

Development Management Sub Committee

Wednesday 30 January 2013

REPORT ON FORTHCOMING APPLICATION by Gibraltar General Partners Ltd for the proposed development of a retail unit not exceeding a total of 5,700 sq m (GIA) over two levels at 1 To 77 Kinnaird Park, Fort Kinnaird Retail Park, Edinburgh.

Item number

Report number

Background Papers

1. 12/04119/PAN

Wards

A17 – Portobello/Craigmillar

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Summary

This report advises members of a forthcoming planning application for the proposed development of a retail unit not exceeding a total of 5,700 sq.m over two levels at Kinnaird Park. The site is designated as a Commercial Centre in the Edinburgh City Local Plan.

In accordance with the provisions of Planning etc (Scotland) Act 2006, the applicants submitted a Proposal of Application Notice on 20 November 2012.

Recommendations

It is recommended that the Committee note the key issues at this stage and advise of any other issues.

Financial impact

There are no financial implications for the Council.

Equalities impact

This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

Sustainability impact

A sustainability statement will need to be submitted with the application.

Community consultation

The Proposal of Application Notice (reference 12/04119/PAN) outlined a public exhibition to be held on site in an exhibition cabin within the main car park on Thursday 24 January 2013 between 11:00 and 19:00hrs. The results of the community consultation will be submitted with the application as part of the Report on Community Consultation.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

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1. Background

1.1 Purpose of the Report

To inform the Development Management Sub-Committee of a forthcoming planning application in respect of a major development on land at Fort Kinnaird Retail Park.

Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.

1.2 Site description

The site is situated in the north western part of Fort Kinnaird Retail Park. The retail park is situated on the eastern edge of the city next to the A1 Musselburgh by-pass. Access to the park is from Newcraighall Road.

The retail park covers approximately 21 hectares and was built in three distinct phases. The first phase was on the north east side of Newcraighall Road (Kinnaird Park). The second phase was on the south side of Newcraighall Road (The Fort). The third phase linked the two areas together which then became Fort Kinnaird.

In the surrounding area, there is the A1 to the east, retail and commercial units and some housing on Newcraighall Road to the south, areas of housing to the west and the South Edinburgh railway line and Asda store at the Jewel to the north.

1.3 Site History

Late 1980s - the original Kinnaird Park was granted planning permission. The consent included significant elements of leisure (cinema and bowling alley), industry (The Tea Factory) and offices (two blocks). Since the original approval, there have been numerous applications to reconfigure the units in this part of the site.

Early to mid 1990s - two further planning permissions for retail development were granted at the site. One of these was for The Fort. The other was for the land between The Fort and Kinnaird Park which was not developed at that time.

1997 to 1999 - a series of applications were approved to link up Kinnaird Park and the Fort. This link was developed and by end of 2000 the whole site was branded Fort Kinnaird.

Late 2003/2004 - the council started preparing a Development Brief for the site. This set out the basis on which Fort Kinnaird could be reconfigured to deliver a more attractive, coherent and better functioning centre including significant improvements to the transport infrastructure in the area. The brief was approved by Committee on 26 May 2005.

October 2004 - an outline application was submitted in parallel with the brief for the reconfiguration and redevelopment of retail floorspace. This was to allow unimplemented mezzanine floorspace (in the original Kinnaird Park) to be developed within new units. The aim was to increase the value of the development and, in turn, assist in funding the required transport infrastructure improvements (04/03706/OUT).

In September 2005 - outline planning permission was approved, subject to conditions and a legal agreement that required a retail floorspace cap being placed on the development (64,665 sq.m), the delivery of transport infrastructure improvements including provision for a link road to The Wisp, employment initiatives and restrictions on unit sizes and mezzanines floors. Permission was released on 6 June 2006 (04/03706/OUT).

2006 onwards - detailed applications (and variations) were submitted and approved for the demolition of existing units and reconfiguration of the floorspace within the site (06/02505/REM, 07/02874/REM, 07/02874/VAR, 07/02874/VAR2).

30 December 2011 - a Section 42 application was granted for an amendment to condition 4 attached to outline planning permission (04/03706/OUT) to increase the upper floorspace figure for class 1 retail from 64,665 sq m (GIFA) to 71,502 sq m (GIFA).

This consent was the subject a new section 75 agreement to replace the previous section 75 agreement and included restrictions on the maximum retail floorspace size and a revised package of transport improvements (11/00874/FUL).

21 February 2012 - Proposal of Application Notice received for a Section 42 application for an amendment to condition 3 attached to planning permission 04/03706/OUT (as amended by 11/00874/FUL) to increase the upper floorspace figure for food retailing from 1,380 sq.m Gross Internal Floor Area (GIFA) to 1,555 sq.m (GIFA) (12/00537/PAN).

29 March 2012 - the owners of Ocean Terminal Shopping Centre submitted a petition to the Court of Session seeking a judicial review of the decision to increase the upper floorspace figure for class 1 retail from 64,665 sq m (GIFA) to 71,502 sq m (GIFA) (11/00874/FUL).

The petition was originally submitted on grounds that the planning authority had not had proper regard to the sequential test for new retail units. The petition was then expanded to also claim that the section 75 agreement did not conform to the committee decision in that it allowed retail units to exceed the intended 4,000 sq m maximum floorspace size. This petition was due to be heard on 9 October 2012.

2 October 2012 – the applicant withdrew the application for the detailed design of retail units as this application included a unit that exceeded the intended floorspace size (12/02089/AMC).

5 October 2012 – the applicant submitted a Unilateral Obligation. This was to ensure that there was a legal agreement covering the site that conformed in full with the committee decision to limit the floorspace of any retail unit to 4,000 sq m maximum.

9 October 2012 - the Council received confirmation that the owners of Ocean Terminal Shopping Centre were no longer pursuing a Judicial Review.

20 November 2012 – the applicant submitted a PAN for the proposed development of a retail unit not exceeding a total of 5,700 sq m (Gross Internal Area) over two levels (12/04119/PAN).

23 November 2012 – permission was approved for the detailed design of restaurant and café units and works to the public realm pursuant to applications 04/03706/OUT and 11/00874/FUL (12/02085/AMC).

26 November 2012 - planning permission granted for the demolition of existing offices and erection of a new management suite and public toilets (12/02092/FUL).

2. Main report

2.1 Description of the Proposal

Detailed planning permission will be sought for a retail unit up to 5,700 sq m over two levels. The applicant's agent has confirmed that the proposed 5,700 sq m is within the existing 71,502 sq m retail floorspace cap. The pre-application information only shows the intended location of the unit within the wider retail park.

2.2 Key Issues

The key considerations against which the eventual application will be assessed include whether:

a) the development would be acceptable in principle having regard to the development plan;

The principle of retail development is subject to consideration under Structure Plan policies RET 1, RET 2 and RET 3 and Edinburgh City Local Plan Policy Ret 3 (Commercial Centres).

The thrust of these development plan policies is to direct investment to the City Centre and other town centres in the first instance as part of a sequential approach to site identification, as required by national policy guidance under Scottish Planning Policy (SPP).

The Local Plan policy requires proposals for additional retail floorspace involving the reconfiguration and/or the extension of the commercial centre to demonstrate that the scale, format and type of development proposed is compatible with the role of the centre as defined in relevant planning consents and outlined in the Plan. In this regard the local plan sets out the role of Newcraighall / The Jewel (Fort Kinnaird) as a commercial centre stating that there should be no further growth beyond existing approvals to guard against further expansion of sub-regional role and future development should focus on reconfiguration rather than expansion.

Any proposal will need to be assessed against this policy background and in relation to consented applications.

b) the design, layout are acceptable within the character of the area;

A Design and Access statement will be required and proposals will have to demonstrate how the unit fits into wider park.

c) the access arrangements are acceptable in terms of road safety and public transport accessibility;

A Transport Statement will be required and the proposals will have to address the impact of the proposals on the local road network including the Tram Route Safeguard on Newcraighall Road.

The applicants have indicated that any additional traffic associated with the development will be mitigated within the context of the transport improvements secured under the planning obligation attached to the existing consent (11/00874/FUL).

d) there are any other environmental factors that require consideration:

The applicants will be required to submit sufficient information to demonstrate that the site can be developed without having a detrimental impact on the environment, including:

- surface water management plan/SUDS
- sustainability statement

2.3 Conclusion

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

3. Recommendations

- 3.1 It is recommended that the Committee note the key issues at this stage and advise of any other issues.

David R. Leslie

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Appendix 1

Location Plan

