

Development Management Sub Committee

report returning to Committee - Wednesday 22 January 2020

Application for Planning Permission in Principle 19/02122/PPP

**at 1 and 4 Gilmerton Station Road, Edinburgh, EH17 8RZ
Mixed Use Development comprising Class 1 retail, class 2
professional services, class 3 (inc Sui Generis) Food and
Drink, class 4 to 6 Business/ Industrial, class 7 Hotel, class
11 Assembly and Leisure, Access, Car Parking, Servicing,
Bridge, Demolition and Associated Works.**

Item number

Report number

Wards

B16 - Liberton/Gilmerton

Recommendations

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

Background information

This application was previously considered by the Development Management Sub-Committee following a hearing on 7 November 2019.

The Committee resolved to grant planning permission in principle for the reason that there was not a significant adverse impact on the viability of existing retail and that any impacts were outweighed by the benefits, and subject to:

- 1) the application being considered by the Committee to agree the reserved matters;
- 2) the addition of an informative as follows:

"the applicant should work with officers with a view to reducing the car parking provision on the site".

The reserved matters and informatives have now been drafted and are returning to Committee for approval.

Main report

The following conditions and informatives are recommended for approval:

Conditions

1. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the planning authority has been given, and the development shall be carried out in accordance with that approval. For the avoidance of doubt, no approval is hereby given to the layout shown in the illustrative masterplan which forms part of the application for planning permission in principle.

Approval of Matters:

- (a) a site development layout and phasing plan showing a phased implementation programme for including the location/position of all uses within the site; the proposed built form (including orientation of buildings); movement around and through the site, including pedestrian and cycle links and landscape provision;
- (b) for each phase of the development, a plan detailing the siting, design and height of development, including the design of all external features;
- (c) design and configuration of public and open spaces, all external materials and finishes;
- (d) car and cycle parking, access, road layouts and alignment, including a Stage 2 Quality Audit, classification of streets, and servicing areas;
- (e) footpaths and cycle routes, including proposed multi-use paths;
- (f) waste management and recycling facilities;
- (g) surface water and drainage arrangements;
- (h) existing and finished ground levels in relation to Ordnance Datum;
- (i) full details of sustainability measures in accordance with Edinburgh Standards for Sustainable Building;
- (j) hard and soft landscaping details, including:
 - i. the type and location of new trees, shrubs and hedges;
 - ii. a schedule of plants to comprise species, plant size and proposed number/density;
 - iii. programme of completion and subsequent maintenance including a separate maintenance plan for the SuDS areas;
 - iv. existing and proposed services such as cables, pipelines, substations;
 - v. other artefacts and structures including street furniture, lighting columns and fittings
 - vi. play equipment and
 - vii. details of phasing of these works in relation to implementation and phasing of the development.

Reason: To ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. As soon as possible after each of the phases of the development approved under condition 1(b) above is completed (except for the last or final phase, in respect of which notice shall be given under section 27B(1) of the Act) the person who has completed any phase shall give written notice of the completion of that phase to the planning authority.

Reason: To accord with section 27B(2) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006.

3. Prior to the commencement of construction works on site:

- a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
- b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

Reason: In order to ensure that the site is suitable for redevelopment, given the nature of previous uses on the site.

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

Reason: In order to safeguard the interests of archaeological heritage.

5. The trees on site shall be protected during the demolition and construction phases by the erection of a protective barrier in accordance with Figure 2 of British Standard 5837:2012 - 'Trees in relation to design, Demolition and Construction - Recommendations'. The barrier will be no closer to any tree than the distance specified in Clause 4.6 of BS5837:2012.

Reason: In order to safeguard protected trees.

6. The site development layout and phasing plan to be submitted as part of the application required under condition 1 above shall include full details of the location and design of the surface water drainage scheme to be installed within the application site and shall be submitted for the approval of the planning authority; and for the avoidance of doubt, the scheme shall comply with the Scottish Environment Protection Agency's (SEPA) principles and contain a surface water management plan.

Reason: In order to enable the planning authority to consider this matter in detail and to ensure the proper drainage of the site.

7. No development shall take place until a detailed Report on Site Investigations, including a scheme of remedial works for the shallow coal workings, has been submitted to and approved by the planning authority. Documentary evidence to certify that the approved measures have been carried out shall be submitted to and approved in writing by the planning authority, in consultation with the Coal Authority, before construction work begins on site.

Reason: In the interests of public safety.

8. The foodstore shall be restricted to the floor area as identified in the application, namely 1,858 square metres, and any proposals to insert mezzanine for any purpose whatsoever that would exceed that level, shall not be installed without the prior consent of the Council, as the Planning Authority.

Reason - To ensure the vitality and viability of other shopping centres are not prejudiced.

9. Before work begins, a preliminary ecological survey shall be carried out and any subsequent reports as identified in the findings of the survey. No work shall begin until the written approval of the planning authority has been given to the details of any remedial and/or protective measures required, and the measures shall be implemented in accordance with the approved details.

Reason: To safeguard protected species.

10. Prior to the occupation of any part of the development a scheme for protecting the occupiers of the committed and existing residential units from operational noise shall be submitted to and approved in writing by the planning authority; all works which form part of the approved scheme shall be completed in full to the satisfaction of the planning authority, before any part of the development is occupied.

Reason: To safeguard neighbouring residential amenity.

11. Prior to the occupation of any part of the development the developer will introduce a Toucan (signalised cycle) crossing on Gilmerton Station Road. The details and location of which to be agreed in advance by the planning authority.

Reason: In the interests of providing suitable pedestrian and cycle connections.

Informatives

1. The applicant should work with officers with a view to reducing the car parking provision on the site.
2. a) Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

b) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

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 each phase 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. The applicant will be required to contribute the sum of £2,000 each to progress suitable orders to redetermine sections of footway and carriageway, to introduce waiting and loading restrictions, and to introduce a 20pmh speed limit within the development (and subsequently install all necessary signs and markings at no cost to the Council);
6. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £18,000 (£1,500 per order plus £5,500 per car) towards the provision of 3 car club vehicles in the area;
7. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;
8. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;
9. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;
10. The design, layout and specification of the proposed ramp to the cycle track to be agreed as part of the Road Construction Consent;
11. The proposed level of car, cycle, disabled and electric vehicle charging to be reserved matters. All forms of parking are to be in line with the Council's parking standards. The proposed 285 car parking spaces, including 50 electric vehicle spaces, is not agreed at this stage;
12. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), and timetables for local public transport;
13. The applicant should note that new road names may be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;

14. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective tenants as part of any sale of land or property;
15. 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;
16. The developer must submit a maintenance schedule for any SUDS infrastructure for the approval of the Planning Authority.
17. Any energy centres must comply with the Clean Air Act 1993. Environmental Protection will not support the use of biomass.
18. Prior to occupation of the development, details demonstrating that noise from all plant complies with NR25 within the nearest existing and committed residential property (with window partially open for ventilation purposes) shall be submitted for written approval by the planning authority.
19. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

Links

Policies and guidance for this application

LDPP, LDEL01, LDES01, LDES02, LDES04, LDES05, LDES06, LDES07, LDES08, LDES09, LEN08, LEN09, LEN12, LEN16, LEN21, LEN22, LEMP01, LEMP09, LEMP10, LRET01, LRET06, LRET08, LRET11, LTRA01, LTRA04, LTRA07, NSG, NSGD02,

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=PQVIUUEW09Z00>

Or Council Papers online

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Alexander Gudgeon, Planning officer

E-mail:alexander.gudgeon@edinburgh.gov.uk Tel:0131 529 6126