through the area. The figures below provides an example of the conflict which exists with people queuing for buses on narrow pavements. The pavements are so narrow that bus shelters cannot be installed. There do not appear to be any proposals to widen the footways as the carriageway has to accommodate a large number of buses and stops as well as the two way tram route. These physical constraints result in a poor retailing environment.



Fig 4: Bus stop and shopper conflict



Fig 5: Narrow footways with no scope to introduce bus shelters

- 1.10 The footways are very narrow for such a busy street as the carriageway clearly takes priority to cater for trams, taxis, bus through routes and a large number of bus stops. This prioritisation by the council to create a public transport thoroughfare has had a significant adverse effect on maintaining a vibrant retail environment. The retail environment simply no longer exists. The number of retail units in the street on both north and south sides has reduced over the years as the retail footfall has reduced significantly. There is no longer a critical mass of retailing in the street with a smattering of convenience stores as well as service outlets such as opticians and e-cigarette shops. There are also charity shops. The council policy requiring half of all units to be in retail use is no longer fit for purpose and is out of date. The development plan policy therefore has to be considered against more up to date SPP policy which requires an assessment of sustainability and the efficient and effective use of scarce
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resources. Vacant and underutilised buildings which are capable of reuse should be allowed to change to viable uses and for which there is a market.

- 1.11 There are now well established restaurants along the frontage which cater for tourists and local residents and also serve the hotel market in the area. The west end of Princes Street is now a hive of activity in the restaurant and bar sectors in close proximity to major hotels and tourist attractions. On the south side of the street in which this unit is positioned there are 19 commercial units with 10 in retail use and 9 in non-retail. The latest change of use was for Taco Bell which is an international restaurant chain which complements the other bars and restaurants along the frontage.

### **Subject Premises**

- 1.12 45/47 Shandwick Place is a 113sqm unit which was previously leased to Amplifon which was a hearing aid centre. Whilst technically a retail use, the operation was not a high footfall type use. The lease was due to end in 2022, but Amplifon decided that the location was no longer suitable for their business model and had been seeking to sub-let the building from April 2021. However, no occupier was found and Amplifon handed the unit back to the current owner. Orinson have been marketing the unit following on from Lambert Innes on behalf of Amplifon resulting in a marketing campaign that has been ongoing for a year with two different agents. During this time and despite no formal marketing as anything other than a retail unit the only serious interest has been from restaurant operators. The unit remains vacant.
- 1.13 The marketing campaign has made it clear to the commercial agents and owner that the unit is no longer suitable for leasing to long term and viable retail occupiers. Shandwick Place is no longer a retail pitch. The main convenience anchor store Co-op, has closed and this large unit has been turned into a ticket office. Whilst this is a retail use, the footfall generation is a fraction of that generated by Co-op. The reduction in footfall from genuine retail outlets and the rise in non-retail restaurant uses indicates the commercial reality of the street and its future as a supporting thoroughfare to the adjoining tourist related uses and hotels and apartments. Some convenience stores are likely to succeed given the number of transient people in the street using public transport, but the street is no longer a city centre shopping street which has been as a result of positive decisions taken by City of Edinburgh Council in allowing major retail anchor stores to change into non-retail uses. With these anchor stores no longer existing there is a requirement to allow the dynamic of the

street to continue to change to serve these new different commercial functions. Class 3 uses already serve this area and have been a qualitative addition improving the vitality and viability of the street.

- 1.14 The following section responds to the reason for refusal and the report of Handling

## 2.0 REVIEW OF DECISION MAKING

2.1 The application has been refused planning permission under delegated powers with a single reason. This states:

*1. The proposal is contrary to LDP Retail Policy Ret 9 and the associated City Centre Shopping and Leisure Supplementary Guidance in that it would result in over 50% of non-shop uses within the block, thus undermining the retailing function of the City Centre Retail Core.*

2.2 The justification for this reason is found in the report of handling. In the report the simple calculation is reiterated. No further assessment is provided other than the following sentence: *'Within the City Centre Retail Core, a strong, high quality retail offer is a key aspect of sustaining and enhancing the city centre. As the proposal fails to comply with criteria a) of the Supplementary Guidance, it is contrary to LDP Policy Ret 9'.*

2.3 As the development plan policy is now out of date, it is incumbent on the decision maker to fully assess whether the terms of the policy remain relevant and up to date. There is no assessment in the report of the quality of the retail offer in Shandwick Place. Had the officer considered the street in full detail it would have been concluded that there is no 'high quality retail offer' in the street. The change of use of this small unit will make no difference to the retail offering in the street as the council's own actions have affected the quality of the retail offering in the street but this is not reflected in any up to date policy. The fact that the supplementary guidance was produced prior to the pandemic and prior to House of Fraser closing are vitally important factors and these have not been commented at all in the officer assessment.

2.4 In the officer report when assessing the proposal against the second criteria in supplementary guidance it is stated *'In terms of criteria b), the proposal complies with this part of the policy. As the site is currently vacant and has been in a vacant state since April 2021, the change of use to a restaurant would complement the character of the City Centre Retail Core. The proposal would not be detrimental to its vitality and viability'.*

2.5 The purpose of the policy is to maintain the overall vitality and viability of the city centre function as a whole. The assumption in the policy is that any form of retailing will support the vitality and viability of the city centre. As this submission has shown, the overall physical nature of a street affects the vitality and viability. Shandwick Place is a public transport hub and has now been further adversely affected by the opening of a very

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large Lothian Buses Ticket office. This is a 'retail use' but has dead frontage and very poor footfall. It does not add to the vitality and viability of the street but detracts from it. In contrast the officer report considers that the class 3 use would not be detrimental to the vitality and viability of the street. Given that the policy is now out of date and the supplementary guidance has not been updated since the major physical changes have occurred in this part of the city centre, the officer should have addressed the material considerations that have been pointed out by the applicant. The reason for refusal is not therefore sound and takes no account of material considerations. These material considerations are reiterated below:

- There is no interest in the market place in operating the unit as a retail store in the long term
- Co-op has closed becoming Lothian Buses Ticket hub and café which detracts from the vitality and viability of the street
- House of Fraser closure becoming Johnnie Walker Experience has resulted in a major anchor retail store being lost
- Shandwick Place has become car free and is a busy public transport hub and public transport thoroughfare and interchange
- Hotel and class 3 uses have been supported in Debenhams on Princes Street
- Edinburgh St James Centre opening has resulted in major shift of retail core eastwards. Shandwick Place should not be considered under the same policy as the St James.
- No pedestrian improvements on Shandwick Place thereby creating conflict between public transport users and shoppers/visitors
- No cars allowed on Shandwick Place and restricted parking locally
- No anchor stores anywhere near Shandwick Place with House of Fraser and Debenhams closing. Major anchors are non-retail uses.

2.6 None of these issues have been addressed by the officer and as such there has been no assessment of material considerations which should be assessed especially where a policy is out of date.

## 2.0 PLANNING POLICY ASSESSMENT

- 3.1 The site is covered by policies in the Adopted 2016 Edinburgh Local Development Plan. There is also guidance contained in the 2020 approved Supplementary Guidance on Retailing and the City Centre.
- 3.2 Scottish Planning Policy sets out government policy and its approach to sustainable development and making best use of land where policies are out of date. The LDP is now out of date and its retail policies have not been updated to take account of rapidly changing circumstances.

### Planning Policy

- 3.3 Retailing and retail policy is rapidly changing as the pandemic and changing shopping habits have had fundamental effects on the manner in which people shop. Large department stores and chain stores have failed and large footprint stores are changing into different uses. The council has supported changing demands on city centre floorspace and recognised that retailing is not essential to support the vitality and viability of a vibrant and diverse city centre.
- 3.4 Shandwick Place is on the periphery of the city centre retail core area and uses are guided by the council's adopted supplementary planning guidance on city centre shopping and leisure. The guidance stated aims are to sustain the city centre as a shopping, entertainment, commercial leisure and tourism related centre and to improve the appearance, quality and attractiveness of all centres. Such vitality and viability in centres can only be achieved if ground floor units are in use and upgraded to serve the changing needs of operators, visitors and residents. Retail is not the only use which supports the vitality and viability of a centre.
- 3.5 Shandwick Place is within the city centre core but is not noted as a part of the city centre **retail** core which is centred on George Street, Princes Street, Rose Street and the perpendicular streets linking these principal streets. The policy seeks to ensure a healthy balance of uses with a sufficient proportion of retail units to ensure its vitality. The guidance has been updated to make it more flexible to allow alternative uses other than retail in the core retail areas. However the last update was prior to the pandemic and prior to House of Fraser and Debenhams closing. Such issues are therefore not addressed in planning policy. It should also be noted that even in the new Edinburgh St James, prime units are in alternative uses such as class 3 as the developer and council have recognised that class 3 units can drive footfall equally or more so than
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- retail units. On Shandwick Place the street is very much a thoroughfare with the council designing the street as a public transport hub where bus stops predominate on footways that have not been widened. There is no space for bus shelters and no footway widening is planned. This introduces conflict between visitors to the street and those people using public transport. The streetscape is no longer conducive to shopping and this has been proven by the lack of interest in this particular unit from retail occupiers.
- 3.6 Shandwick Place is in the fourth tier of frontages in the city centre core with the policy suggesting that half of the total number of units on the street should be in retail use. At present of the 19 units on the south side of the street. 10 are in retail use which equates to 53% of units. 9 are in non-retail use. If the subject premises are permitted to change to class 3 use then the percentage will change to 47% being in non-retail use. There would therefore be no material difference to the make-up of the street with the change of this one unit from vacant retail to an active and beneficial use as a class 3 restaurant. The added benefit is that the applicant is the owner of the block which therefore means that an extract flue can be installed allowing a full kitchen to be installed. This is unusual in this street as the frontage units are normally separately owned than the floorspace above. The proposed use therefore allows for a full service restaurant to be operated which would be a positive addition to the street and would complement the existing commercial activities in the street.
- 3.7 In addressing the policy issues it should be noted that the Johnnie Walker experience and the removal of large retail anchor stores at the west end of Princes Street has significantly changed the commercial dynamics of this area. Johnnie Walker is forecast to be a major tourist attraction for many years with tourists adding this to their must see and do experiences in the city centre. Having this tourist attraction in close proximity has resulted in a change to the commercial attractiveness of the immediate surrounding area hence the need to consider the benefits of maintaining a rigid approach to unit numbers being in retail use when retailing covers uses as diverse as department stores to travel agencies, hairdressers and funeral parlours. A class 3 use in this area which would cater for the needs of tourists, residents, office workers and others would add to the attractiveness of the street and would accord with the aims of development plan policy. As noted earlier, a new hotel is also planned for Shandwick Place which would change the dynamics further still. The council has to take such market forces into account as the retail pitch in Edinburgh has shifted hugely in the last few years. This factor cannot be ignored.
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## 4.0 CONCLUSIONS

- 4.1 The proposed class 3 use would not detract from the vitality or viability of Shandwick Place. This is agreed in the Report of Handling. Shandwick Place is not within the retail core of the city and has never been a prime shopping street. The last true comparison goods store, Habitat closed many, many years ago. The prime retail pitch of the city centre is now Edinburgh St James. Shandwick Place and Edinburgh St James have the same retail policy zoning which is unrealistic and bears no relation to the retail market demands in central Edinburgh. Retail policy as it relates to Shandwick Place is out of date.
- 4.2 Shandwick Place is of interest to class 3 occupiers as it is close to existing and proposed major hotels and attractions in the west end. There is an existing vibrancy created by class 3 uses and bars/restaurants with some convenience stores. There are no comparison goods stores in this area and this is not accounted for in policy. Scottish Planning Policy recognises that city centres require to be flexible to adjust to changing commercial demands. The material considerations in this case suggest that a class 3 use in the premises would enhance the vitality and viability of this street frontage which is the main purpose of city centre policies.
- 4.3 For the reasons set out in this submission and when considering the status of the development plan retail policies and other material considerations, the application can be supported and the reason for refusal set aside

*December 2022*

Pritchett Planning Consultancy.  
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EH16 5ZF

Santorinia Investments Limited.  
8 Margaret Rose Crescent  
Edinburgh  
EH10 7EZ

**Decision date: 30 September 2022**

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

Change of use from Class 1 to Class 3 with ancillary hot food take away and installation of rear mounted kitchen extract flue.  
At 45 - 47 Shandwick Place Edinburgh EH2 4RG

**Application No:** 22/02672/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 17 May 2022, 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;

**Conditions:-**

**Reason for Refusal:-**

1. The proposal is contrary to LDP Retail Policy Ret 9 and the associated City Centre Shopping and Leisure Supplementary Guidance in that it would result in over 50% of non-shop uses within the block, thus undermining the retailing function of the City Centre Retail Core.

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

Drawings 01-07, 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 acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. However, it does not comply with Edinburgh Local Development Plan as the proposal is contrary to LDP Retail Policy Ret 9 and the associated City Centre Shopping and Leisure Supplementary Guidance in that it would result in over 50% of non-shop uses within the block, thus undermining the retailing function of the City Centre Retail Core. There are no other material considerations which would indicate that proposal should be approved. Therefore, the recommendation is to refuse planning permission.

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 Andrea Orellano directly at [andrea.orellano@edinburgh.gov.uk](mailto:andrea.orellano@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  
45 - 47 Shandwick Place, Edinburgh, EH2 4RG**

**Proposal: Change of use from Class 1 to Class 3 with ancillary hot food take away and installation of rear mounted kitchen extract flue.**

**Item – Local Delegated Decision  
Application Number – 22/02672/FUL  
Ward – B11 - City Centre**

## **Recommendation**

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

## **Summary**

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. However, it does not comply with Edinburgh Local Development Plan as the proposal is contrary to LDP Retail Policy Ret 9 and the associated City Centre Shopping and Leisure Supplementary Guidance in that it would result in over 50% of non-shop uses within the block, thus undermining the retailing function of the City Centre Retail Core. There are no other material considerations which would indicate that proposal should be approved. Therefore, the recommendation is to refuse planning permission.

## **SECTION A – Application Background**

### **Site Description**

The site is a two storey terraced vacant retail unit on Shandwick Place located in the City Centre Retail Core.

The site lies within the New Town Conservation Area.

### **Description Of The Proposal**

The application proposes a change of use from Class 1 to Class 3 with ancillary hot food take away and installation of rear mounted kitchen extract flue.

## Relevant Site History

10/01422/FUL  
45 - 47 Shandwick Place  
Edinburgh  
EH2 4RG  
Installation of new shopfront  
Granted  
8 July 2010

10/00255/FUL  
45 - 47 Shandwick Place  
Edinburgh  
EH2 4RG  
Change of use from retail shop (Class 1) to restaurant (Class 3)  
Refused  
16 April 2010

## Other Relevant Site History

## Consultation Engagement

## Publicity and Public Engagement

**Date of Neighbour Notification:** 2 June 2022  
**Date of Advertisement:** 10 June 2022  
**Date of Site Notice:** 10 June 2022  
**Number of Contributors:** 0

## Section B - Assessment

### Determining Issues

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

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:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- 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 harm the character or appearance of the conservation area?**

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

The proposed kitchen duct is located at the rear of the building so cannot be seen from the main streetscape. The proposal would have a neutral impact on the character and appearance of the conservation area.

### **Conclusion in relation to the conservation area**

The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in that it would preserve the character and appearance of the conservation area.

### **b) 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:

- LDP Retail policies Ret 9 and Ret 11.
- LDP Design policies Des 1 and Des 12.
- LDP Environment policies Env 6.
- LDP Housing policy Hou 7.

The City Centre Shopping and Leisure Supplementary Guidance is relevant when considering LDP policy Ret 9.

### Principle

The principle of the proposal is assessed against LDP Policy Ret 9. The application is located within the City Centre Retail Core, so the City Centre Shopping and Leisure Supplementary Guidance is relevant, in particular Policy CC 4. The application must comply with both criteria a) and b) of Policy CC 4 to be considered acceptable.

By the applicants own analysis in the covering letter, they state: "At present of the 19 units on the south side of the street. 10 are in retail use which equates to 53% of units. 9 are in non-retail use. If the subject premises are permitted to change to class 3 use then the percentage will change to 47% being in non-retail use". However, if the change of use were permitted this would result in the loss of a retail unit equating to 53% of non shop uses along the frontage which is contrary to criteria a).

When assessing the application site, it was found that there are 19 units on the immediate street frontage but only 6 are currently operating as retail, so it is possible that the applicant included the three vacant sites (one being the site from the application) as retail units. These calculations would still result in more than half of the total number of units being in non-shop use. In this regard, the application is contrary to criteria a).

In terms of criteria b), the proposal complies with this part of the policy. As the site is currently vacant and has been in a vacant state since April 2021, the change of use to a restaurant would complement the character of the City Centre Retail Core. The proposal would not be detrimental to its vitality and viability.

Within the City Centre Retail Core, a strong, high quality retail offer is a key aspect of sustaining and enhancing the city centre. As the proposal fails to comply with criteria a) of the Supplementary Guidance, it is contrary to LDP Policy Ret 9.

### Scale, Form and Design

The proposed works would represent suitable additions that would be acceptable in this location. The proposed design and materials are also acceptable in that they would be congruous to the application site and the surrounding area. The proposal would not represent over development.

The application complies with LDP Policy Des 1 and Des 12.

### Amenity

There are a few residential properties located near the property.

Environmental Protection was consulted and requested an NIA in order to assess noise impact on nearby residential properties. Although there could be potential issues regarding noise, it would be inappropriate to ask for an NIA to be carried out as this would be a great cost to the applicant and the proposal is not acceptable in principle regardless of impact on amenity.

It cannot be concluded whether the proposal complies with LDP Policies Des 12, Hou 7 and Ret 11.

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

The application does not comply with LDP Policy Ret 9 and Policy CC 4 in the City Centre Shopping and Leisure Supplementary Guidance. Therefore, the application does not comply with the Development Plan.

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

The following material planning considerations have been identified:

#### SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of

development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal does not comply with Paragraph 29 of SPP as it undermines the retail function of the defined centre.

#### Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, 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

No comments have been received.

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

There are no material considerations that outweigh the relevant policies in the Local Development Plan.

#### **Overall conclusion**

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. However, it does not comply with Edinburgh Local Development Plan as the proposal is contrary to LDP Retail Policy Ret 9 and the associated City Centre Shopping and Leisure Supplementary Guidance in that it would result in over 50% of non-shop uses within the block, thus undermining the retailing function of the City Centre Retail Core. There are no other material considerations which would indicate that proposal should be approved. Therefore, the recommendation is to refuse planning permission.

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

The recommendation is subject to the following;

**Reason for Refusal**

1. The proposal is contrary to LDP Retail Policy Ret 9 and the associated City Centre Shopping and Leisure Supplementary Guidance in that it would result in over 50% of non-shop uses within the block, thus undermining the retailing function of the City Centre Retail Core.

**Background Reading/External References**

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

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

**Date Registered: 17 May 2022**

**Drawing Numbers/Scheme**

01-07

Scheme 1

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

Contact: Andrea Orellano, Student Planner  
E-mail: [andrea.orellano@edinburgh.gov.uk](mailto:andrea.orellano@edinburgh.gov.uk)

## Appendix 1

### **Consultations**

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

Head of Planning  
City of Edinburgh Council  
Waverley Court  
4 East Market Street  
Edinburgh, EH8 8BG  
2022

17 May 2022

Dear Sir/Madam

**Proposed Change of Use from Class 1 retail to Class 3 restaurant with  
sui generis take away function,  
45/47 Shandwick Place, Edinburgh**

This supporting letter is being submitted in respect of an application to change the use of a currently vacant retail store at 45/47 Shandwick Place, Edinburgh. The building owner has interest in the unit from operators who would like to open a full service restaurant with kitchen facilities and as such the application includes the details of a rear wall mounted kitchen extract flue at the rear of the building. The applicant owns the block with the upper floors in the ownership of the applicant. The upper floors are in low level use as storage and ancillary space and can only be accessed through the ground floor unit. No residential units would be affected.

**Current Commercial Context**

Edinburgh City Centre planning policy relating to retail uses and the city centre core area has been changing over the last decade. Unprecedented external forces have also rapidly changed the function of town and city centres with the retail environment adjusting to the effects of the global pandemic and changing shopping habits. City of Edinburgh Council have also promoted and now succeeded in shifting the primary retail focus of the central area from Princes Street eastwards to Edinburgh St James. The western end of Princes Street has seen a marked shift away from anchor retail stores to none retail uses. Debenhams and House of Fraser have closed and are being redeveloped for exciting new non-retail uses with the Johnnie Walker experience in the former House of Fraser store and a new 208 bed hotel and ancillary bars and restaurants in the former anchor Debenhams store. Restaurants are also now beginning to appear in the west end of Princes Street to cater for the growing tourist and hotel accommodation and tourist and visitor attractions at the west end. There are also a host of serviced apartments and short term let accommodation in the west end of the city centre as well as a strong business sector and upcoming residential sector.

Shandwick Place was previously a secondary shopping street leading into Princes Street with retail activity in convenience shopping but with a bustling

bar and restaurant culture. The changing nature of the street which now has no through traffic or car parking means that the footways are dominated by people queuing for buses and walking through the area. It is notable that the previously largest retail store in the street, Co-op has closed and is now operated by Lothian Buses as a ticket office. This is a major change in the dynamics of the street and makes it clear that the area is a public transport hub, rather than a shopping street.

The footways remain relatively narrow with the roadway being very wide to cater for trams and bus through routes, bus stops and taxis. The number of retail units in the street on both north and south sides has reduced over the years as the retail footfall has reduced significantly. There is no longer a critical mass of retailing in the street with a smattering of convenience stores as well as service outlets such as opticians and e-cigarette shops. There are also charity shops.

By contrast there are now well established restaurants along the frontage which cater for tourists and local residents and also serve the hotel market in the area. The west end of Princes Street is now a hive of activity in the restaurant and bar sectors in close proximity to major hotels and tourist attractions. On the south side of the street in which this unit is positioned there are 19 commercial units with 10 in retail use and 9 in non-retail. The latest change of use was for Taco Bell which is an international restaurant chain which complements the other bars and restaurants along the frontage.

### **Subject Premises**

45/47 Shandwick Place is a 113sqm unit which was previously leased to Amplifon which was a hearing aid centre. Whilst technically a retail use, the operation was not a high footfall type use. The lease was due to end in 2022, but Amplifon decided that the location was no longer suitable for their business model and had been seeking to sub-let the building from April 2021. However, no occupier was found and Amplifon handed the unit back to the current owner. Orinson have been marketing the unit following on from Lambert Innes on behalf of Amplifon resulting in a marketing campaign that has been ongoing for a year with two different agents. During this time and despite no formal marketing as anything other than a retail unit the only serious interest has been from restaurant operators. The unit remains vacant.

The marketing campaign has made it clear to the commercial agents and owner that the unit is no longer suitable for leasing to retail occupiers. Shandwick Place is no longer a retail pitch. The main convenience anchor store, Co-op has closed and this large unit has been turned into a ticket office. Whilst this is a retail use, the footfall generation is a fraction of that generate by Co-op. The reduction in footfall from genuine retail outlets and the rise in non-retail restaurant uses indicates the commercial reality of the street and its future as a supporting thoroughfare to the adjoining tourist related uses and hotels and apartments. Some convenience stores are likely to succeed given the number of transient people in the street using public transport, but the street is no longer a city centre shopping street which has been as a result of positive decisions

taken by City of Edinburgh Council in allowing major retail anchor stores to change into non-retail uses. With these anchor stores no longer existing there is a requirement to allow the dynamic of the street to continue to change to serve these new different commercial functions. Class 3 uses already serve this area and have been a qualitative addition improving the vitality and viability of the street.

## Planning Policy

Retailing and retail policy is rapidly changing as the pandemic and changing shopping habits have had fundamental effects on the manner in which people shop. Large department stores and chain stores have failed and large footprint stores are changing into different uses. The council has supported changing demands on city centre floorspace and recognised that retailing is not essential to support the vitality and viability of a vibrant and diverse city centre.

Shandwick Place is on the periphery of the city centre retail core area and uses are guided by the council's adopted supplementary planning guidance on city centre shopping and leisure. The guidance stated aims are to sustain the city centre as a shopping, entertainment, commercial leisure and tourism related centre and to improve the appearance, quality and attractiveness of all centres. Such vitality and viability in centres can only be achieved if ground floor units are in use and upgraded to serve the changing needs of operators, visitors and residents.

Shandwick Place is within the city centre core but is not noted as a part of the city centre **retail** core which is centred on George Street, Princes Street, Rose Street and the perpendicular streets linking these principal streets. The policy seeks to ensure a healthy balance of uses with a sufficient proportion of retail units to ensure its vitality. The guidance has been updated to make it more flexible to allow alternative uses other than retail in the core retail areas. It should also be noted that even in the new Edinburgh St James, prime units are in alternative uses such as class 3 as the developer and council have recognised that class 3 units can drive footfall equally or more so than retail units. On Shandwick Place the street is very much a thoroughfare with the council designing the street as a public transport hub where bus stops predominate on footways that have not been widened. This introduces conflict between visitors to the street and those people using public transport. The streetscape is no longer conducive to shopping and this has been proven by the lack of interest in this particular unit from retail occupiers.

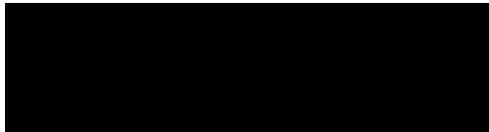
Shandwick Place is in the fourth tier of frontages in the city centre core with the policy suggesting that half of the total number of units on the street should be in retail use. At present of the 19 units on the south side of the street. 10 are in retail use which equates to 53% of units. 9 are in non-retail use. If the subject premises are permitted to change to class 3 use then the percentage will change to 47% being in non-retail use. There would therefore be no material difference to the make-up of the street with the change of this one unit from vacant retail to an active and beneficial use as a class 3 restaurant. The added benefit is that the applicant is the owner of the block which therefore means

that an extract flue can be installed allowing a full kitchen to be installed. This is unusual in this street as the frontage units are normally separately owned than the floorspace above. The proposed use therefore allows for a full service restaurant to be operated which would be a positive addition to the street and would complement the existing commercial activities in the street. The alternative is for the unit to remain vacant for the foreseeable future.

In addressing the policy issues it should be noted that the Johnnie Walker experience and the removal of large retail anchor stores at the west end of Princes Street has significantly changed the commercial dynamics of this area. Johnnie Walker is forecast to be a major tourist attraction for many years with tourists adding this to their must see and do experiences in the city centre. Having this tourist attraction in close proximity has resulted in a change to the commercial attractiveness of the immediate surrounding area hence the need to consider the benefits of maintaining a rigid approach to unit numbers being in retail use when retailing covers uses as diverse as department stores to travel agencies, hairdressers and funeral parlours. A class 3 use in this area which would cater for the needs of tourists, residents, office workers and others would add to the attractiveness of the street and would accord with the aims of development plan policy.

We trust the above information and submitted details allows the change of use and addition of an extract flue to be considered favourably.

Yours faithfully



**Phil Pritchett**  
Director

# ORINSEN

Edinburgh City Council  
Planning Department  
4 East Market Street  
Edinburgh  
EH8 8BG

7<sup>th</sup> August 2022

Dear Sir/Madam

## **RE: Proposed Change of Use - Planning Application - 45-47 Shandwick Place**

I write in connection with the above premises where we are currently acting on behalf of the landlords as letting agents. Our instruction started over a year ago in early July 2021, following a lease surrender with Amplifon. Prior to our involvement, Amplifone had closed the premises in early January 2021 and marketing the unit unsuccessfully through their property agents, Lambert Innes Property Consultants.

I am a highly experienced director in commercial property with over 15 years experience, covering all of Scotland and the UK. I help advise and support my clients with property leasing, acquisition, disposal and strategic asset management. My clients include major institutional investors, leading UK retailers, dynamic leisure operators and innovative developers. I work at Orinsen, an independent commercial property consultancy, advising and supporting clients with property leasing, acquisition, disposal and strategic asset management.

By way of background, there are many issues currently affecting the economy which have had a knock on effect on the commercial property market as a whole. In the UK, it is still facing serious challenges from a number of macro-economic factors but more prevalently the post Covid fallout and now the cost-of-living crisis. This is going to cause huge pressures on business margins and profitability going forward.

For nearly all retailers, the pandemic and Government forced lockdowns, have had a gigantic impact on their businesses. As the supply of vacant retail units has increased against that of a limited occupational demand backdrop, generally speaking, rental and freehold values have inevitably fallen. The retail market generally is in a state of flux as we move forward although perhaps Edinburgh as the capital city has fared better and continues to do so more than other towns and cities in Scotland, but even here market changes and patterns of retail pitches have changed particularly since Edinburgh St James has opened.

The demand for space from national retailers generally remains low. The current slowdown in the retail market has also had a knock-on effect on retailer demand, not only in Scotland, but across the UK.

When we were appointed as letting agents back in July 2021, we immediately pulled together a bespoke marketing campaign for the subject property. This included the following:

90A George Street, Edinburgh EH2 3DF

T. 0131 374 1111    info@orinsen.com    www.orinsen.com

**Orinsen** Limited

Registered in Scotland SC647800, 19 Rutland Square, Edinburgh EH1 2BB

- Implementation of a targeted marketing campaign – identify occupiers who we are aware may consider representation in this location in Edinburgh.
- Implementation of a full marketing campaign, including circulation of marketing brochure to agents active in the market (Some 2,000 plus agents across the UK)
- Erection of not only a V-Angle marketing board, but also a full vinyl across the shop front.
- Web Based Advertisement – The particulars for the property have been made available on the following websites:
  - i. Orinsen's Company's website
  - ii. Realla
  - iii. CoStar
  - iv. Rightmove
  - v. Perfect Information Property
  - vi. LinkedIn

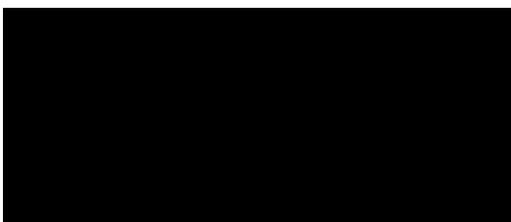
This element of web-based advertising has been the most important in ensuring we hit our target audience through a variety of different websites. We have used all modern marketing tools and means of selling to promote the product, alongside that of our own contacts relationships and knowledge of that specific sector and who to target. We even provided the client with a Matterport of the premises free of charge to try and promote the condition of the property further, but with no success.

To date we have had no meaningful interest from Class 1 occupiers, who all feel the premises does not fit their existing or ongoing requirements. There has been no other serious interest to date, other than that of Class 3 operators, who would be interested in this pitch and location. Shandwick Place is not considered to be a prime retail pitch with retailers as it is a thoroughfare dominated by public transport stops and narrow pavements which adversely affects retailer demand. In my opinion this is not likely to change in the foreseeable future and the unit will remain empty if a change of use cannot be secured.

In conclusion, we continue to work diligently on this instruction and continue to give it the best possible chance to be occupied by a Class 1 user, but unfortunately there is no demand for this use in this location and this is not a situation which is going to change.

I trust the above is helpful, but if you require anything further at this stage please do not hesitate to contact me further on my details below.

Yours faithfully,



**Tom J Forster**

Direct Line: 0131 374 1115  
Mobile: 07919 920126  
Email: [forster@orinsen.com](mailto:forster@orinsen.com)

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto:planning.support@edinburgh.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100566533-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Change of use from class 1 to class 3 with ancillary hot food take away and installation of rear mounted kitchen extract flue

Is this a temporary permission? \*  Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*  Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Pritchett Planning Consultancy		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Phil	Building Name:	PO Box
Last Name: *	Pritchett	Building Number:	
Telephone Number: *	07901557484	Address 1 (Street): *	8052
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH16 5ZF
Email Address: *	phil@pritchettplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	8
Last Name: *		Address 1 (Street): *	Margaret Rose Crescent
Company/Organisation	Santorinia Investments Limited	Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	EH10 7EZ
Fax Number:			
Email Address: *	phil@pritchettplanning.co.uk		

## Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

45-47 SHANDWICK PLACE

Address 2:

NEW TOWN

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH2 4RG

Please identify/describe the location of the site or sites

Northing

673585

Easting

324585

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

113.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

vacant class 1 retail - Amplifon Hearing aid centre

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

**Water Supply and Drainage Arrangements**

Will your proposal require new or altered water supply or drainage arrangements? \*  Yes  No

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

**Assessment of Flood Risk**

Is the site within an area of known risk of flooding? \*  Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*  Yes  No  Don't Know

**Trees**

Are there any trees on or adjacent to the application site? \*  Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

**Waste Storage and Collection**

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*  Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

occupier will be responsible for disposal of all commercial waste and recycling

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Phil Pritchett

On behalf of: Santorinia Investments Limited

Date: 17/05/2022

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

- |  |  |
|--|--|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Phil Pritchett

Declaration Date: 17/05/2022

## Payment Details

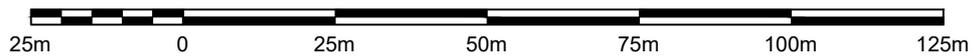


Created: 



**SITE LOCATION - (1:1250)**

1:1250



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IMRAN URSHAD		45 / 47 SHANDWICK PLACE EDINBURGH		SITE LOCATION PLAN		
SCALE	DATE	DRAWN BY	STATUS	DWG NO	REVISION	<b>HK</b>
1:1250 @ A4	APIL 2022	BC	PLANNING	1173   PL100	-	

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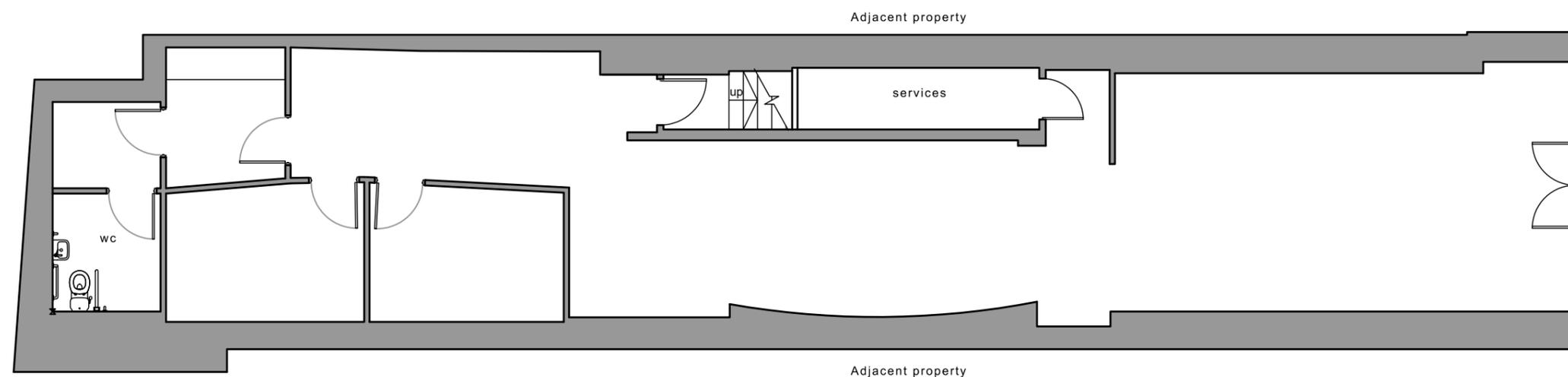
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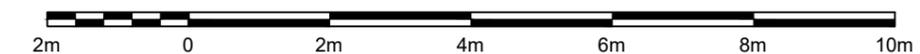
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**EXISTING GROUND FLOOR PLAN - (1:100 @ A3)**

AREA (EXCLUDING WC & LOBBY) = 113m<sup>2</sup>

1:100



CLIENT

IMRAN URSHAD

PROJECT

45 / 47 SHANDWICK PLACE  
EDINBURGH

DRAWING TITLE

EXISTING GROUND FLOOR PLAN

SCALE DATE

1:100 @ A3

APRIL 2022

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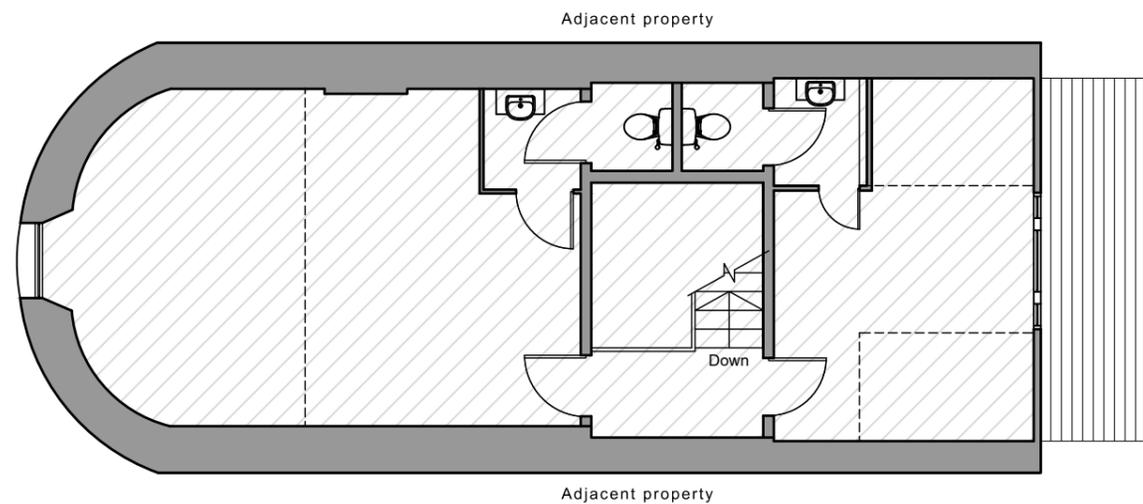
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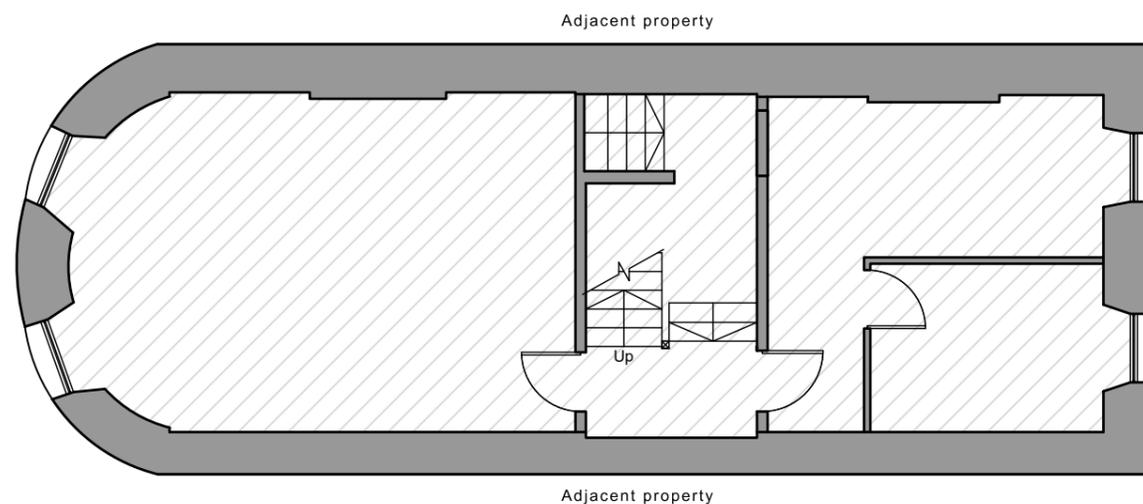
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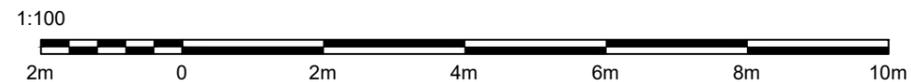
**EXISTING SECOND FLOOR PLAN - (1:100 @ A3)**

VOID SPACE / UN-USED.



**EXISTING FIRST FLOOR PLAN - (1:100 @ A3)**

VOID SPACE / UN-USED.



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PROJECT

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DRAWING TITLE

EXISTING FIRST & SECOND FLOOR PLANS

SCALE DATE

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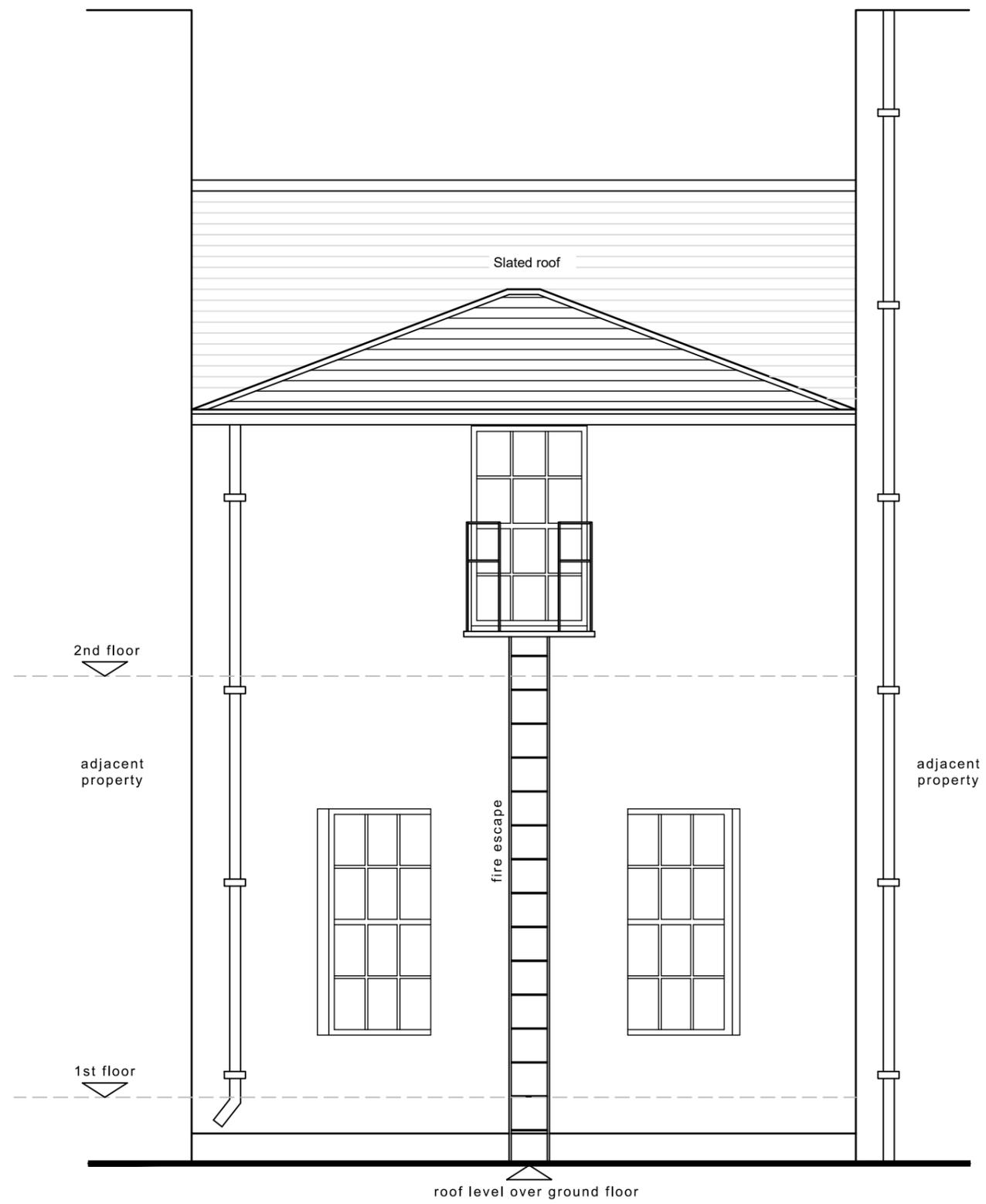
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EXISTING REAR ELEVATION - (1:50 @ A3)



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IMRAN URSHAD

PROJECT

45 / 47 SHANDWICK PLACE EDINBURGH

DRAWING TITLE

EXISTING REAR ELEVATION

SCALE

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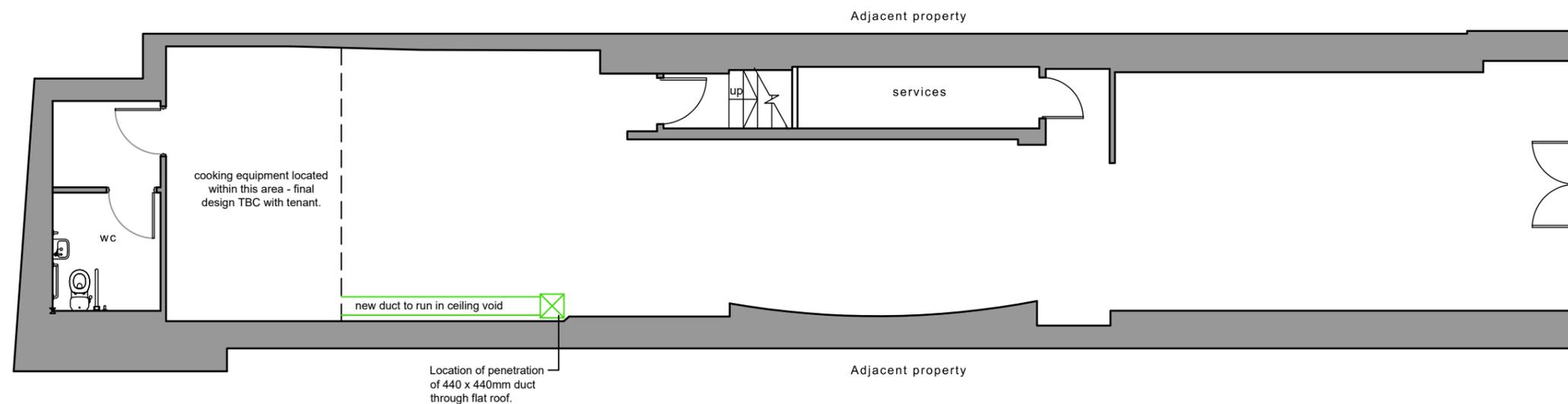
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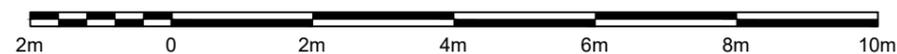
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**PROPOSED GROUND FLOOR PLAN - (1:100 @ A3)**

AREA (EXCLUDING WC & LOBBY) = 113m<sup>2</sup>

1:100



CLIENT

IMRAN URSHAD

PROJECT

45 / 47 SHANDWICK PLACE  
EDINBURGH

DRAWING TITLE

PROPOSED GROUND FLOOR PLAN

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PROPOSED PART REAR PLAN - (1:50 @ A3)



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PROPOSED PART REAR PLAN

SCALE 1:100 @ A3 DATE APRIL 2022

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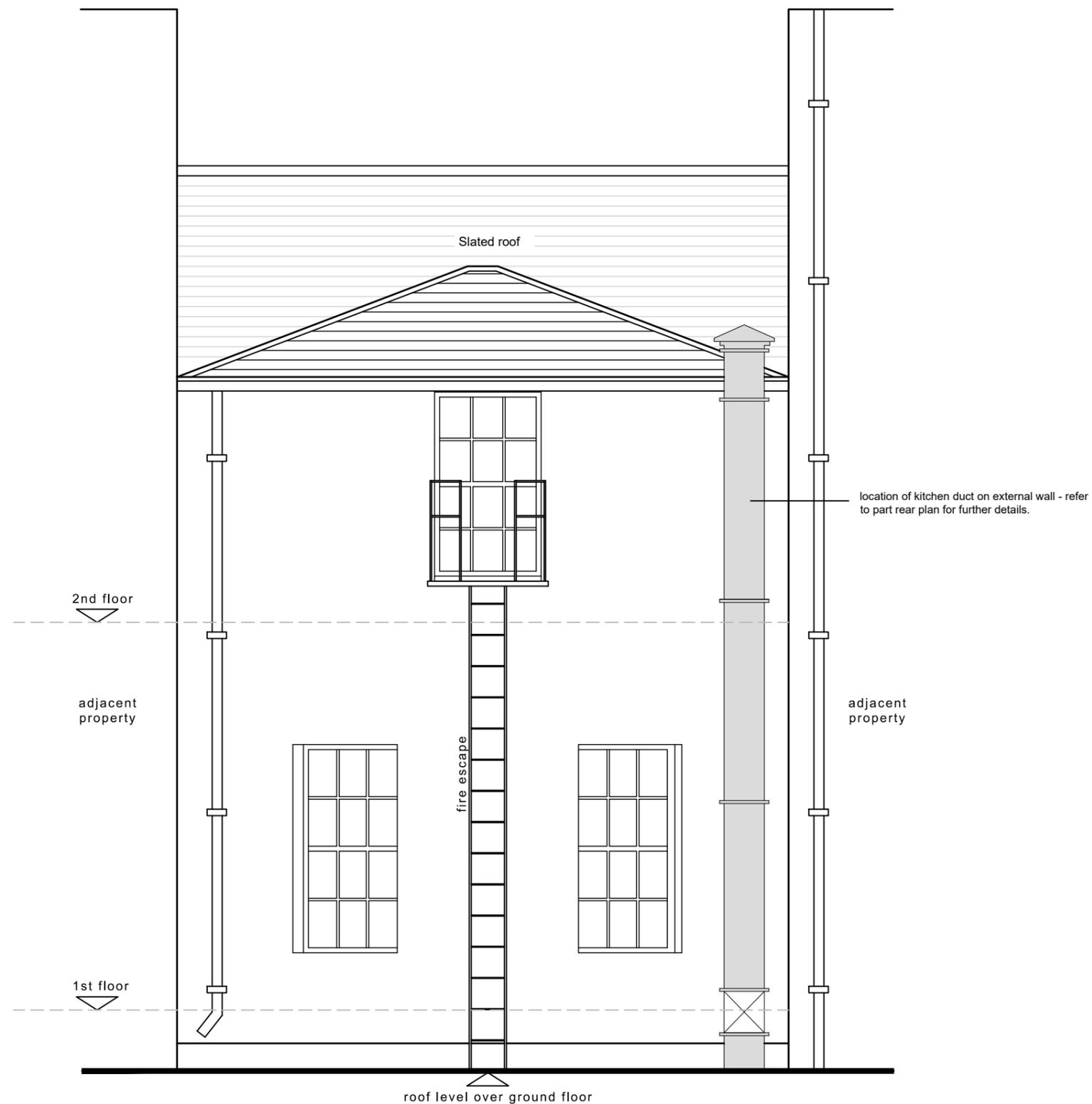
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PROPOSED REAR ELEVATION - (1:50 @ A3)



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