

Development Management Sub Committee

Wednesday 9 November 2016

**Application for Planning Permission 15/04194/FUL
At 234 - 246, 248 Easter Road, Edinburgh, EH6 8LE
Creation of retail development including associated parking.**

Item number	4.1
Report number	
Wards	A12 - Leith Walk

Summary

The proposal complies with the development plan. The proposal is acceptable in this location and should have no detrimental impact on the local retail environment, or traffic and road safety. It may have a minor detrimental impact on local residential amenity, but these impacts are considered acceptable in the context of the overall benefit that the building will bring to the townscape. There are no other considerations which outweigh this conclusion and approval is recommended subject to conditions on archaeology, contaminated land, opening hours, windows, and materials, and the conclusion of a legal agreement for a contribution towards transport infrastructure.

Links

[Policies and guidance for this application](#)

LPC, CITD1, CITD6, CITE18, CTR5, CITT3, CITT5, CITT6, CITE9, LDPP, PLDP01, PLDP65, PLDP72, NSG, NSGD02, NSDCAH, NSP,

Report

Application for Planning Permission 15/04194/FUL At 234 - 246, 248 Easter Road, Edinburgh, EH6 8LE Creation of retail development including associated parking.

Recommendations

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

Background

2.1 Site description

The application property relates to an existing disused retail unit on the east side of Easter Road opposite its junction with Iona Street, and a garage unit that is accessed from the car park of the retail unit and is set back from Easter Road. Both buildings are large, shallow pitched roof warehouse style structures. The retail unit is finished with brick and steel cladding and the garage is rendered with a corrugated steel roof. The area of the site is 3752 sqm.

The area is characterised by residential uses in traditional four storey tenemental buildings with some more recent flatted developments on St Clair Place to the north of the garage. To the east of the site is the Eastern Cemetery.

Current parking provision is for 32 cars.

2.2 Site History

21 January 1976 - Outline planning permission granted for the erection of a retail warehouse, formation of car park and deviation to the original consent (application reference: 293/75).

26 January 1977 - Planning permission granted for the erection of warehouse - submission of details - as amended (application reference: 13/77).

Both of the above permissions were subject to a condition stating "*The use of the building be for the sale of non-food goods only*".

27 May 1997 - Consent granted to erect signage (application reference: 97/01129/ADV).

30 May 2014 - Planning permission granted for the amendment to condition iv. of planning permission 2897 ("D.C. ref") 293/75 A19 ("D.A. ref") which restricts the use of the building for the sale of non-food goods only to permit the retail of both convenience and comparison goods (application reference: 14/00894/FUL).

25 August 2014 - Permission granted at 248 Easter Road for alterations to existing non-food retail unit to create a Class 1 (foodstore) development. (application reference: 14/02674/FUL).

Main report

3.1 Description Of The Proposal

Scheme 2

The application is to replace the existing buildings with a three storey building of 2819 sqm for a discount supermarket, 1286sqm of which will be sales area. The retail accommodation and warehouse will be housed on the first floor of a structure above a street level garage that will accommodate 76 parking spaces. The warehouse for the shop will be located to the rear of the retail area. A small mezzanine level will provide storage and staff facilities. Deliveries will be through the main vehicular access off Easter Road to the ground floor level service yard adjacent to the parking. Covered cycle parking is located off Easter Road beside the main entrance. This will provide cycle racks to accommodate ten bicycles. The vehicular entry is gated and will be locked out of hours.

The elevational treatment on Easter Road includes glazing at street level, alucobond panels, brick, and render. The side or south elevation is a combination of render and alucobond and includes a large area of glazing, some of which is partially covered by louvres. Other elevations are of alucobond and render.

Scheme 1

The initial scheme included very little glazing at ground floor and no cycle parking. An area of grills in the Easter Road elevation was to separate the car parking from the street, and no brick was proposed.

Supporting Statements

As part of this application the following documents have been submitted which are available to view on Planning and Building Standard's Portal:

- Planning, Design and Retail Statement (November 2015);
- Sunpath Diagram;
- Daylighting and Sunlight Study (Neighbouring Properties); and
- Daylighting Studies a) and b).

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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 the development is acceptable in this location;
- b) the proposals are of an appropriate scale, form, and design for the area;
- c) the proposals will result in an unreasonable level of neighbouring residential amenity;
- d) the proposals will have any traffic or road safety issues;
- e) the proposal meets sustainability criteria;
- f) there are any other environmental impacts;
- g) any impacts of equalities and human rights have been addressed; and
- h) any comments raised have been addressed.

a) The Acceptability of the Principle of the Development in this Location

The site lies within the Urban Area as designated within the Edinburgh City Local Plan (ECLP) and in the Local Development Plan (as modified) (LDP). It is not within a defined town centre and therefore Policy Ret 5 (Out-of-Centre Development) of the ECLP and the corresponding criteria in Ret 5 of the LDP apply.

A previous application (application reference 14/00894/FUL) accepted the principle of a supermarket in this location that would have an internal floor area of 1194sqm with 28 parking spaces. The current application will increase the floor area to 2819 sqm and will provide 76 parking spaces.

The applicant has submitted information in their retail impact assessment (RIA) to address the tests in Ret 5 which states that proposals for retail development in an out-of-centre location will only be permitted provided it has been demonstrated that:

- a. all potential sites, either within or on the edge of an identified centre have been assessed and can be discounted as unsuitable or unavailable.
- 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.
- 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.

d. the proposal will fill a gap in provision locally or will meet the needs of an expanding residential or working population.

Alternative Sites:

With respect to Criteria a), information has been submitted that indicates that the applicants have explored alternative sites within or on the edge of an identified centre (Leith Walk). A number of vacant retail units are on Leith Walk but these are predominantly small units with limited servicing arrangements and car parking. The largest unit on the market at the time of assessment was 107-109 Leith Walk which is 1499 sq ft (or 139 sqm) which is considerably smaller than the proposed building. Three potential sites on the edge of the town centre were identified for the 2014 application to examine whether they could offer a potential site for a discount food store. These were Shrub Place, Shrubhill House and Murano Place.

Shrub Place: This site has been discounted as being too small and located outwith the target catchment area of the proposed store. The layout, lack of parking and servicing also present obstacles.

Shrubhill House: Two class 1 units of 540 sqm and 723 sqm are accommodated within this development, one of which has been taken by Sainsbury's. The other site, at the time of conducting the RIA was no longer being marketed. The site was discounted as being unsuitable, by virtue of size, and availability.

Murano Place: This site has now been redeveloped as student housing with no retail component. Therefore this site is not available.

No vacant units of an appropriate size were identified in the Restalrig Road local centre or the Easter Road local centre.

The applicant has therefore demonstrated that there are no alternative development sites or vacant units that are suitable or available and that therefore the development complies with part a) of Ret 5.

Viability and Viability of Existing Centres:

The RIA explores the impact of the proposed development on existing shops and centres. This concludes that for Leith Walk Town Centre there will be a slight loss of trade (between 2% and 3%). The impact on Easter Road local centre will be between 1% and 2% loss of trade and there will be negligible impact on shops in the Restalrig area. With respect to the Sainsbury's at Meadowbank it is expected that loss of 2% of trade will occur.

Further afield, Leith Town Centre is expected to suffer between 2% and 3% loss of trade and the Jock's Lodge area to experience a 2% decrease in trade. Impacts on the City Centre will be marginal.

In the context of overall projections for growth in expenditure, these projected impacts on neighbouring retail centres will be small. The proposals therefore complies with part b) of policy Ret 5.

Accessibility:

Although the development will provide parking, the site is reasonably well served by public transport being on the bus routes for the numbers 1 and 35 with stops close to the site. The surrounding area has a high residential density and it is expected that people from the surrounding area will be able to walk to the shop. Cycle parking is provided.

The development provides for 76 parking spaces, which is at the upper end of the 42-77 spaces required by the parking standards for a development of this type and size. However, it is expected that due to its location within a dense residential area, the development will attract a high proportion of shoppers who arrive by foot, bus or bike.

The site is easily accessible by a range of transport modes and complies with part c) of policy Ret 5.

Gap in Provision:

In order to assess whether the proposed development will meet a gap in the provision of food retail in this area, it is noted that there is provision of a number of small scale convenience stores in the area. There are also two supermarkets within a 10 minute drive of the site, which include the Sainsbury's at Meadowbank and the Tesco at Duke Street. It cannot therefore be concluded that there is a deficiency in provision of food retailers in the area.

However, within the catchment area of the proposed development, the RIA cites the overall population growth within the primary catchment areas due primarily to redevelopment of non-residential sites to residential. This has resulted in a 24% increase in the local population, or approximately 5,500 persons between 1996 and 2011.

In addition to this, the applicant has referenced a number of planning applications that have been granted, or are in the process of being determined, that could result in the increase in demand for provision of food retailers. These include 175 flats on Brunswick Road, 71 flats on Bothwell Street, 286 flats in the Albion Road area and student housing at Murano Place and Shrubhill House. This would total 740 flats and 536 student rooms equating to an approximate increase in the population of 2000 persons.

The density of the catchment area is high and the population is projected to expand. An additional food retailer in this area would help meet the expected increased need in the area. Furthermore, the adverse impact of the proposed development on existing centres would not be significant.

The principle of a large food retailer in this location has already been accepted in the previous application (application reference 14/00894/FUL). This current application must assess whether a supermarket that is somewhat less than 1.5 times as large, is similarly acceptable in terms of the proposed use in this location.

The RIA has indicated that the proposals comply with the tests as set out in Policy Ret 5, and the principle of the development is suitable in this location subject to compliance with other points assessed below.

b) Scale, Form and Design

The existing buildings are anomalous in the area in that they are large warehouse style structures in an area that is largely dominated by tenements and flatted developments. Neither building makes a positive contribution to the townscape and the principle of a proposed replacement with a building of better quality is supported.

The footprint of the proposed building will be considerably larger than either of the existing buildings, and it will be higher than the existing retail building, being almost the same height as the adjacent tenement on Easter Road to the south. The majority of the building will be situated within the gap that is formed between the residential properties to the north and the tenements to the south. It will be approximately 2.5m lower than the adjacent tenement to the south and approximately 1.5m higher than the flatted dwellings to the north. The infilling of the gap will restore a degree of integrity to the street which now suffers from the presence of buildings of a commercial and industrial quality that do not conform to the prevailing urban grain. There have been a number of comments from objectors that the building is too big. The impact of the building on overshadowing and loss of light due to its bulk is assessed in Section 3.3.c). From the point of view of the streetscape, the scale of the building is appropriate.

Policy Tra 6 states that car parking should preferably be provided at basement level within a building and not at ground or street level where this would be at the expense of an active frontage onto a public street, public space or private open space. In this case the building is providing parking at street level as the retail element is at first floor level which is contrary to the aspirations of the policy. The scheme has been revised to incorporate more glazing at ground floor level on the street elevation and sites the cycle parking adjacent to the glazing at ground floor level in order to foster more activity at street level. The treatment at street level screens the parking behind and fosters a degree of animation that address concerns in Tra 6. It is also to the benefit of the area that the parking is not accommodated in a large uncovered car park that can be viewed from the street, but is relatively concealed. Although the proposals provide parking at ground floor and the retail at upper levels, the amended scheme has gone some way to develop a proposal that provides a degree of activity at street level.

The proposed materials are render, brick and alucobond. Although these are not typical of the area, they are of good quality and are appropriate to the modern design of the building. They represent an improvement over the steel cladding of the existing retail unit.

The design is of a contemporary nature and uses quality materials. It will be an improvement and will be of benefit to the overall streetscape.

The scale, form and design of the proposals are appropriate.

c) Residential Amenity

In response to concerns about potential impacts on residential amenity to neighbouring dwellings, the applicant has submitted a Daylight and Sunlight Study which examines the impacts on the properties on Easter Road to the north and south of the application site and the flats on St Clair place to the north. An additional report submitted shows the impacts on the flats to the south on Drum Terrace and on the flats on the opposite side of Easter Road.

The impact on the daylight to the windows on the opposite side of Easter Road and Drum Terrace have been explored by doing a before and after study using the 25 degree method as recommended by the Non-statutory Edinburgh Design Guidance and as applied to ground floor units at 197-201 Easter Road. Some of these are former commercial units, now converted to residential, although one unit is a public house. The study shows that the proposed building will project above the 25 degree line. However the proposed building is no higher than the height of the traditional tenements. The Design Guidance stresses that achieving reasonable amenity needs to be balanced against achieving good townscape and in this instance the height of the proposed building is appropriate to the townscape. It is also the case that these former commercial units have very large areas of glazing in the rooms at ground floor facing the street, and that the level of daylight that they receive now through these windows will be in excess of windows in a conventional flat. The study shows that the flats in Drum Terrace will not be adversely affected.

In order to explore the impact on the properties to the north and south of the application property on the same side of Easter Road and on St Clair Place, a study uses the methodology from the BRE guidance also cited in the Design Guidance. This indicates that with respect to any habitable rooms, all the windows facing to the rear of Easter Road and St Clair Place will be altered only within acceptable parameters with the exception of three windows immediately to the south of the proposed development.

The two studies indicate that the majority of neighbouring properties will not suffer an adverse loss of daylight to their windows.

In terms of overshadowing to rear gardens, information submitted in the Daylight and Sunlight Study indicates that there will be one garden of the five that are to the rear of the St Clair Place and Easter Road properties that will be receive less sunshine than before. It will not be impacted outwith acceptable parameters and two of the gardens will see an improvement.

Neighbours also have concerns about loss of privacy due to the large south facing windows at first floor level. The applicant has been reluctant to delete these windows and perhaps relocate them on the street elevation, as that would be a variation to their standard layout. A condition is added to ensure that the glazing will be obscure to above head height internally.

Similarly, neighbours are concerned about light pollution from the same windows. The obscure glazing plus the grills will limit the effect of the light pollution, but there it is accepted that there could be some negative impact on neighbours in the tenements to the south.

Concerns have been raised with respect to the possibility of antisocial behaviour in the car parking area. The entrances to the car parking area will be closed outwith opening hours in order to prevent this from occurring.

Neighbours have concerns about noise generated by the development in terms of plant, refuse collection and deliveries, however Environmental Assessment believes that the proposals will not generate a significant change to the noise environment from what was previously on site. Smells generated by the in-store bakery are likely to be negligible due to the size of the site.

Overall, although it is accepted that some neighbours may be worse off in terms of daylighting, overshadowing, and light pollution, these impacts are moderate, and the majority of nearby residents will not be impacted beyond reasonable limits. The impact of the development on residential amenity must be weighed against the overall benefits that this proposal brings in terms of providing a better quality building on this site which is currently a blight to the area.

d) Traffic and Road Safety

The application proposes 76 parking spaces. The parking standards recommend between 42 and 77 and so the number of parking spaces proposed is satisfactory.

A development of this scale and in this location generates a request for a financial contribution to the Edinburgh Tram of £194,692 in line with the approved Tram Line Developer Contributions report (based on 2,819m² GFA Retail unit in Zone 2). However, Guidance on Developer Contributions and Affordable states that:

Proposals for change of use will also require to be calculated with regard to a potential contribution. This will be based on the tram contribution based on the proposed planning use(s) for the building(s)/land, minus the tram contribution based on the lawful planning use of the existing building(s)/land. Where, the resultant contribution is positive then that will be the contribution that is required to be paid for that development.

The existing use of retail and garage would generate a tram contribution of £110,712. When this is subtracted from £194,692 the sum requested as a tram contribution is £83,980. In addition to this the roads authority is also requesting that:

- The applicant to carry out the works to construct the new section of footway;
- The applicant will be required to contribute the sum of £2,000 to promote an order to re-determine footway and carriageway as necessary;
- The applicant will be required to contribute the sum of £2,000 for the promotion of an appropriate Traffic Regulation Order (TRO) for the inclusion of the new parking bays in the existing CPZ scheme; and
- A draft Travel Plan to be submitted to the Head of Planning and Transport for approval prior to first occupation and a final Travel Plan within 12 months of that date.

The roads authority has no objections to the proposals and subject to the conclusion of a legal agreement for the developer contributions for the above elements, it is concluded that the development will have no detrimental impact on traffic, road safety and parking.

e) Sustainability

The applicant has submitted a sustainability statement in support of the application. The proposal complies with the requirements of the Edinburgh Design Guidance.

f) Other Environmental Impacts

The site is located close to, but not within, the City Centre Air Quality Management Area which extends down Easter Road. As such Environmental Assessment has strongly recommended that the applicant installs electric vehicle charging points within its car park and that it also provides for ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

Environmental Assessment has concerns about dust annoyance as a result of operations during the development and has requested the addition of informative for the monitoring and suppression of any dust. However, the control of operations during construction is outwith the remit of planning.

Given the former uses on the site it is recommended that it is investigated for contaminated soil and any remediation measures necessary be put in place. This will be the subject of a condition of granting permission for this application.

Neighbours have concerns about the loss of habitat and the impact on a tree in St Clair Place. The nature of the structures is not conducive to the provision of habitat for any protected species. The tree in question is not within a conservation area or under a Tree Preservation Order and therefore there is no level of protection for this tree.

Archaeology has recommended that a programme of archaeological works is undertaken prior to/during construction/demolition in order to excavate, record and analyse any significant archaeological deposits that may be uncovered.

Subject to the compliance with attached conditions, there will be no detrimental environmental impacts as a result of this proposal.

g) Equalities and Human Rights Issues

The application has been assessed in terms of equalities and human rights. No adverse impacts were identified. An Equality and Rights Impact Assessment Summary is available to view on the Planning and Building Standards Online Services.

h) Public Comments

Material Representations - Objections (to both Schemes 1 and 2):

Material objections relate to:

- Issues of process - the online petition that was conducted by Lidl for the previous scheme (14/02674/FUL) was cited as evidence in supporting documents as support for the current scheme. This error was amended in the revised Planning, Design and Retail Statement. (November 2015).
- Principle of the development in this location - assessed in section 3.3.a).
- Impact on the character of the area - assessed in section 3.3.b).
- Scale and design - assessed in section 3.3.b).
- Possible anti-social behaviour - assessed in section 3.3.b).
- Residential amenity - assessed in section 3.3.c).
- Traffic and Road Safety - assessed in section 3.3.d).
- Other environmental concerns - assessed in section 3.3.f).

Material Representations - Support (to Scheme 1):

Letters of support for this application make the following points:

- The proposal will improve the area.
- The proposals will be a catalyst for regeneration of the area.
- More retail choice is positive.
- There is enough parking.

Non-Material Representations: (to both Schemes 1 and 2):

Comments made that are non-material to the consideration of this planning application relate to

- Impact on property prices.
- Loss of views.

Community Council (to Scheme 1):

The Leith Central Community Council object on the following grounds:

- Principle of the development in this location -assessed in section 3.3.a).
- Scale and design - assessed in section 3.3.b).
- Traffic and Road Safety - assessed in section 3.3.d).

Conclusion

In conclusion the proposal complies with the development plan. The proposal is acceptable in this location and should have no detrimental impact on the local retail environment, or traffic and road safety. It may have a minor detrimental impact on local residential amenity, but these impacts are considered acceptable in the context of the overall benefit that the building will bring to the townscape. There are no other considerations which outweigh this conclusion and approval is recommended.

The recommendation is subject to conditions on archaeology, contaminated land, opening hours, windows, and materials, and the conclusion of a legal agreement for a contribution towards transport infrastructure.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No demolition/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.
2. 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, 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.

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. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
4. The hours of operation shall be restricted to 08:00 AM to 22:00 PM.
5. The glazing on the south elevation is to have obscure glass.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. 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:
 - a. A financial contribution to the Edinburgh Tram of £83,980 in line with the approved Tram Line Developer Contributions report (based on 2,819m² GFA Retail unit in Zone 2);
 - b. The applicant to carry out the works to construct the new section of footway;
 - c. The applicant will be required to contribute the sum of £2,000 to promote an order to redetermine footway and carriageway as necessary;
 - d. The applicant will be required to contribute the sum of £2,000 for the promotion of an appropriate Traffic Regulation Order (TRO) for the inclusion of the new parking bays in the existing CPZ scheme;
 - e. A draft Travel Plan to be submitted to the Head of Planning and Transport for approval prior to first occupation and a final Travel Plan within 12 months of that date;

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. 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.
4. 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.
5. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.
6. The existing southernmost access to be closed and a continuous footway provided with additional parking space on Easter Road. A redetermination order will be required and the applicant must provide the appropriate drawings to allow the order to be progressed;

7. The proposed cycle parking to be to the satisfaction of the Head of Planning and Transport regarding specification, design, security and location. Cycle stand products should meet the criteria of ease of use and provide secure locking points for wheels / frame and be located at convenient locations, near the main entrances;
8. Any works to the footway and carriageway must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point.
9. The electric vehicle charge points required should be installed in accordance with Transport Scotland's 'Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles' (2013). In particular the charge points should include a 70 or 50kW (100 Amp) DC with 43kW (64 Amp) AC unit. The DC charge should be delivered via both JEVS G105 and 62196-3 sockets and the AC supply by a 62196-2 socket. The outlet must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously
10. When available the applicant shall provide details of all the boilers to Environmental Assessment to ensure compliance with the Clean Air Act 1993
11. All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.
12. Detailed site plans showing location of electric vehicle charging outlets and ducting shall be submitted to the satisfaction of the Head of Planning.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

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

Scheme 1

Neighbours were notified of the initial application on 25 September 2015, In all 46 letters of representation have been received: 11 letters of support, 34 objections and one letter of comment. This included objections from one ward councillor, an MSP and the Leith Central Community Council and a letter of comment from a ward councillor.

Scheme 2

Neighbours were re-notified when Scheme 2 was submitted on 19 May 2016. This attracted a further eight letters of objection from neighbours and members of the public, five of whom had not commented on Scheme 1.

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](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The application site is located within the urban area as defined by the Edinburgh City Local Plan.

Date registered

11 September 2015

Drawing numbers/Scheme

1,2, 3a, 7a, 8-14,

Scheme 2

John Bury

Head of Planning & Transport
PLACE
City of Edinburgh Council

Contact: Barbara Stuart, Senior Planning Officer
E-mail:barbara.stuart@edinburgh.gov.uk Tel:0131 529 3927

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

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

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

Policy Tra 3m (Tram Contributions) requires contributions from developers towards the cost of tram works where the proposed tram network will help address the transport impacts of a development.

Policy Tra 5 (Private Cycle Parking) requires cycle parking provision in accordance with levels set out in supplementary guidance.

Policy Tra 6 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

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.

Relevant policies of the Proposed Local Development Plan.

Second Proposed LDP Policy Del 1 (Developer Contributions) identifies the circumstances in which developer contributions will be required.

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

Second Proposed LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

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 Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

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

Appendix 1

Application for Planning Permission 15/04194/FUL At 234 - 246, 248 Easter Road, Edinburgh, EH6 8LE Creation of retail development including associated parking.

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning the above application for the creation of retail development including associate parking.

The site is currently occupied by two modern commercial units. However Ainslie's 1804 plan of Edinburgh shows that the site was occupied by a house at that time owned by A Sligo Esq. This building was demolished by 1817 and the site appears to have been relatively undeveloped in toe the late 19th century. This 1804 house may also appear on Roy's 1750's map of the area which indicates a house surrounded by gardens in this local. An early post medieval date is possible as Easter Road became the main route between Leith and the Canongate by the 17th century, though as a minor country road it is likely to date back to the early medieval period.

As such this site must be regarded as being of archaeological potential and 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.

Though the site has undoubtedly been affected by the construction of the modern commercial units it is still considered possible that significant remains associated with the 1804 house depicted by Ainslie may survive on this site (potentially under the southernmost unit). As such it is considered that this proposal will have a potential low-moderate archaeological impact. Accordingly it is recommended that the following condition be attached consent, if granted, to ensure that a programme of archaeological works is undertaken prior to/during construction/demolition in order to excavate, record and analysis any significant archaeological deposits that may be uncovered.

'No demolition/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 would 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.

Transport

I have no objections in principle to the 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 provide:-*
 - a. *A financial contribution to the Edinburgh Tram of £194,692 in line with the approved Tram Line Developer Contributions report (based on 2,819m² GFA Retail unit in Zone 2);*
 - b. *The applicant to carry out the works to construct the new section of footway;*
 - c. *The applicant will be required to contribute the sum of £2,000 to promote an order to redetermine footway and carriageway as necessary;*
 - d. *The applicant will be required to contribute the sum of £2,000 for the promotion of an appropriate Traffic Regulation Order (TRO) for the inclusion of the new parking bays in the existing CPZ scheme;*
 - e. *A draft Travel Plan to be submitted to the Head of Transport for approval prior to first occupation and a final Travel Plan within 12 months of that date;*
2. *The existing southernmost access to be closed and a continuous footway provided with additional parking space on Easter Road. A redetermination order will be required and the applicant must provide the appropriate drawings to allow the order to be progressed;*
3. *Any works to the footway and carriageway must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point*
4. *The proposed cycle parking to be to the satisfaction of the Head of Planning regarding specification, design, security and location. Cycle stand products should meet the criteria of ease of use and provide secure locking points for wheels / frame and be located at convenient locations, near the main entrances;*
5. *All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.*

Note:

- o The Council's current parking standards for this area (Zone 3a) require between 42 and 77 spaces. The applicant is proposing to provide 76 parking spaces;*
- o The standards require a minimum of 1 customer and 1 staff motorcycle parking space. The plans do not indicate any cycle parking*
- o Electric vehicle charging outlets should be considered for this development which includes dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

Environmental Services

The applicant proposes developing a food retail unit with 76 proposed car parking spaces. The sites most recent use was as a non-food retail unit and garage with 32 car parking spaces. There are residential properties located in close proximity to the west north and south of the proposed development site.

Noise

Environmental Assessment has concluded that no noise impact assessment is required due to the site existing potential uses. The change to a food retail unit will not significant change the noise environment from what was previously onsite.

Impacts on Local Air Quality

The site is located in close proximity to the City Centre Air Quality Management Area which extends down Easter Road. Environmental Assessment has strongly recommended that the applicant installs electric vehicle charging points within its car park. The proposed supermarket operator has installed electric vehicle charging points at other store therefore Environmental Assessment has encouraged the applicant to keep parking numbers to a minimum and make provisions for electric vehicle (EV) charging. Environmental Assessment has also advised the applicant that all energy plants must comply with the Clean Air Act 1993. We must approve the height of any chimney associated with a furnace or boiler if it burns at a rate equivalent to 366.4 kW or more any liquid or gaseous matter.

It is highlighted in Edinburgh's Local Transport Strategy 2014-2019 that the Council seeks to support increased use of low emission vehicles and support the extension of the network of EV charging points.

The City of Edinburgh Parking Standards for Development Management also now encourages the use of EVs. It states that the Council is likely to introduce a requirement for EV charging infrastructure which depends on how charging technology evolves this includes:

- o Dedicated parking spaces with charging facilities.*
- o Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

Developers should now consider the potential for EV charging as they develop their proposals. Based on currently available technology Environmental Assessment recommends that at least two Electric vehicle charging outlet should be of the following standard:

70 or 50kW (100 Amp) DC with 43kW (64 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

Dust control measures will be required during the construction phase. Environmental Assessment recommends a number of mitigation measures which will protect neighbouring amenity are included in the informatives.

Contaminated Land

Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent.

Therefore Environmental Assessment has no objections to this application subject to the following conditions:

Contaminated Land

1. 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 , 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.*

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.

Informatives

Air Quality

- a) Detailed site plans of where the electric vehicle charging outlets and ducting shall be submitted to the satisfaction of the Head of Planning.*
- b) The electric vehicle charge points required should be installed in accordance with Transport Scotland's 'Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles' (2013). In particular the charge points should include a 70 or 50kW (100 Amp) DC with 43kW (64 Amp) AC unit. The DC charge should be delivered via both JEVS G105 and 62196-3 sockets and the AC supply by a 62196-2 socket. The outlet must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.*
- c) When available the applicant shall provide details of all the boilers to Environmental Assessment to ensure compliance with the Clean Air Act 1993.*

- d) *All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.*
- e) *The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.*
- f) *Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.*
- g) *Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.*
- h) *All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.*
- i) *Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.*
- j) *This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.*
- k) *No bonfires shall be permitted.*

