

**Full Planning Application
at
Kinnaird Park
Edinburgh
EH15 3RB**

**Development Quality Sub-Committee
of the Planning Committee**

Proposal: Removal of condition 1 of planning permission ref. 02/00175/FUL to grant planning permission on a permanent basis for delivery hours to the store
Applicant: Marks + Spencer Plc.
Reference No: 04/00025/FUL

1 Purpose of report

To recommend that the application be **GRANTED** subject to;

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2 Main report

Site description

The application site comprises a unit at the southern edge of Phase 2 of Kinnaird Park retail park, located to the north of Newcraighall Road. There is residential property (Niddrie Cottages) to the south. The remaining surrounding uses are commercial.

Site history

July 1995 Outline planning permission was granted for an extension to Kinnaird Park (A01094/95). This approved an additional 6970 sq metres retail floorspace, 1860 sq metres leisure floorspace, a petrol filling station and a second access onto Newcraighall Road (Kinnaird Park 'Phase 2' Hypo).

10.2.99 Planning permission was granted to erect a non food retail and leisure development, petrol filling station and related access and servicing on this site. The consent was for 8 retail units with a total floorspace of 6968 and a leisure unit of 1858 sq metres. The leisure unit was adjacent to the existing cinema (A01722/98).

10.2.99 Planning permission was granted to reconfigure the north west corner of the retail park. It affected four small business units. It was proposed to remove the business units apart from 600 sq metres and to remove the restaurant to the front of the cinema. Five replacement units were approved. One of these units, 2323 sq metres was for leisure use, to replace the Megabowl Unit. The other four units were for 1579 sq metres of retail floorspace (A01739/98).

05.05.99 Planning permission granted for floating food consent within the park, subject to a maximum floor area of 1380 square metres.

20.12.99 Planning permission granted for reconfiguration of retail park (99/00942 & 44), subject inter alia to a repeat condition (10) restricting the access to and egress from the site of HGV's to 8am - 8pm Monday - Saturday.

30.03.00 Planning permission granted for the insertion of mezzanine floors (99/03326 & 7).

22.03.02 Planning permission granted for mezzanine floor and roof plant within this unit (02/00174 & 176).

12.02.03 Planning permission granted for alterations to delivery hours for the unit from 8am to 8pm Monday to Saturday to 7am to 7pm Monday to Friday, 7am to noon on Saturday and 9am to noon on Sunday, with a further condition on the submission of a code of conduct, and delivery/uplift being restricted to one only on a Sunday. The consent was for a temporary period of one year.

Development

The application is to make permanent the revised delivery times, as approved on 12 February 2003.

Consultations

Environmental Services

No noise complaints have been received regarding the delivery of produce to Marks and Spencers. This department would offer no objections to the above application.

Transport

No objections.

Representations

It has been certified that neighbours were notified of the application.

One letter has been received, objecting on grounds of potential noise to a bedroom and no knowledge of any existing consent for deliveries.

Policy

Circular 4/1998 - states central government advice on the use of conditions in planning permission.

Finalised South East Edinburgh Local Plan - Major Shopping Centre

Relevant Policies

DQ1 - assesses proposals for environmental impact

T2 - assesses proposals for transport impact

H6 - seeks to protect residential amenity.

South East Edinburgh Local Plan - Mainly Industrial Area

3 Conclusions and Recommendations

DETERMINING ISSUES

The determining issues are:

- do the proposals comply with the development plan?
- if the proposals do comply with the development plan, are there any compelling reasons for not approving them?
- if the proposals do not comply with the development plan, are there any compelling reasons for approving them?

ASSESSMENT

To address these determining issues, the Committee needs to consider whether the proposed permanent delivery hours will have any adverse effect on surrounding residential amenity.

The amended delivery hours have been operating since 12 February 2003 without known record of complaint. The objectors do not appear to have raised any specific amenity issues with Environmental and Consumer Services or Planning Enforcement during the trial period, and the objection does not centre on actual amenity loss during the extended operating period. The objectors did raise comments regarding the original application to amend the delivery hours, and according to the computer record, were informed of the Council's decision to grant consent on a temporary basis.

The Code of Conduct was approved on 28 April 2003.

The proposals comply with the relevant Local Plan Policies and Non-statutory guidelines. Paragraph 108 of Circular 4/1998 states that second temporary permissions should not normally be granted.

There are no material considerations which outweigh this conclusion.

It is recommended that the Committee approves this application.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

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Ward affected 57 -Craigmillar

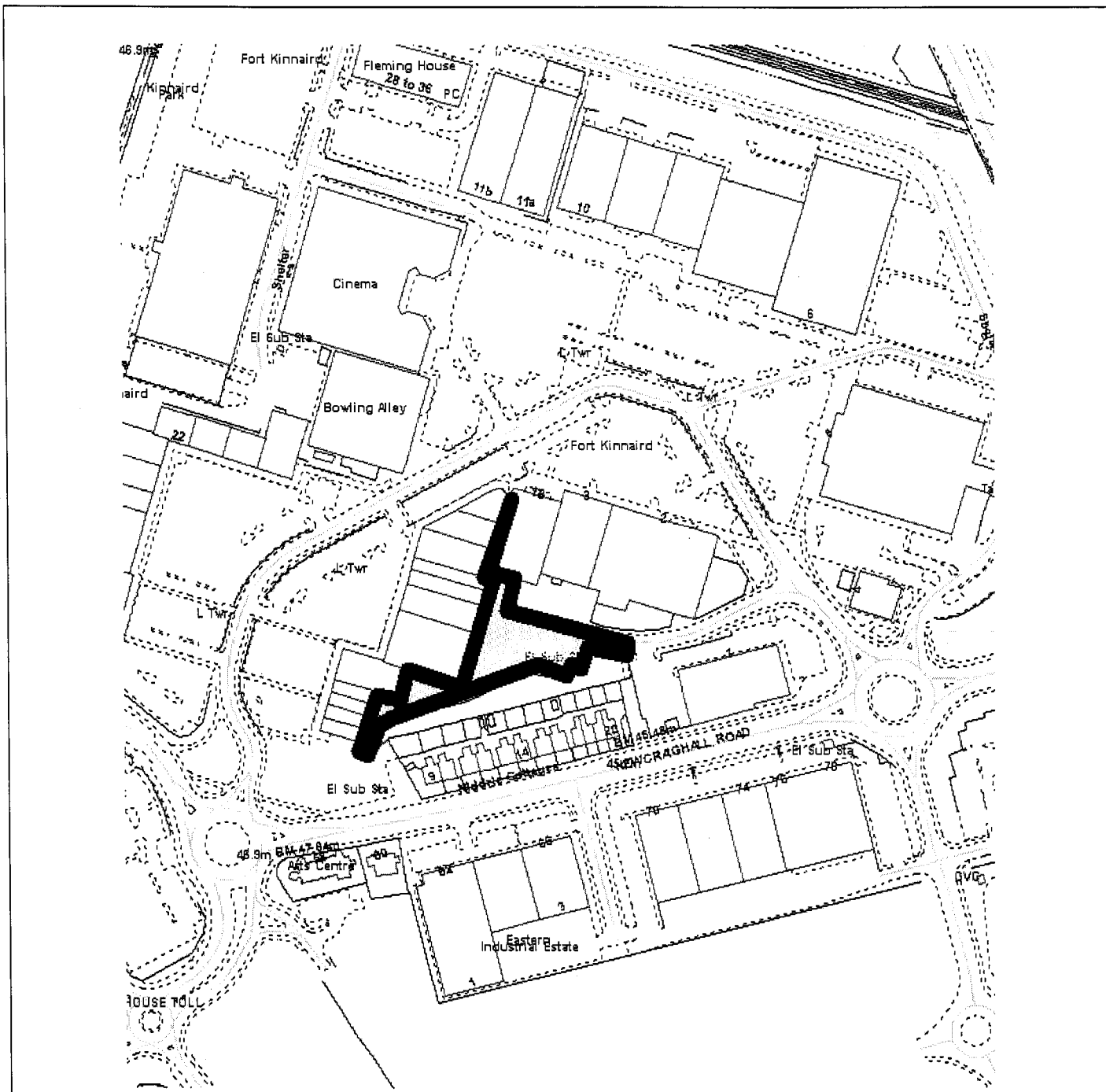
Local Plan

**Statutory Development
Plan Provision**

File

Date registered 6 January 2004

**Drawing numbers/
Scheme** 01
Scheme 1



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PLANNING APPLICATION

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Application number:	04/00025/FUL	WARD	57- Craigmillar
THE CITY OF EDINBURGH COUNCIL			
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			