

Development Management Sub Committee

Wednesday 25 June 2014

Application for Planning Permission 14/00486/FUL At Site 114 Metres Southwest Of 19, Hutchison Road, Edinburgh

Erection of 3 units including external seating area for retail (class 1), food and drink (class 3) and takeaway (sui generis) use.

Item number	4.9
Report number	
Wards	A09 - Fountainbridge/Craiglockhart

Summary

The proposed development is contrary to planning policy on the basis that it promotes a use other than housing and that in terms of retail, there are other suitable sites within the catchment area and there is no local gap in provision. However, the delivery of regeneration benefits and potential jobs, along with the minimal impact upon existing retail centres justifies an exception to planning policy in this instance.

The redevelopment of the site will enhance the appearance of the area and an exception to the Council's parking standards has been justified. There are no road safety concerns and residential amenity can be protected by imposing appropriate planning conditions. There are no material considerations that outweigh this conclusion.

Links

Policies and guidance for this application	LPC, CITD1, CITD2, CITD3, CITD4, CITD5, CITD6, CITE8, CITE9, CITE18, CITH8, CITR4, CITR5, CITR7, CITR1, CITR4, CITR5, CITR6, CITT13, NSG, NSGD02, NSP, NSMDV,
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Report

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site, which measures approximately 0.2 hectares in area and has been vacant for over 10 years, forms part of a wider site previously occupied by the fruit market and supermarket buildings which have been demolished. It is largely covered by self-seeded vegetation. The site has no dedicated access with the overall site access from West Gorgie Place.

The overall site is bounded by Chesser Avenue to the south west, which sits substantially higher, and Hutchison Road to the south east. Along the north west boundary is, from west to east, a recent 4-storey flatted development, a 6-storey Government Office building and single-storey residential properties. Adjacent to the site along Hutchison Road are small-scale commercial units. To the south, across Hutchison Road are 3-storey flatted properties.

2.2 Site History

6 February 2003 - the Planning Committee approved the Statement of Urban Design Principles for Chesser Avenue, East Side.

26 February 2003 - outline planning permission was granted for a residential development (application reference - 02/00285/OUT). The number of units was not specified.

06 February 2004 - an application for a residential development was withdrawn (application reference - 01/02878/OUT).

15 July 2005 - an application for the erection of a phased residential and commercial development, road infrastructure, landscaping and ancillary works was withdrawn (application reference - 03/02722/FUL).

15 July 2005 - an application for the erection of a residential and commercial development, landscaping ancillary works and road infrastructure was withdrawn (application reference - 03/04689/FUL).

27 October 2005 - outline planning permission was granted for a residential development and associated landscaping, parking and access works (application reference - 04/04031/OUT).

28 April 2008 - an application for the approval of reserved matters (application reference - 04/04031/OUT) relating to design and external appearance was withdrawn (application reference - 08/00782/REM).

18 September 2008 - approval of reserved matters (application reference - 04/04031/OUT) relating to siting, parking and access, walkways and cycle ways, drainage and landscaping, height, waste management and recycling facilities and Transport Assessment (application reference - 07/04940/REM).

23 September 2008 - approval of reserved matters (application reference - 04/04031/OUT) relating to design and external appearance (application reference - 07/05342/REM).

23. September 2008 - approval of reserved matters (application reference - 04/04031/OUT) relating to design and external appearance (application reference - 08/00012/REM).

06 February 2009 - an application was granted for the modification of a deemed planning condition, in respect of outline planning permission (application reference - 04/04031/OUT) to allow applications for the approval of reserved matters to be submitted within five years of the grant outline planning permission (application reference - 08/04167/FUL).

23 March 2011 - minded to approve an application for a four storey care home with ancillary parking and landscaping use class 8 subject to the conclusion of a legal agreement (application reference - 08/03961/FUL).

12 June 2012 - Planning permission in principle was granted for a mixed use development comprising residential and retail foodstore (class 1) and associated access and parking (application reference - 11/01250/PPP).

Related applications

10 February 2014 - an application was submitted for a retail unit (Class 1) and associated works (application reference - 14/00487/FUL). This application is also being considered at this Committee meeting.

10 February 2014 - an application was submitted for the approval of matters specified in conditions of 11/01250/PPP for retail development (Class 1), engineering works, landscaping, car parking and access (application reference - 14/00488/AMC). This application is also being considered at this Committee meeting.

12 February 2014 - an application was submitted for the approval of matters specified in conditions of 11/01250/PPP for a residential development of 114 flats and houses with associated engineering, landscape, car parking and access (application reference - 14/00546/AMC). This application is also being considered at this Committee meeting.

Main report

3.1 Description Of The Proposal

Planning permission is sought for the erection of three single-storey 'kiosk' units for Class 1 (shops), Class 3 (food & drink) and hot food take-away uses. The combined floor area of the units will measure approximately 335 sq. m. (3,600 sq. ft), which is divided into 2 units of 93 sq. m. (1,000 sq. ft) and 1 unit of 149 sq. m. (1,600 sq. ft).

The proposed units will be single storey and will sit perpendicular to Hutchison Road. The units will have a mono-pitched roof and will be finished with facing brick.

The following documents have been submitted in support of the application, all of which are available to view via the Planning & Building standards online services:

- Planning Statement;
- Retail Statement;
- Design & Access Statement;
- Transport Statement;
- Noise Assessment;
- Surface Water Management Plan;
- Archaeological Watching Brief; and
- Site Investigation.

3.2 Determining Issues

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?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals are acceptable in principle;
- b) the scale and design of the proposals is acceptable;
- c) the proposals raise any implications for road or pedestrian safety;
- d) the proposals are acceptable in terms of landscape and biodiversity;
- e) the proposals will adversely affect existing residential amenity;
- f) the proposals meet the Council's requirements in respect of sustainability;
- g) the proposals raise any issues in respect of equalities or human rights;

- h) there are any other material considerations; and
- i) the representations raise issues to be addressed.

a) Principle

The application site forms part of a wider designation for housing in the Edinburgh City Local Plan (ECLP). Whilst residential development could physically be accommodated on the site, it is acknowledged that the principle of retail development on the site has been established through application 11/01250/PPP. As that permission remains live, it would be unreasonable to recommend refusal on the grounds of loss of housing land.

The application site is not located within a designated retail centre and is physically separated from the Chesser Avenue local centre by open space, housing and the Chesser Avenue carriageway. Therefore, the proposal is assessed against the criteria of Policy Ret 5 (Out-of-Centre Development) of the ECLP. That policy sets out four criteria: a) that all potential sites within or on the edge of identified centres have been assessed and discounted; b) that the proposal will have no significant adverse impact upon existing centres; c) that the proposal will be accessible by a choice of transport modes, and d) that the proposal will fill a local gap in retail provision.

Criterion a)

A sequential assessment has been undertaken of vacant/consented retail units within the catchment area. There are several premises available that could accommodate the individual units and subsequently the proposal fails to comply with criterion a).

Criterion b)

A retail impact assessment has been submitted in support of the application and has considered the level of impact of the proposal upon the Gorgie/Dalry town centre and the Hermiston Gait and Wester Hailes commercial centres. Whilst the end user of a retail unit cannot be controlled by planning, the planning permission in principle was assessed on the basis of being a single large food store. Due to economic conditions, the previously identified single end user has decided not to locate on this site and the applicant has now secured several smaller retailers in order to proceed. No restrictions on the type of retail or format were imposed on that permission and subsequently the change from a single to multiple stores cannot be controlled.

However, the retail offer now proposed does alter the impact upon neighbouring centres. In terms of convenience shopping, the impact of the additional net retail trading floorspace to be created on the vitality and viability of existing centres by this application and that proposed in application 14/00487/FUL will be 0.8%, 0.3% and 2.1% less than the consented floorspace on Gorgie/Dalry, Hermiston Gait and Wester Hailes respectively. However, in terms of comparison shopping, the combination of the 5 large units and the 3 kiosks will have a marginally greater impact of 1.3%, 0.5% and 0.7% on those centres.

The ECLP states that new retail development would not be supported where they would have a significant adverse effect on existing centres. The level of impact that has been identified over and above the consented floorspace is marginal and unlikely to undermine the vitality and viability of existing centres.

Criterion c)

The site is within easy walking distance of a large residential population and will connect to a continuation of existing cycle links that is proposed through application 14/00546/AMC. The site is well served by existing bus stops on Chesser Avenue with further stops on Gorgie Road and Slateford Road to the north and south respectively. Slateford railway station is approximately 530 metres from the site and car parking will be provided as part of the overall proposals. Therefore, the site is well served by a choice of transport modes.

Criterion d)

The application site is within an area well served by convenience shopping, notably ASDA at New Market Road and that has been further supplemented by the recent opening of Sainsbury's at Inglis Green Road. With further extant retail permissions at Fountainbridge and Haymarket it is not accepted that there is a local gap in provision.

The proposal fails to comply with Policy Ret 5 of ECLP.

The non-retail uses also have to be assessed against Policy Ret 7 (Entertainment and Leisure Developments - Other Locations) of the ECLP. That policy sets out four criteria: a) all potential central area and town centre options have been assessed and discounted; b) the site will be accessible by a choice of transport modes; c) the proposal can be satisfactorily integrated into its surroundings, and d) the proposal is compatible with surrounding uses.

Criterion a)

A thorough assessment of all available central area or town centre options has not been undertaken. Therefore, the proposal fails to meet criterion a) of the policy.

Criterion b)

As set out in assessing criterion c) of Policy Ret 5 earlier, the site is accessible by a range of travel modes.

Criterion c)

The primary frontage of the proposed kiosks will not address Hutchison Road and will be set behind an area of car parking. The proposals do not reflect the surrounding context.

Criterion d)

A fuller assessment of the impact upon residential amenity is set out in section 3.3 d) of this report. To summarise, the impact can be suitably controlled by planning conditions.

The proposal fails to comply with Policy Ret 7 of ECLP.

Material Considerations

The current proposal alongside the application for the four retail units (14/0488/AMC); the kiosks (14/00486/FUL), and the residential development (14/00546/AMC) are inextricably linked. Delivery of the residential development, which includes 70% affordable housing, is wholly dependent upon funding from the retail development.

The applicant has stated that the additional floorspace is not an attempt to extract additional profit from the site but rather it is necessary to supplement the shortfall in turnover that is expected from smaller units rather than a large single food store.

The planning permission in principle was granted on the basis of regenerating a prominent gap site and the potential for job creation. The current application is required in order to realise the redevelopment of a site that has lain empty for in excess of 10 years and has become increasingly derelict to the detriment of the surrounding area.

In summary, the proposed development is contrary to planning policy on the basis that it promotes a use other than housing and that in terms of retail, there is another suitable site within the catchment area and there is no local gap in provision. However, the delivery of regeneration benefits and potential jobs, along with the minimal impact upon existing retail centres justifies an exception to planning policy in this instance.

b) Scale & Design

The application site and the wider redevelopment site is subject to the Statement of Urban Design Principles for Chesser Avenue approved in 2003. However, that document envisaged the wider site being developed for housing rather than large scale retail development. The current proposals do not therefore adhere to the approved urban design principles.

The proposed retail kiosks are typical of such development - large shopfronts dominated by signage and set back with parking to the front. The units have been designed to complement a retail parade (proposed in applications 14/00487/FUL and 14/00488/AMC) and are consistent with that design approach.

The proposed unit is of little architectural interest and will not sit comfortably with the surrounding area in urban design terms. However, it is acknowledged that the application site forms part of a prominent, longstanding gap site, which was previously occupied by large scale functional buildings, and the proposal will represent a welcome visual enhancement of the area.

In summary, the proposal does not accord with the local plan design policies or the Edinburgh Design Guidance but the redevelopment of the site will enhance the appearance of the area.

c) Road & Pedestrian Safety

Parking for the proposed retail kiosks will be provided in front of the building but will also utilise the car park serving the proposed retail parade adjoining the site. The overall provision for the kiosks and the car park serving the retail parade will be 274 spaces. The Council's parking standards stipulate that the maximum provision should be 173 spaces, which is 101 spaces less than the current proposals. However, the supporting transport statement has identified that the combined retail proposals will generate demand for 284 parking spaces, which is marginally greater than the provision proposed. Whilst the parking standards will be considerably exceeded, the car park will sit 1.5 metres below the level of Hutchison Road, which presents a managed solution that minimises the impact upon residential amenity.

The proposed parking arrangement is preferable to putting excessive pressure on existing on-street parking in surrounding residential streets. An exception to the Council's parking standards is justified in this instance.

The proposed retail unit is for an additional 150 sq.m. of net retail trading floorspace above that which was consented through application 11/01250/PPP. As part of the supporting transport statement, a people trip assessment has been undertaken to compare the anticipated vehicular trips between the consented and proposed floorspace. That assessment has identified that the the proposed additional floorspace alongside that proposed in application 14/00487/FUL would potentially generate an additional 13 traffic movements during the weekday morning peak; 41 during the weekday evening peak and 48 during Saturday peak. The existing road network is sufficient to accommodate the projected additional traffic movements. Transport Planning has raised no objections to the proposals.

In respect of cycle infrastructure, the layout of the proposed retail unit will not compromise the potential to deliver a direct east-west route across the site as part of a wider network. The other comments raised in terms of cycle infrastructure relate to the proposed retail and residential developments, located to the south and north-east of the application site respectively, which are subject to separate applications.

In summary, an exception to the Council's parking standards has been justified; the existing road network can accommodate additional traffic movements, and the proposals will not compromise wider aspirations in respect of cycle infrastructure.

d) Residential Amenity

Servicing activities have the potential to disrupt residential amenity by way of noise. However, restricting servicing arrangements to within daytime hours (07.00 - 21.00) will be sufficient to minimise any impact. Existing residents will not be adversely affected by noise. Future residents of the proposed housing development to the north will be suitably protected by landscaping that will be introduced along the intervening boundary.

The proposed kiosks will not affect any existing or future residential properties by way of overshadowing or loss of daylight. Privacy will be unaffected.

In summary, neighbouring residents will not be adversely affected by overshadowing and will be suitably protected from noise.

e) Sustainability

The applicant has submitted a sustainability statement in support of the application.

The proposals include low and zero carbon equipment to meet the requirements of Section 6 (energy) of the Building Standards 2010. Measures include heat recovery ventilation systems, zero ozone depletion refrigeration, and building shell insulation in excess of the stipulated standards.

In summary, the proposals comply with the sustainability requirements of the Edinburgh Design Guidance.

f) Equalities & Human Rights

The layout has been designed to be fully accessible for all users regardless of disability. The site is easily accessible by walking, cycling, car and public transport and do not discriminate on socio-economic grounds.

The proposals will not have an adverse impact in respect of human rights.

In summary, the proposals raise no issues in respect of equalities or human rights.

g) Other Material Considerations

The application site is identified within an area of local archaeological significance. Of particular interest are the potential remains associated with an early 20th Century rail head, a 19th Century road and a cottage with the site having remained relatively free of major development. Given the potential for archaeological remains, it is appropriate to impose a condition requiring a programme of archaeological work in accordance with a written scheme of investigation prior to the commencement of development on the affected area.

The design of the retail units presents an opportunity to create swift nesting sites and the provision of swift bricks/boxes should be explored by the applicant.

The proposed unit has the potential to increase the overall requirement for drainage capacity of the site. It is anticipated that drainage will be to the existing sewer network, which will be subject to separate consent from Scottish Water. SEPA has raised no objection to the drainage proposals.

h) Representations

Material Issues

Principle

- The retail elements are not consistent with the designated uses in the local plan;
- There is ample retail provision in the surrounding area;
- Potential increase in the number of food retail operators;
- A smaller, more local foodstore will draw significant trade from local centres;
- No sequential assessment has been undertaken to review opportunities for smaller stores within the catchment area; and
- The proposed change to store layout including an extension will alter the trading characteristics and impact of the proposed development compared to the the large foodstore originally assessed.

These issues have been addressed in section 3.3 a) of the assessment.

Road & Pedestrian Safety

- There is no clearly delineated east-west cycle route through the site;
- The underpass below Chesser Avenue, which could provide a segregated route, is sidelined and at risk of being lost;
- The site is potentially a link in a much longer cycle route;
- The cycle route on site is not direct; is in potential conflict with motor traffic, and is not clearly de-lined;
- The on site cycle route will not link with the established cycleway approaching from Hutchison Crossway;
- The link involves weaving around buildings and using narrow paths leave insufficient room for pedestrians and cyclists to pass each other;
- The Chesser Avenue underpass is an opportunity that can be opened up at minimal cost;
- The proposals do not conform to the principles of 'Designing Streets';
- The car park represents a complete waste of valuable land that could be used for housing; and
- The proposals will result in increased traffic.

These issues have been addressed in section 3.3 c) of the assessment.

Residential Amenity

- Concern over the height of the retail units and the impact upon daylight in neighbouring properties;
- Concern over the overall security of residential units to the north of the site;
- Increased noise associated with retail deliveries and the substation to the rear; and
- The positioning of engineering plant will impact upon neighbours.

These issues have been addressed in section 3.3 e) of the assessment.

General Comments

- Consideration should be given to the provision of swift nesting sites.

This issue has been addressed in section 3.3 g) of the assessment.

Conclusion

In conclusion, the proposed development is contrary to planning policy on the basis that it promotes a use other than housing and that in terms of retail, there are other suitable sites within the catchment area and there is no local gap in provision. However, the delivery of regeneration benefits and potential jobs, along with the minimal impact upon existing retail centres justifies an exception to planning policy in this instance.

The redevelopment of the site will enhance the appearance of the area and an exception to the Council's parking standards has been justified. There are no road safety concerns and residential amenity can be protected by imposing appropriate planning conditions. There are no material considerations that outweigh this conclusion.

It is recommended that the Committee approves this application subject to conditions in respect of archaeology, materials, site investigation and deliveries/collections.

It is recommended that this application be Granted subject to the details below

3.4 Conditions/reasons/informatives

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
2. Hours of deliveries and collections, including waste collections shall be restricted to 07.00 - 21.00 hours, Monday to Saturday only. No vehicular access, for the purposes of deliveries and collections, shall be permitted to the service yard outwith these times.
3. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Head of Planning before work is commenced on site; Note: samples of the materials may be required.
4. 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, 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 Planning Authority.
- 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 for the approval of the Planning Authority.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.

3. In order to enable the Head of Planning Authority to consider this/these matter/s in detail.
4. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. For the duration of development, between the commencement of development on the site until its completion, a notice shall be: displayed in a prominent place at or in the vicinity of the site of the development; readily visible to the public; and printed on durable material.
5. The development shall be completed in accordance with the requirements specified in the air quality impact assessment AGGX4336189 Chesser Avenue dated 4 April 2011. The requirements are detailed in chapter 6.
6. 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.
7. The incorporation of swift nesting sites/swift bricks into the scheme is recommended.
8. This consent is for planning permission only. A separate application(s) for advertisement consent will be required in respect of the proposed signage.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 21 February 2014. There have been 6 letters of representation received; 4 of which object to the proposals. The following material points have been raised:

- Principle of development;
- Road & pedestrian safety;
- Biodiversity; and
- Residential amenity.

Hutchison Chesser Community Council has offered no comments on the proposals.

Background reading / external references

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

Statutory Development

Plan Provision

The application site is identified in the Edinburgh City Local Plan as part of a housing proposal (HSG 2 - Chesser Avenue).

Date registered

14 February 2014

Drawing numbers/Scheme

05-12,

Scheme 1

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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effective development of adjacent land or the wider area.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 4 (Layout Design) sets criteria for assessing layout design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Des 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

Policy Env 18 (Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Policy Ret 4 (Local Centres) sets criteria for assessing proposals in or on the edge of local centres.

Policy Ret 5 (Out of Centre Retail Development) identifies the circumstances in which out-of-centre retail development will be permitted.

Policy Ret 7 (Entertainment and Leisure Developments – Other Locations) sets out the circumstances in which entertainment and leisure developments will be permitted outwith the identified preferred locations.

Policy Ret 1 (City Centre Retail Core) sets criteria for assessing retail development in or on the edge of the City Centre Retail Core.

Policy Ret 4 (Local Centres) sets criteria for assessing proposals in or on the edge of local centres.

Policy Ret 5 (Out of Centre Retail Development) identifies the circumstances in which out-of-centre retail development will be permitted.

Policy Ret 6 (Entertainment and Leisure Developments – Preferred Locations) identifies the Central Area, Leith & Granton Waterfronts and town centres as the preferred locations for entertainment and leisure developments.

Policy Tra 13 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Non-statutory guidelines on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

Appendix 1

Consultations

Transport Planning

There is a significant overprovision of parking contrary to the Council's approved parking guidelines (ref informative 1 below). However in accordance our guidelines the applicants' have included in their supporting transport information a parking statement. This parking statement includes a justification for the higher provision based on daily accumulation totals relating to an edge of centre development. It is considered this designation is appropriate and, in accordance with the need to balance the development needs and the requirement to minimise overspill parking on surrounding residential, I have no objections to the development.

Informatives

- 1) The calculated maximum parking for a development of this size/sqm as per the Council's 2009 Parking Standards is 173. The developers have requested 273 spaces for their operational purposes- ref appendix B of the applicants' Transport Statement.*
- 2) 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.*
- 3) The applicant requires to be advised that there are a number of minor issues with regards to the roads layout. These can be resolved at the Road Construction Consent stage.*

Economic Development

The current proposals comprise:

14/00486/FUL - Erection of 3 units including external seating area for retail (class 1), food and drink (class 3) and takeaway (sui generis) use.

14/00487/FUL - Retail unit (Class 1) and associated works.

Planning permission in principle for a supermarket (5,375sqm) and housing (113 units) was granted in June 2012 contrary to officer recommendation. The reason for approval related to the regeneration of a longstanding gap site and the creation of employment opportunities for the local area.

Following the economic downturn the original intended site occupier decided to not progress this site. The current applications still seek to deliver a mixed use development but not occupied by one retailer as originally intended.

The proposed retail development will be anchored by Aldi (12,700 sq ft) and Marks and Spencer Simply Food (7,800 sq ft). Home Bargains are also confirmed occupiers (50%

convenience goods of which 30% is food). Occupation of remaining units/floorspace currently unknown. One of the small retail units (14/00486/FUL) has been pre-let to Costa.

The location is currently served by a 52,000 sq ft ASDA supermarket on New Mart Road, a 96,000 sq ft Sainsbury's Supermarket on Inglis Green Road and several smaller shops.

It is not anticipated that the ALDI unit or the Marks and Spencer unit would draw significant numbers of customers away from the city centre or from local independent retailers, as the customers who would be drawn by the proposed units will already have been drawn by the ASDA and Sainsbury's. These proposed occupiers will increase retail provision in the area but not widen the offering beyond the existing retail/grocery parameters. The different occupiers will however provide greater choice. The Home Bargains unit (9,800 sq ft) is not expected to draw significant numbers of shoppers away from the city centre, but could potentially draw custom from the nearby Westside Plaza in Wester Hailes. The Costa kiosk will also further increase choice.

In summary, jobs will be created by the development, through the construction phase and the end use. Based on the information currently available, the proposal is not expected to have a significant impact on custom within the city centre or draw customers from existing local centres. Comparing the proposed scheme with the consented single occupier scheme this proposal will offer some benefits for local residents by providing them with greater choice, in turn potentially reducing prices through competition.

Environmental Assessment

The applicant proposes an additional three units on the eastern side of the car park to those retail units proposed in application 11/01250/PPP. These units are to be a mix of class 1 and class 3/sui generis. To the east of the site are proposed residential dwellings (approximately 30m) with the car park for this mixed use site to the west. To the south, existing dwellings on Harrison Road are approximately 30m away.

The agent has submitted a noise impact assessment which suggests that Environmental Assessment's requirement for plant equipment to not breach NR25 in the nearest living apartment is achievable. The report also finds that any noise associated with the car park or service yard will have a negligible/no effect on amenity. Notwithstanding, a condition for hours of use of the service yard is recommended.

The agent has suggested that the three proposed units will be class 1 and class 3. Given the close proximity of the neighbouring dwellings (and their height advantage over the proposed units), Environmental Assessment recommends that in order to prevent a negative impact on amenity from cooking odours, the usage of the class 3/sui generis property be restricted by condition.

Environmental Assessment has no objections to this proposed development, subject to the following conditions:

Conditions

- 1. The development shall be completed in accordance with the requirements specified in the air quality impact assessment AGGX4336189 Chesser Avenue dated 4 April 2011. The requirements are detailed in chapter 6.*
- 2. Prior to the commencement of construction works on site:*

*A site survey (including 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
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.*

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. Deliveries and collections, including waste collections, to be restricted to between the hours of 07:00 and 21:00, Monday to Saturday.*
- 4. Cooking operations on the premises shall be restricted to the use of a panini machine, microwave and toaster only; no other forms of cooking shall take place without the prior written approval of the planning authority; and cooking odour shall not escape or be exhausted into any neighbouring premises, all to the satisfaction of the Council's Planning Authority.*

Informative

- 1. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment.*

Archaeology

As discussed in relation to the 2011 consented application (11/01250/PPP) the site until the turn of the 20th century remained relatively undeveloped farmland, bisected by a country road leading to Gorgie Farm to the north from what appears to be a 18th/19th century farm labourer cottage. The area to the North was developed as part of a large railhead c.1900. Accordingly the site has been identified as occurring within an area of local archaeological significance.

This application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan (2010) policy ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

To date no archaeology work has been undertaken to investigate and record the archaeological sites (c.1900 railhead) identified in my earlier 2011 report. Accordingly it is recommended that the following condition is attached to this application (see below) in order that the required programme of archaeological excavations is carried out prior to/during development.

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

SEPA

We have no objection to these planning applications providing that the two AMC applications (14/00488/AMC and 14/00546/AMC) follow the principles of the agreed Flood Risk and Proposed Drainage Strategy (dated 22 March 2011) which accompanied the consented planning application 11/01250/PPP. If the applications do not follow the same principles then please re-consult us.

For applications 14/00486/FUL and 14/00487/FUL, we acknowledge that these are additional applications which could increase the overall drainage capacity of the site, however as it appears that the drainage is to be taken to Scottish Water sewers we offer no objection to these two applications.

Comments from Scottish Water should be sought where the SUDS proposals would be adopted by them. We encourage the design of SUDS to Sewers for Scotland Second Edition standards and the adoption of SUDS features by Scottish Water as we are of the view that this leads to best standards and maintenance.

Police Scotland

I am writing on behalf of Police Scotland to provide comments on the above planning applications.

Observations and comments

Levels of recorded crime for the area where the planning application is being made can be made available on request.

- *Reference should be made to the New Homes Secured By Design document for guidance on standards and layouts - both Section 01: Layout & Design and Section 02: Physical Security*
- *Consideration should be given by the architects and client to applying for a Secured By Design award.*

Location Plan



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