

Development Management Sub Committee

Wednesday 28 January 2015

**Application for Planning Permission 14/02023/FUL
At 83 Craighall Road, Edinburgh, EH6 4RR
External alterations and change of use from garage and
public house to convenience store (class 1), children's
nursery (class 10) and 3 studio flats (as amended).**

Item number	8.1
Report number	
Wards	A04 - Forth

Summary

The proposal complies with the development plan and non-statutory guidelines in respect of the shopping policy. The proposal is an acceptable scale and design that is compatible with the existing building. The proposal will not result in a harmful loss to neighbouring amenity and will not have an adverse effect upon road safety. There are no material considerations that outweigh this conclusion and approval is recommended.

Outcome of previous Committee

This application was previously considered by Committee on 17.12.2014.

Site visit - This application was continued by the Committee for a site visit. The application is returning to Committee for a decision.

Links

[Policies and guidance for this application](#)

LPC, CITR5, CITH5, CITH8, CITT4, NSG, NSP, NSGD02,

Report

Application for Planning Permission 14/02023/FUL At 83 Craighall Road, Edinburgh, EH6 4RR External alterations and change of use from garage and public house to convenience store (class 1), children's nursery (class 10) and 3 studio flats (as amended).

Recommendations

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

Background

2.1 Site description

The application site is located on the east side of Craighall Road. The existing building measures 845 square metres and is a linear shape which runs from the front of Craighall Road in an eastward direction towards the rear of the site. The building is accessed from Craighall Road where it is viewed as a single storey building. There is a significant difference in levels towards the rear of the site where the building has a lower ground floor level and has the appearance of a two storey building. The building is clad in a grey sheeting with windows on the south elevation.

The site is bounded by a redundant railway line/cyclepath/public walkway to the south and a large modern block of flats with landscaped areas and parking to the north of the site. On Craighall Road the area is characterised by traditional tenements with a number of commercial uses at ground floor. These range from a hairdresser, beautician, accountants and retail. Directly next to the site is the former Newhaven Station which is a category C listed building (Ref:43689).

Craighall Road currently has no parking restrictions.

2.2 Site History

03/11/2006 - Express consent granted for proposed signage (06/03783/ADV).

Main report

3.1 Description Of The Proposal

The application is for a change of use from garage and public house to convenience store (class 1), children's nursery (class 10) and three residential flats and external alterations.

Retail

The retail unit is proposed at the ground floor level and will measure 398 square metres (gross floor area). This will be accessed directly off Craighall Road. The proposed frontage will be aluminium framed glazed system with the non glazed areas having a textured render white finish and a dark grey render finish proposed for the roof.

The hours of operation are proposed as 7am -11pm Monday-Sunday. Deliveries would be direct from Craighall Road.

Nursery

A children's nursery is proposed at the lower ground level which will be accessed via a new entrance on Craighall Road. The nursery measures 770 square metres (gross floor area). This includes an internal covered play area. It is anticipated that the capacity of the nursery will be 71 children aged between 0-5 years old.

Residential

Three residential units are proposed to the rear of the retail unit at the ground floor level these comprise:

Flat 1: One bedroom, living/kitchen and bathroom measuring 58.8 square metres with an outdoor terrace;

Flat 2: Two bedrooms, living/kitchen and bathroom measuring 61.5 square metres with an outdoor terrace; and

Flat 3: One bedroom, living/kitchen and bathroom measuring 50.5 square metres with an outdoor terrace.

The north and south elevation of the building will have a series of window and door openings. The building will also be re-clad and re-rendered using a mixture of materials including Kingspan Flat Stucco for the main elevations of the building, dark grey and white render and upvc coated windows and doors.

Refuse collection would be from Craighall Road.

Scheme 1

This was for 5 units and included private balconies. The proposed materials were terracotta and cream Kingspan plank with a textured grey finish.

Supporting Statement

There are supporting statements and reports submitted with the application concerning; retail statement, transport, a noise assessment; all available to view on the 'Planning and Building Standards Online Services'.

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 principle of retail is acceptable in this location;
- (b) the principle of housing and nursery use on the site;
- (c) the proposed scale, design and materials are acceptable;
- (d) the proposals will result in an unreasonable loss of amenity to residents;
- (e) the proposals affects road safety;
- (f) the proposals have any equalities or human rights impacts; and
- (g) comments raised have been addressed.

a) The acceptability of retail in this location

The site is not located in or near a designated shopping centre and is an out-of-centre development. It needs to satisfy four criteria to comply with Edinburgh City Local Plan policy Ret 5 (Out of Centre Development):

- a) all potential sites within or on the edge of a designated centre have been assessed and discounted as unsuitable or unavailable;
- b) the proposal will not have an adverse effect on the vitality and viability of existing centres;
- c) the site is easily accessible; and
- d) the proposal will fill a gap in provision locally or meet the needs of an expanding residential or working population.

Ret 5(a) all potential sites, either within or on the edge of an identified centre, has been assessed and can be discounted as unsuitable or unavailable

Within its Retail Statement the applicant has identified that there are some vacant units within the Local Centre and a number of vacant units within the proposed retail centre at Western Harbour, which is located 800 metres from the application site. These have been discounted as being either unsuitable or unavailable for the proposed development due to their size.

Also a substantial number of these units at Western Harbour have not been constructed, have no infrastructure and planning approval has not been granted for detailed matters reserved by condition which can in some cases relate to a whole development phase and not just individual plots. The applicant has not demonstrated that the site at Western Harbour is unavailable. However given its physical location where at present it is in a more isolated position to the application site, its relatively early stages of development and given the fact residential development in the area has stalled, and the fact there is a large stand alone supermarket development within it, it is accepted that the site is unsuitable for a convenience store of this scale.

It is agreed that there are unlikely to be any other suitable sites available within the defined retail centres within the identified catchment area.

Ret 5(b) the proposal will not have a significant adverse effect, either individually or cumulatively with other developments, on the vitality and viability of existing centres within the intended catchment of the proposal

In this regard the Retail Statement indicates that out of the 29 units within the Local Centre (Ferry Road West) only 6 were vacant at the time of survey (May 2014). Whilst the centre primarily contains retail uses the other uses include financial and professional services as well as food and drink outlets. The different functions of the local centre contribute to and are an indication of the vitality of the local centre. The local centre at Western Harbour is principally intended to serve the emerging residential development within this area. A retail proposal of the scale proposed will not prejudice the future development of this centre.

The proposal will have a low impact on the nearby local centres and will not adversely affect their vitality or viability.

Ret 5(c) the site is or can be made easily accessible by a choice of transport modes and will not add to the length and overall number of shopping trips made by car

The site is located close to the main east west vehicular route linking to the City Centre and is served by a bus route on Craighall Road.

It is acknowledged that the proposed site, in its existing form, provides adequate levels of accessibility with regard to all choices of transport modes so as to comply with this criterion.

Ret 5(d) the proposal will fill a gap in provision locally or will meet the needs of an expanding residential or working population

Quantitative Deficiency

The main supermarkets are Asda at Western Harbour, Tesco at Canonmills and Morrisons at Crewe Toll and are located approximately between 800 metres and 2.5 km from the application site. At present the immediate area is under represented in terms of the choice of shopping provided.

Given the size of the unit proposed (384 square metres) and the fact that no parking will be provided on the site, this proposal is not intended to become a main destination for bulk food shopping and represents an opportunity to provide an additional top up convenience store in an accessible and sustainable location within the area.

Qualitative Deficiency

The range of shops provided within the Ferry Road West Local Centre and Craighall Road are limited and provide a restricted range of goods. In the Ferry Road West Local Centre there is currently a Scotmid, a mini market and a Premier Express with a large number of non retail uses existing within the area. The retail stores are small scale with the Scotmid providing approximately 200 square metres of retail floor space and 50 square metres for the Minimarket and Premier Express. This proposal is for an additional top up convenience store which provides a modern high quality store which will fill a gap within the area.

The proposal accords with part (d) of policy Ret 5.

b) Principle of housing use on the site

Policy Hou 5 of the Edinburgh City Local Plan states that planning permission will be granted for the change of use of existing buildings in non residential use to housing, provided:

- satisfactory residential environment can be achieved;
- housing would be compatible with nearby uses;
- appropriate open space, amenity and car parking standards are met; and
- the change of use is acceptable.

Two out of the three proposed flats do not meet the recommended floorspace requirements as outlined in the Edinburgh Design Guidance. These two flats marginally fail the standards; the 2 bed fails by 4.5 square metres and the one bed by 1.5 square metres. As the units provide an adequate level of daylight and sunlight to the units an exception is justified. There is no objection in principle to residential development.

As this proposal involves land that was in employment use, Policy Emp 4 is also relevant. This policy states that development incorporating uses other than business, industry or storage will be permitted provided the proposal includes a significant element of new floorspace designed to provide a range of business users. It also states that the introduction of non-employment uses should not prejudice or inhibit the activities of any nearby employment uses, and that the proposal should contribute to the comprehensive regeneration and improvement of the wider area. The proposed development would be contrary to policy Emp 4 criterion a) as no new floorspace is being proposed.

In addition, policy Emp 9 of the Second Proposed Local Development Plan is a material consideration. Criterion c) of Emp 9 states that when redeveloping sites for uses other than business and industry if the site is larger than one hectare, new floorspace for a range of business users must be provided. Since the site is less than one hectare, no new floorspace for business and industry would be required.

As the loss of employment use relates to the vacant building and the business use is being replaced with retail and nursery employment, a community facility, along with the constraints of the site and adjoining residential land uses, the proposal is a justified exception from adopted policy Emp 4.

Economic development is supportive of the proposals in general and the jobs that will be created from the proposed uses.

c) **Scale, design and materials**

The proposed re-cladding and re-rendering of the building represents a contemporary, functional design which will improve the visual appearance of this building within the site. The aluminium framed glazing system proposed for the retail frontage on Craighall Road will be an improvement on the current situation. The use of a limited pallet of materials will complement the overall form and a condition has been attached requesting samples of materials to be submitted to the Head of Planning.

d) **Amenity**

A noise impact assessment was submitted and assessed any potential impact the retail use and nursery would have on the residential units. The proposal will not result in any adverse impact on the residential units subject to a condition being attached to the consent relating to the glazing system to be installed prior to occupation of the residential units.

The residential units will afford a good level of amenity in terms of size and level of daylighting to the units. The proposed balconies will provide private amenity space for the flats and are considered acceptable, as in townscape terms no amenity space can be provided elsewhere on the site. The size of the balconies represents approximately 20% of the floor area of each flat and accords with the standards set out in the Edinburgh Design Guidance. The site is also located close to an area of green space which will provide additional amenity to the future occupants.

The windows on the south elevation sit approximately 20 metres from the residential flats located to the north of the site. There will be no loss of privacy to these properties.

e) **Parking and Transportation**

No parking is to be provided for the proposed uses of the building.

Residential

Transport has raised no objections. Whilst the standards require 1 space to be provided, lower parking provision may be acceptable where minimum parking provision is physically impossible but the development is desirable for other reasons. Given this proposal is for the re use of an existing building a relaxation to the current parking standards is justifiable.

Retail

Transport has raised no objections. For shops under 500 square metres (gross floor area) zero parking is accepted where it cannot be provided within the site. As this is a change of use where no off-street parking was provided for the previous uses and the proposed change of use cannot provide parking a relaxation to the current parking standards is justifiable.

Given the convenience nature of the proposed retail use and the limited range of products offered they are mainly used for top-up purchases. On this basis it is considered that given the proximity to a good public transport network which is on a busy commuter route to work very few additional trips would be made by car. Transport Planning has confirmed that Craighall Road itself is a wide carriageway, not subject to any parking restrictions nor significant parking pressure and has sufficient kerbside parking to cater for the development.

Nursery

Nursery parking standards for this area require up to a maximum of 1 space per 3 staff. For the expected up to 25 staff, Transport Planning has confirmed that between 0 and 9 spaces is acceptable. As no parking is being provided for the proposed use they have no objections to the proposal. A financial contribution is sought for works to the footway along the front of the building.

f) **Equalities and Human Rights Impacts**

This application has no impact in terms of equalities and human rights.

g) **Public Comments**

The public comments regarding those matters of:

- Area is well supplied with shops - this has been addressed in section 3.3 a).
- Impact on residents amenity - this has been addressed in section 3.3 d).
- Increased traffic and parking issues - this has been addressed in section 3.3 e).

Community Council

Comments relate to the impact on existing local shops, impact on residents and increase in traffic and deliveries. These points are addressed in sections 3.3 a), d) and e).

Conclusion

The proposal complies with the development plan and non statutory guidelines in respect of the shopping policy. The proposal will have no adverse effect upon residential amenity and road safety.

Addendum to Assessment

The application was considered at the Development Management Sub Committee on 17 December 2014.

Committee visited the site on the 15 January 2015.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. The glazing system in the proposed residential properties shall be designed and selected to comply with the minimum acoustic requirements given in 6.1.3 of noise report 'BS33683/PNS/RevB'.

Reasons:-

1. In order to protect the amenity of the occupiers of the development.

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. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to transport infrastructure.
5. 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.

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:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to 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

A total of 24 letters were received. Of these there was a petition containing 443 signatures, a letter from the Community Council, neighbours objected to the proposal and one made a general comment. There were also seven late letters of representation. The letters of representation raised the following material issues:

- Area is well supplied with shops;
- Impact on residents amenity;
- Increased traffic and parking issues; and

Other comments made regarding anti-social gathering and sale of alcohol, are non-material.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

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

**Statutory Development
Plan Provision**

Edinburgh City Local Plan - Urban Area

Date registered

22 May 2014

Drawing numbers/Scheme

01-07,09a,10a,12a-15a,

Scheme 2

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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

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

Policy Hou 5 (Conversion to Housing) sets criteria for assessing the change of use to residential.

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 Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Relevant Non-Statutory Guidelines

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

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.

Appendix 1

Application for Planning Permission 14/02023/FUL At 83 Craighall Road, Edinburgh, EH6 4RR External alterations and change of use from garage and public house to convenience store (class 1), children's nursery (class 10) and 3 studio flats (as amended).

Consultations

Economic Development

The proposal seeks to redevelop a dilapidated former car garage and public house and carry out alterations to develop a convenience store (class 1), children's nursery and five studio flats. The site is 845 sq.m.

The Retail Study carried out by WYG indicates that the convenience store will provide top up shopping within a limited catchment area of 500m. The study is based on the scenario of the development of a local Sainsbury's convenience store.

The gross floor space of the convenience store is 398 sq.m (264 sq.m trading space/ 134 sq.m non-trading space). When analysing this using the Deloitte Employment Densities Guide, this indicates that the business would deliver a gross direct number of approximately 20 FTE jobs. A retail displacement rate of 75% indicates that the store will deliver approximately five FTE jobs that are new to the economy.

The lower ground floor children's nursery has a gross floor space of 697 sq.m. According to the proposed lower ground floor plan, there is capacity to accommodate approximately 71 children within the facility.

The Scottish Government guidance on staff supervision of pre-school children advises that for children aged 3 - 5, the staff: child ratio should be one adult to ten children, with the proviso that there are always two adults within the group. If the children attend for a period longer than four hours, the ratio changes to one adult to eight children.

If analysis is based on the 1:8 ratio, this indicates that the nursery could deliver a gross direct number of approximately nine FTE jobs.

In addition to the delivery of the aforementioned jobs, improvements to the currently vacant and dilapidated buildings at this site would contribute positively to the visual amenity of this area of Craighall Road.

Transport - Scheme 2

to my memorandum of 9 June 2014, I confirm that I have no objections to the revised proposed application subject to the following being included as conditions or informatives as appropriate:

1. Consent should not be issued until the applicant has entered into a suitable legal agreement to carry out works to reinstate the footway dropped kerb along the length of the existing frontage of the property as required.

Parking note:

Zero off-street parking is being provided. This is considered acceptable for the following reasons:

- o Residential parking standards for 5 studio flats in this area (Zone 3c) would require 2 spaces (0.33 per unit). Lower parking provision may be acceptable where minimum parking provision is physically impossible but the development is desirable for other reasons, e.g. re-use of an existing building;
- o Retail parking standards for 398sq.m GFA in this area would require between 3 and 8 spaces. For shops under 500 sq.m. GFA, zero parking will be accepted where no parking can be provided, e.g. change of use without existing parking;
- o Nursery parking standards for this area require up to a maximum of 1 space per 3 staff. For the expected up to 25 staff, between 0 and 9 spaces is acceptable;
- o Craighall Road is a relatively wide carriageway without parking restrictions and is considered to have sufficient kerbside parking to cater for the development.

It is noted that the revised application has amended the door opening at the rear of the property such that it does not open outwards onto a 'road'. The application also proposes to reduce the number of flats from 5 to 3.

Transport- Scheme 1

I would ask that the application be continued.

Reasons:

The proposed access at the north eastern is via a door which opens outwards onto a 'road', under the meaning of the Roads (Scotland) Act 1984. This would be an offence and must be amended prior to consent being issued.

I confirm that I have no other objections to the application subject to the following being included as conditions or informative as appropriate:

1. Consent should not be issued until the applicant has entered into a suitable legal agreement to carry out works to reinstate the footway dropped kerb along the length of the existing frontage of the property as required.

Parking note:

Zero off street parking is being provided. This is considered acceptable for the following reasons:

- Residential parking standards for 5 studio flats in this area (Zone 3c) would require 2 spaces (0.33 per unit). Lower parking provision may be acceptable where minimum parking provision is physically impossible but the development is desirable for other reasons, e.g. re-use of an existing building;

- Retail parking standards for 398 sq.m GFA in this area would require between 3 and 8 spaces. For shops under 500 sq.m GFA, zero parking will be accepted where no parking can be provided. e.g. change of use without existing parking;

- Nursery parking standards for this area require up to a maximum of 1 space per 3 staff. For the expected up to 25 staff, up to 9 spaces is acceptable.

Environmental Assessment

The applicant proposes the change of use of an existing car garage and public house to a mixed use of retail, children's nursery and residential dwellings at 83 Craighall Road. The site is located opposite residential dwellings on the opposite (west) side of Craighall Road, with further existing residential dwellings closer to the north. Trinity Primary School is located approximately 50m to the south beyond a cycle path which extends to the east.

Environmental Assessment has concerns over the level of amenity that residents of the existing and proposed dwellings would experience due to the retail and nursery elements of this proposal. The agent has submitted a noise impact assessment which investigates/predicts the likely noise levels that these dwellings will experience and makes mitigation recommendations to attenuate that noise to acceptable levels.

The noise impact assessment concludes that without glazing of a specific standard being installed in the proposed residential dwellings, those dwellings will be subjected to an unacceptable level of noise from road traffic. It should be noted that the proposed method of mitigation against road traffic noise assumes a closed window in the dwellings. As this is the case, the report finds that noise from fixed plant (associated with the retail use) and general noise (from the nursery use) will be within acceptable levels. Environmental Assessment considers this an acceptable method of noise attenuation, as long as the required purge ventilation of fresh air is managed through a sustainable passive system that meets current building regulations for volume of fresh air required. A condition is recommended.

Any increases of internal noise levels in the existing residential dwellings to the north are found by the report to be within acceptable levels. Conditions regarding hours of operation of the retail and nursery elements are recommended, as is an informative regarding the use of the outdoor area of the proposed nursery.

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

Conditions

- 1. The glazing system in the proposed residential properties shall be designed and selected to comply with the minimum acoustic requirements given in 6.1.3 of noise report 'BS33683/PNS/RevB'.*
- 2. The hours of operation of the retail property shall be restricted to 07:00 to 23:00 daily. No deliveries or uplift vehicles shall service the retail property outwith 07:00 to 23:00, Monday to Saturday. No deliveries of uplift vehicles shall service the property on Sundays.*

3. *The hours of operation of the nursery property shall be restricted to 07:00 to 19:00, Monday to Friday.*

Informative

1. *The outdoor play area of the nursery shall not be used outwith 09:30 to 16:00 Monday to Friday.*

Location Plan



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