

Development Management Sub Committee

Wednesday 6 February 2019

**Application for Planning Permission 18/04464/FUL
At Meadowbank Retail Park, Moray Park, Edinburgh
Section 42 application for non-compliance with Condition
G34 of Planning Permission A/01457/95/RM to allow for the
sale of convenience goods at Unit 3.**

Item number	4.4
Report number	
Wards	B14 - Craigentinny/Duddingston

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, traffic or road safety. There are no other considerations which outweigh this conclusion and approval is recommended.

Links

[Policies and guidance for this application](#) LDPP, LRET01, LRET04,

Report

Application for Planning Permission 18/04464/FUL At Meadowbank Retail Park, Moray Park, Edinburgh Section 42 application for non-compliance with Condition G34 of Planning Permission A/01457/95/RM to allow for the sale of convenience goods at Unit 3.

Recommendations

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

Background

2.1 Site description

The site is an existing retail premises (unit 3) located within the Meadowbank Retail Park, a designated Commercial Centre in the Edinburgh Local Development Plan (LDP). The retail park currently has 11 units, including a large Sainsbury's supermarket, and a restaurant with drive thru. The associated car park has spaces for 559 vehicles.

The retail park is located at the junction of London Road and Marionville Road and is largely inward facing, overlooking its car park. The units are laid out in an L-shaped design with a brick-built colonnade feature connecting the shop frontages and providing a sheltered walkway around the site. The units are serviced to the rear where the site is bound by a disused railway. The wider area is predominantly residential with further residential development at the Lochend Butterfly currently underway to the north-west of the site.

2.2 Site History

21 December 1994 - Outline planning permission granted for the erection of a retail park. Condition G34 restricted the retail use to the sale of non-food goods only. Condition HC0 restricted the gross floor area of the retail use to 12,500 square metres (reference number - A/00470/94).

20 December 1995 - Approval of application of reserved matters. Condition HG9 amended the floorspace restriction, capping the gross floor area for non-food retail development to 9,707 square metres. Condition G34 restricts the retail use to the sale of non-food goods only (reference number - A/01457/95).

2 September 1998 - Planning permission was granted for the removal of condition G34 as it applied to units 9 and 10 to allow the formation of a supermarket (A/03039/97).

Main report

3.1 Description Of The Proposal

The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 which seeks to remove an existing condition imposed on the original planning permission for the retail park that states "*the retail use being for the sale of non-food goods only and for no other use within Class 1*". The removal of the condition is sought in order to allow the premises to operate as a supermarket retailing convenience goods, including food.

The unit measures 935 sq/m and there are no physical alterations to the building or its curtilage proposed as part of the application.

Supporting Material

A Planning and Retail Assessment and a Transport Statement have been submitted in support of the proposal and are available to view on the Planning and Building Standards Online Service.

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 proposal is acceptable in principle;
- (b) the proposals will have any traffic or road safety issues;
- (c) the proposals will result in an unreasonable level of neighbouring residential amenity; and
- (d) representations raise issues to be addressed.

(a) Principle

The proposal is for a retail use within an existing retail unit in a designated commercial centre. When planning permission was originally granted for the retail park a restriction was imposed preventing any of the units from selling food. However, an application by Sainsbury's to remove this restriction and to allow two of the units to be combined to create a supermarket was subsequently approved three years later. As a result of this decision, the principle of convenience shopping at this centre has been accepted.

Policy Ret 1 of the LDP establishes that planning permission will be granted for retail and other uses which generate significant footfall following a town centre first sequential approach. The current proposal is an existing retail unit located within a commercial centre. Therefore, in terms of the policy, all designated centres (City Centre Retail Core, Town Centres and Local Centres) are sequentially preferable. Similarly, any edge of centre sites must be assessed as these would also be sequentially preferable.

Policy Ret 4 specifies a set of criteria that should be met by any proposal for additional retail floorspace within a commercial centre. The applicant has provided an assessment of how the proposal could satisfy the criteria set out in the policy. However, as this proposal is to change the operation of an existing retail unit within the centre and does not provide any additional floorspace, the policy does not apply.

Sequential Approach

A Retail Impact Assessment (RIA) has been submitted in support of the application. The RIA indicates that the applicants have explored alternative sites within or on the edge of identified centres (City Centre and Leith Walk). There are no suitable sites within the City Centre Retail Core (as falls within the defined catchment area) that would accord with the format of the convenience retail operation proposed with a lack of parking also being cited as an issue. St James Centre is currently being redeveloped for an alternative form of retail, leisure and hotel uses and has also been discounted.

Five potential alternative sites in identified centres or edge of centre locations have also been considered. These are Shrub Place, Leith Walk Depot, Lochend Butterfly, Brunswick Road and St Margaret's House.

Shrub Place

Planning permission has been granted for the residential development of the site with a limited amount of retail space on the Leith Walk frontage (282sq/m). The land take for a unit the size of that proposed would have a major impact on the development. Moreover, the development has now largely been completed and the site is not considered to be available.

Leith Walk Depot

This site has been discounted as it is not available nor is it suitable to accommodate the proposal. The proposed foodstore would require the entirety of the site and would not provide sufficient frontage visibility to be acceptable to the operator.

Lochend Butterfly

Planning permission has been granted for the residential development of this site, and the development is currently underway. Therefore, the site is neither available nor suitable for the proposed retail development. Furthermore, the site is not sequentially preferable to the proposal within the commercial centre.

Brunswick Road

This site has been granted planning permission for a residential development that is now nearing completion. There is no retail component provided for within the approved development.

St Margaret's House

St Margaret's House is an edge of centre site located to the west of Jock's Lodge Local Centre. The applicant has advised that another group has concluded a deal to purchase the site. Therefore, the site is not available to accommodate the proposal.

The retail strategy of the LDP aims to ensure that some basic convenience provision is made or retained within walking distance of all homes. Meadowbank commercial centre differs from most of the other commercial centres in Edinburgh, in that it is located in a largely residential area within the urban area of the city. Additional convenience retail in the location is likely to encourage further walking within this area. This commercial centre also has good access to public transport services.

In conclusion, there are no vacant units or alternative sites available in any sequentially preferable location within the catchment that could accommodate the proposal. The proposal therefore complies with Policy Ret 1.

(b) Traffic or Road Safety Issues

A Transport Statement (TS) has been submitted in support of the application. The TS indicates that, although there will be an increase in vehicle trips as a result of the development, the volume of additional trips will be low and can be accommodated within the existing car parking provision and surrounding road network.

Meadowbank differs from most of the other commercial centres in Edinburgh in that it is located in a largely residential area within the city. It is in an accessible location and within walking distance of a densely populated area, where further residential development is proposed in the LDP. The provision of further convenience retail in such an accessible location is likely to encourage more people to walk to the shop with the follow-on effect of less vehicle trips to other stores.

The site is well served by public transport with bus stops on London Road offering services from large parts of Edinburgh and the wider region. In total, 41 buses per hour in each direction can be accessed within a five minute walk of the retail park.

A shared cycle/footway provides a cycle link from the London Road to the south west of the retail park, and provides access to Moray Park where there is another entrance to the park. The shared cycle/footway connects to a local cycle way on Albion Road, located 400m from the signalised junction on Moray Park Terrace. The local cycle way joins into National Cycle Route 75, which provides access to Leith to the north and connects with National Cycle Routes 1, 76 and 754 to the south.

Overall, the development is well connected and will have no detrimental impact on traffic, road safety or parking.

(c) Neighbouring Residential Amenity

There are no anticipated impacts on neighbouring residential amenity arising as a result of the proposal. The original planning permission for the retail park included conditions limiting noise and vibration and a restriction on servicing vehicles and loading/unloading times. These conditions will also be imposed on this permission.

(d) Public Comments

The application attracted 2 representations from members of the public objecting to the proposal.

The material reason for objection is:

- The area is already adequately served by supermarkets and smaller retailers - assessed in section 3.3(a).

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. There are no issues in relation to traffic, road safety or neighbouring residential amenity. There are no other considerations which outweigh this conclusion and approval is recommended.

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

3.4 Conditions/reasons/informatives

Conditions

1. All music shall be so controlled as to be inaudible within any nearby residential premises.
2. The design and installation of any plant, machinery or equipment being 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.
3. Loading and unloading operations being restricted to the hours of 7am to 8pm.

4. There shall be no arrival of service vehicles outwith the permitted times for loading and unloading.

Reasons:-

1. In order to safeguard the amenity of neighbouring residents and other occupiers.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.

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. 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 Council 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 but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.
3. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

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

The application was advertised on 11 September 2018 and has attracted 2 representations from members of the public objecting to the proposal.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development**Plan Provision**

Edinburgh Local Development Plan - Commercial Centre

Date registered

22 August 2018

Drawing numbers/Scheme

01,

Scheme 1

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Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:**Relevant policies of the Local Development Plan.**

LDP Policy Ret 1 (Town Centres First Policy) sets criteria for retail and other town centre uses following a town centre first sequential approach.

LDP Policy Ret 4 (Commercial Centres) sets criteria for assessing proposals for additional retail floorspace in a commercial centre.

Appendix 1

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Consultations

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. 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 Council 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 but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
- 2. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

Note:

The proposed development will not change the existing parking provision.

