

**Outline Planning Application
at
18 South Groathill Avenue
Edinburgh
EH4 2LW**

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

Proposal: Outline planning application for retail development and associated car parking
Applicant: Miller Developments.
Reference No: 03/02185/OUT

1 Purpose of report

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

Conditions

1. The approved development being commenced no later than five years from the date of Outline Permission or two years from the date of final approval of any reserved matter(s), whichever is the later.
2. Before any work on the site is commenced, details of the undernoted reserved matters shall be submitted to and approved in writing by the planning authority; the submission shall be on the form of a detailed layout of the site (including landscaping and car parking), and detailed plans, sections and elevations of the building/s. **RESERVED MATTERS:** siting, design, external appearance, parking and access, landscaping.
3. The proposed retail use shall be for non-food only and for no other use within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

4. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

5. i) Prior to the commencement of construction works on site:

a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning and Strategy, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning and Strategy.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning and Strategy.

6. All deliveries to and uplifts from, including waste, shall be between the hours of 0700 and 2000 Monday to Saturday with no deliveries on a Sunday.

7. Prior to planning consent being granted, the applicant shall enter into a suitable legal agreement with the Council with regards to:

a) the provision of a financial contribution

1) for improvements to public transport infrastructure in the area

2) towards the necessary upgrades of traffic signal facilities within the vicinity of the development

3) towards cycle facilities within the vicinity of the development including the provision of a Toucan crossing on South Groathill Avenue or Groathill Avenue.

b) Monitoring traffic movements and queuing following the opening of the development at the priority junction where the main accesses road to the development joins South Groathill Avenue. Should the upgrade of this junction to a roundabout or signal control be deemed necessary by the Council within 5 years of the development opening, then these works will be carried out at no cost to the Council.

8. As part of any application for the approval of reserved matters, details of the priority junction referred to in condition 7 shall be submitted to and approved by the Director of City Development. Once agreed, the junction shall be constructed to the satisfaction of the Director of City Development.

9. As part of any application for the approval of reserved matters, the numbers and location of both cycle and motorcycle parking will be submitted to and approved by the Director of City Development.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
 2. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
 3. In order to ensure that the nature of the use of the premises remains compatible with the character of the surrounding area, and no activities/processes take place which may be detrimental to its amenities.
 4. In order to safeguard the amenity of neighbouring residents and other occupiers.
 5. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
 6. In order to safeguard the amenity of neighbouring residents and other occupiers.
 7. In order to achieve community benefits in the form of infrastructure improvements.
 8. In order to ensure that the design is acceptable.
 9. In order to ensure compliance with the Council's parking standards.
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2 Main report

Site description

This outline application relates to a 1.3 ha site currently occupied by Miller House, a 4-storey office building, and associated car parking. The site is located to the east of South Groathill Avenue. To the north west are residential properties, whilst retail units and associated car parking wrap around the eastern part of the site. A play area is situated to the south of the site, with a petrol filling station beyond. To the west, on the opposite side of South Groathill Avenue, is open ground.

Site history

The recent planning history of the site includes the proposed extension of the existing offices and subsequently its replacement with non-food retail development.

Outline planning permission (90/02620/OUT) was granted on 28.02.91 for the extension of the existing office block and provision of associated car parking. This development has not been implemented.

Outline planning permission (98/01937/OUT) was granted on 16.12.98 for non-food retail of up to 3020sq m with car parking. Traffic and retail impact assessments were submitted with the application. Prior to the reserved matters expiring, an application to renew the permission was submitted (01/02678/OUT). This application was approved on 5.10.01, as it was considered that the proposal was still in accordance with current development plan policy and national guidance.

Development

This outline application proposes the demolition of a 4-storey office block and its replacement with retail development providing 8,940sq m of floorspace in 3 units, all with 100% mezzanine floors. Illustrative drawings show that the 3 units each have footprint areas of 3270sq m, 700sq m and 500sq m. Access would continue to be taken from South Groathill Avenue. The development would provide an additional 138 car parking spaces and a cycle park. As a result of negotiation, a revised illustrative site layout plan has been submitted, which shows that the proposed units would be pulled back and additional landscaping would be provided along this road frontage.

Whilst the description of development does not specify that the application is specifically for non-food retailing, it is the applicant's intention that the development should be confined to the sale of such goods.

The applicant has submitted a retail impact assessment and a traffic impact assessment to support the application. These are available in the Party Group Rooms.

Consultations

Environmental and Consumer Services

This Department has no objection to the above-proposed development subject to the following conditions:

The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

1. Prior to the commencement of construction works on site:

a) A site survey (concluding intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.

2. Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the head of Planning.

3. All deliveries to and uplifts from, including waste, shall be between the hours of 0700 and 2000 Monday to Saturday with no deliveries on a Sunday.

Transport

No objections to the application subject to the following conditions being applied.

1. The developer is to enter into an appropriate Legal Agreement to contribute the following:

- £59,752 to finance improvements to public transport infrastructure in the area.
- £40,000 towards the necessary upgrades of traffic signal facilities within the vicinity of the development.
- £40,000 towards cycle facilities within the vicinity of the development including the provision of a Toucan crossing on South Groathill Avenue or Groathill Avenue.

Reason: To encourage visitors to the development to use sustainable modes of transport and lessen the traffic impact on the existing road network.

2. The developer is to enter into an appropriate Legal Agreement to provide for the following:

- Traffic movements and queuing at the priority junction where the main access road to the development joins South Groathill Avenue will be monitored after the opening of the development. Should the upgrade of this junction to a roundabout or signal control be deemed necessary by the Council within five years of the development opening, then these works will be carried out at no cost to the Council.

Reason: To properly address the traffic management requirements at the access to the site.

3. The detailed design of the above priority junction will be a reserved matter.

Reason: To ensure the design is acceptable to the Council's Road User Safety Audit team.

4. The numbers and location of both the cycle and motorcycle parking will be a reserved matter.

Reason: To ensure compliance with the Council's parking standards.

All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent.

Representations

One letter of objection was received from a local resident in relation to the plans as originally submitted. She raises questions regarding the height of the units, the number and location of car parking spaces, the number of trees lost in the construction of the development and how residents will be able to cross South Groathill Avenue. The grounds for objecting to the proposal can be summarised as follows: -

- Siting of another retail outlet in close proximity to her property.
- Increase in traffic, including articulated lorries to serve the development, and associated noise and emissions.

Spokes did not raise an objection, but made the comment that there should be a direct link across the site to the new and existing retail units, as there is no such direct connection at present. The organisation would like to see a condition attached to any permission regarding the future provision of such a cycle and pedestrian route.

Policy

Policy Context

The Central Edinburgh Local Plan includes the application site within a broad 'Housing and Compatible Uses' land use designation in which the primary objective is to safeguard residential character and amenities. At the time of its preparation, the Local Plan recognised the retail development opportunity of the northern half of the former quarry and promoted the site for retail uses accordingly.

The developed retail park and the Sainsbury store immediately to the south are recognised as a strategic shopping centre by the Lothian Structure Plan (1997). Reference to the status of the centre can be found in an appeal decision dating from 1997, where the reporter described the centre as "a suburban or district centre, providing a broad range of facilities and services and fulfilling a function as a focus for both the community and public transport."

Since the granting of outline planning permission for a smaller retail proposal on this site, a replacement structure plan has been prepared and submitted to Scottish Ministers. The policy considerations raised by this plan are also highlighted below.

Relevant Policies

NPPG8 'Town Centres and Retailing' (revised 1998)

- Gives priority to town centre and edge-of-centre sites over out-of-centre developments;
- Other options should only be considered if there is recognised deficiency in provision and there are no realistic opportunities within or on the edge of existing town centres which could address that deficiency;
- Introduces the sequential approach for all new retail development;
- States that the principles underlying the sequential approach apply also to proposals to expand, or change the use of existing out-of-centre developments, where proposals are of such a size or type that they would change the character of a centre as defined by the development plan;
- States that the presence of an established development should not in itself set a precedent or provide justification where such expansion would be inconsistent with the development plan and/or the policy principles of the NPPG.

Lothian Structure Plan 1997

- S1 - supports retail development within or adjacent to strategic and local centres, subject to Policy S2;
- S2 - establishes a presumption against retail developments, including those within or adjacent to a strategic centre that would individually or cumulatively prejudice the vitality and viability of any other strategic centre;
- S8 - supports retail developments which strengthen and consolidate district centres, provided good pedestrian and public transport access is secured, subject also to Policy S2;
- S10 - supports the development of retail warehouses within or as extensions to existing retail parks, subject to the criteria in S9 being satisfied i.e. do not, individually or cumulatively prejudice the vitality and viability of any other strategic centre; and meet local planning, parking, public transport, and access requirements.

Edinburgh & Lothian's Structure Plan (Finalised 2003)

- RET1 - considers the sequential approach to retail location and identifies Craighleith within category (c), a Major Shopping Centre of Strategic Importance, but not a town centre;
- RET2 - lists other considerations to be satisfied under the sequential approach and for Craighleith clauses (b) to (e) are relevant.

Central Edinburgh Local Plan

Relevant Policies:

Policy S5 (SHOPPING DEVELOPMENT - DISTRICT AND LOCAL CENTRES) sets out criteria for assessing, new shopping development outwith the defined Retail Core, Office Core and Mixed Activities Zone.

Policy H11 (HOUSING AMENITY) establishes a presumption against new development and changes of use likely to introduce increased levels of traffic or activity to the detriment of residential amenity or to the reasonable prospects of further residential development where this is an objective of the Local Plan.

Policy T8 (CYCLE PARKING) requires new development to provide cycle parking facilities in accordance with agreed standards and on suitable sites to contribute to the network of safe routes.

Policy T15 (PRIVATE CAR PARKING) requires all new development to comply with car parking standards set out in the Development Control Handbook, including provision for people with disabilities, and requires car parking to be designed to minimise visual intrusion.

3 Conclusions and Recommendations

DETERMINING ISSUES

The determining issues are:

- whether the proposals comply with the development plan;
- if the proposals comply with the development plan, whether there are any reasons for not approving them; and
- if the proposals do not comply with the development plan, whether there are any reasons for approving them.

ASSESSMENT

In order to determine this application the Committee should consider whether a) there is a clear and recognised local need or deficiency in non-food shopping provision in north Edinburgh b) if this the case, whether suitable opportunities exist within or on the edge of defined shopping centres which could address that deficiency and c) if no realistic opportunities exist in these locations, whether the impact of the proposed development, individually or cumulatively, would have a detrimental effect on the viability and vitality of any other defined shopping centre d) there would be any adverse impact on residential amenity or road safety.

a) Quantitative and Qualitative Need

The issue of need is critical to the consideration of this application. New retail provision outwith a town centre should only be considered if there is a recognised deficiency in provision and there are no realistic opportunities within or on the edge of existing town centres that could address that deficiency.

The retail Capacity Study (CEC 1999) considered the regional imbalance between supply and demand of retail floorspace and anticipated that at this scale there was every indication that there would be a requirement for additional non-food retailing to keep pace with demand. The study highlighted the potential for a significant under-supply of comparison shopping floorspace to meet rising spending levels beyond 2003, notwithstanding notable city centre developments. The position today is that the level of under-supply is more than likely to be greater than that forecast in 1999.

In general, comparison shopping tends to be much more concentrated than convenience shopping, clustering in a limited number of centres. This enables consumers to browse and compare different offers with the inevitable consequence that they expect to travel somewhat further than for food shopping. For this reason it is unrealistic to expect supply and demand for non-food goods to be in balance with local areas of the city, especially given the broad catchment areas served by the City centre, Almondvale, the Gyle etc. As a consequence, it is difficult to demonstrate that a need exists for additional non-food shopping floorspace at a local level. Nonetheless, it is possible to consider this to some extent by looking at the current level of consumer spending in the area and comparing this with the retailing opportunity that is currently available, and then to project this over time, say 5 and 10 years, factoring into the assessment population growth, the effect of other retail developments with planning permission and anticipated future spending.

The applicants have prepared a supporting statement that addresses these issues. In summary the statement satisfactorily demonstrates:

- that the intended catchment area of the proposed development is an area of significant population growth (62,824 in 2002, rising to 64,382 in 2006, 71,782 in 2011 and 72,629 in 2016. - these figures are higher than the average for the city given the large housing proposals planned at the Waterfront);
- that total available expenditure per head will substantially increase over time (£52.4M from 2006 to 2011 and £43.7M from 2011 to 2016. Put in context, the proposed development has a turnover of £17.2M);
- that the catchment area is not a 'closed' system and that expenditure will flow into centres in the area from residents outwith and vice versa;
- that growth in available expenditure is available to support both new floorspace and increasing turnover levels within existing shops both within and outwith the catchment area and that this is more than sufficient to accommodate the proposed development at Craighleith.

The applicants have satisfactorily demonstrated that in terms of quantitative and qualitative need the proposal will not, individually or cumulatively, prejudice the vitality and viability of any other strategic shopping centre.

b) Sequential Site Appraisal

Craigleith retail park is recognised as a strategic shopping centre in terms of the approved structure plan, and as such enjoys qualified support for new retail development. However, this has to be considered alongside the finalised Edinburgh & Lothian's Structure Plan, which takes on board the more recent government guidance on retailing and town centres. The applicants have considered opportunities for new retail development that exist at present in existing centres within the intended catchment area of the proposed development e.g. Stockbridge, Corstorphine and parts of the City Centre. The applicants contend that opportunities in these centres are limited, principally small vacant units, and that it will be difficult for retailers to adapt their formats to take advantage of these opportunities.

The sequential approach to new retail development also requires consideration of opportunities that might arise in the future - NPPG8 considers 5 years to be a reasonable time period. This requires some work to be undertaken by this Council - where constraints exist, the onus is on the planning authority to indicate whether, how and when these constraints to development could be resolved, for example, by assisting with land assembly, and is a task that will be undertaken in preparing the new Edinburgh City Local Plan. In the meantime, it is accepted that there are no realistic opportunities to accommodate the proposed development at the present time or in the near future. As such the proposed development accords with the priorities to the location of new retail development set out in policy RET1 of the finalised Edinburgh & Lothian's Structure Plan.

c) Effect on Other Centres

The applicants, in assessing the retail impact of their proposal on existing centres, have adopted a high turnover/floorspace ratio for Craigleith, to reflect its strong trading performance, a high trade diversion assumption for Stockbridge, consistent with previous studies, and built in the cumulative impact of the existing floorspace already approved for this site. As a consequence, the projected impact of the proposed development on comparison shopping in Stockbridge and Corstorphine equates to 10.8% and 4.1% respectively. Such estimates are subject to fairly wide margins of uncertainty, depending on the specific occupiers that take up the new floorspace as well as other unforeseen factors. Nevertheless the figure for Stockbridge represents a fairly high trade diversion. In such circumstances, the key question is whether the potential loss of trade on this scale would pose a significant threat to the vitality and viability of the centre. While there is no clear yardstick for gauging what level of trade loss is 'significant', it is considered that a loss of 10.8% is close to affecting the vitality and viability of the centre, but probably only for a temporary period and not to the extent of undermining its long-term viability. The reasons for arriving at this view are based on a number of mitigating factors:

- The calculated impact of 10.8% is based purely on comparison turnover. The true level of impact would also have to take into account the substantial amount of food shopping and other convenience shopping in Stockbridge. When this is added into the base figures, overall impact falls to about 5 or 6%;
- Stockbridge appears to be trading reasonably well, with vacancy rates close to the norm for a suburban centre (10 out of 165 units);
- Within the intended catchment of the proposed development non-food retail spending is likely to grow in real terms by about £4M per year;
- Although there will be some overlap between the goods sold at Craigleith and Stockbridge (clothing, shoes etc), on the whole Stockbridge shops tend to be geared towards a different sector of the market - i.e. walk-in rather than drive-in, independent retailers rather than chain stores, boutique rather than warehouse. Customers who prefer this type of shopping will not find Craigleith any more attractive simply by virtue of it expanding.

On balance, the proposed development is considered to be within acceptable limits in terms of its retail impact on other centres, although the impact at Stockbridge is a finely poised decision. In light of the above, the proposed development accords with structure plan and local plan policies in this respect.

d) The proposal involves replacing one commercial use with another. Subject to the condition recommended, there will be no undue effect on residential amenity.

The application was also supported by a traffic impact assessment. The proposal is considered satisfactory subject to the provision of improvements to public transport infrastructure, upgrades of traffic signal facilities, and cycle and pedestrian facilities.

CONCLUSION

The proposed development is a non-food retail development adjacent to an existing major shopping centre in an out-of-town-centre location. The application site, which would form an extension to Craigleith Retail Park, already has consent for 3,020 sqm of non-food retailing. The principle of non-food retailing at this location has already been established. The application under consideration seeks an additional 5,920 sqm of retail space.

A retail impact assessment was submitted in support of the application. Whilst it was found that trade would be diverted from Stockbridge as a result of the current development, it is considered to be within acceptable limits that would not have a detrimental impact on this shopping centre. The proposal is also considered not to adversely affect the vitality and viability of other strategic shopping centres. It is accepted that there are limited opportunities for such non-food retail developments within existing shopping centres.

The proposed development is in accordance with the provisions of the development plan and would preserve residential amenity and road safety. There are no other material considerations which would justify a refusal.

It is recommended that the Committee approves this outline application, subject to the conditions stated.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/Tel Suzanne Walker on 529 3905

Ward affected 08 -Craigleith

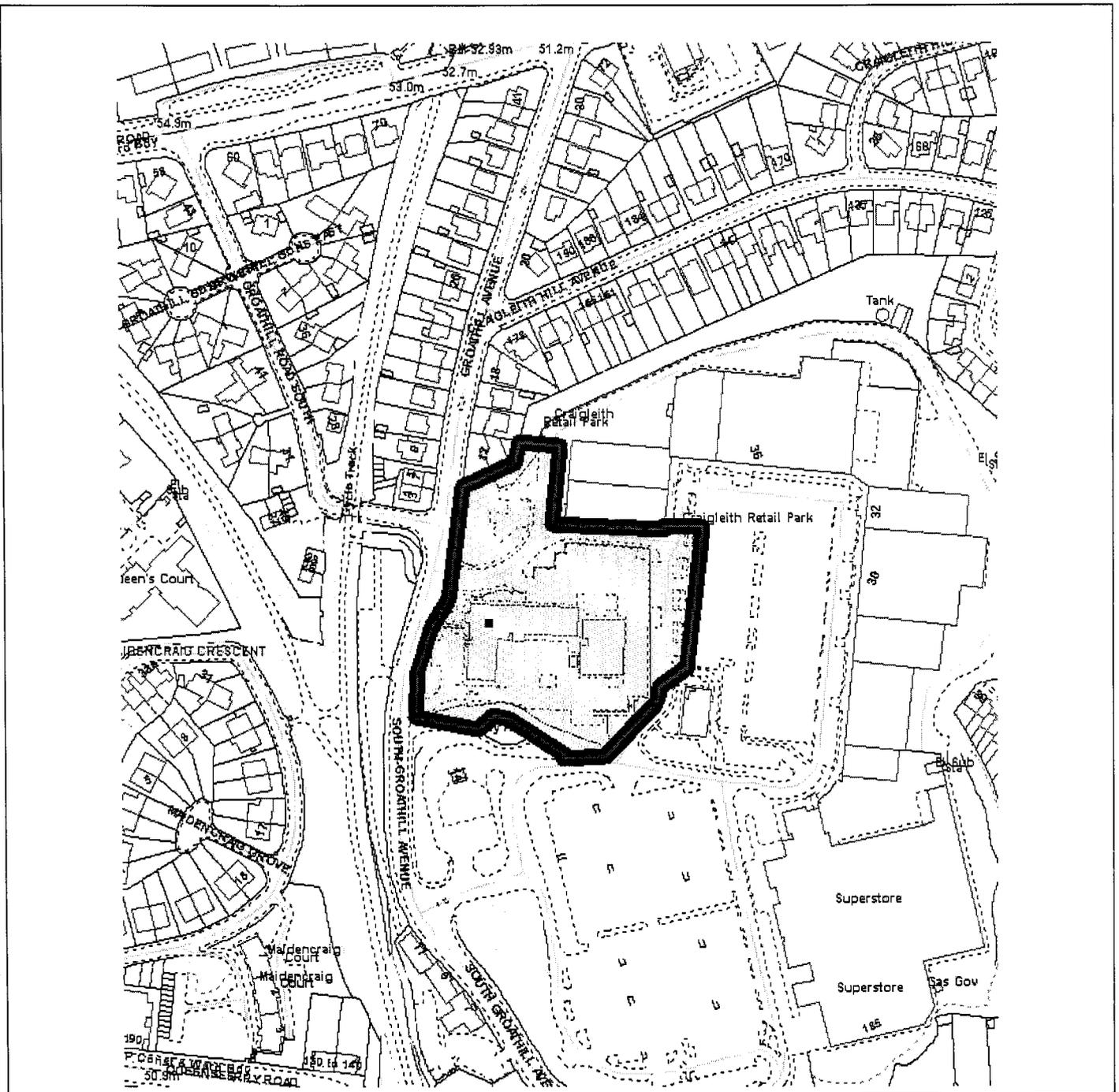
Local Plan Central Edinburgh Local Plan

**Statutory Development
Plan Provision** Housing and Compatible Uses

File AF

Date registered 12 June 2003

**Drawing numbers/
Scheme** 01, 02, 04, 05, 06



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PLANNING APPLICATION

Address	18 South Groathill Avenue, Edinburgh, EH4 2LW
Proposal	Outline planning application for retail development and associated car parking

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**THE CITY OF EDINBURGH COUNCIL
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY**