

Development Management Sub Committee

Wednesday 01 July 2020

**Application for Planning Permission 19/06001/FUL
At Cameron Toll Shopping Centre, 6 Lady Road, Edinburgh
Proposed cinema development (Class 11) with ancillary
Class 1 (retail), Class 2 (Financial and Professional
Services) and Class 3 (Food and Drink) use,
reconfiguration of existing car park and landscaping (as
amended).**

Item number

Report number

Wards

B15 - Southside/Newington

Summary

The principle of the development in this location is acceptable. The proposal is appropriate in design and in keeping with the character of the immediate surrounding area. The proposal will maintain amenity to existing nearby residential areas and will have no adverse impact on the conservation area or listed buildings. The proposal is in accordance with LDP Policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 6, Des 7, Des 8, Env 3, Env 6, Env 9, Env 21, Env 22, Hou 7, Ret 1, Ret 4, Ret 8, Tra 8, and broadly complies with the council's non-statutory guidance.

The proposal therefore complies with the development plan. There are no other material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN09, LRET01, LRET04, LRET08, LTRA01, LTRA07, OTH, NSGD02,

Report

Application for Planning Permission 19/06001/FUL At Cameron Toll Shopping Centre, 6 Lady Road, Edinburgh Proposed cinema development (Class 11) with ancillary Class 1 (retail), Class 2 (Financial and Professional Services) and Class 3 (Food and Drink) use, reconfiguration of existing car park and landscaping (as amended).

Recommendations

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

Background

2.1 Site description

The site lies within the car park of the Cameron Toll Shopping Centre. Cameron Toll consists of the shopping centre, two drive-through units and a petrol filling station. The building is surrounded by two service yards and approximately 1000 surface car parking spaces. The shopping centre is an inward looking design with a large sloping glazed elevation and large blank elevations below. The building sits centrally within the site and has entrances to the north and south. Vehicular access to the site is from Lady Road and directly off Cameron Toll roundabout. The site sits at a lower level than the surrounding roads, park and tennis club.

The application site it is located directly opposite the main entrance of the shopping centre. Currently, this area contains car parking and an entrance to the Craigmillar Park Tennis Club, which is situated to the immediate south of the application site.

In the wider area, the shopping centre is bounded to the east by Inch Park, and to the north and west by residential properties. The southern boundary comprises The Conan Doyle Medical Centre and the Braid Burn, which is a local nature conservation site. Immediately adjacent to the southern boundary is the Craigmillar Park Tennis Club.

Liberton Bank House is situated to the south west, which is category C listed (reference 47155, re-listed in May 2000 when its historical associations with the author Sir Arthur Conan Doyle were recognised).

The west boundary contains mature trees and lies below the level of the adjoining Liberton Road. Immediately outwith the eastern boundary there are mature trees within the landscape of Inch Park.

The Craigmillar Park Conservation Area adjoins the western boundary of the shopping centre car park.

2.2 Site History

Relevant Site History

3 July 2012 - Planning permission granted for an extension to Cameron Toll Shopping Centre to include retail (Class 1), restaurant/cafe (Class 3) and leisure (Class 11) uses, external alterations to existing shopping centre, creation of pedestrian link from Liberton Road, additional car parking including formation of a car park deck and associated landscaping (as amended) (application number: 09/01141/FUL);

28 July 2015 - Planning permission granted for two drive thru units with associated access, car parking and landscaping (application number: 15/02366/FUL);

11 August 2016 - Planning permission granted for change of use of part of the first floor of Cameron Toll Shopping Centre to a Class 11 health and fitness club (application number: 16/02296/FUL);

12 January 2017 - Planning permission granted for a section 42 application to vary the wording of Condition 9 of planning permission (09/01141/FUL) to state that an updated otter survey shall be agreed with the Head of Planning, including mitigation measures. Prior to commencement of development, a timescale for the completion and submission of the updated otter survey shall be agreed with the Head of Planning (application number: 15/02170/FUL) This formed a new planning permission for the development previously granted planning permission under reference number 09/01141/FUL.

Main report

3.1 Description Of The Proposal

The planning application is for the formation of a cinema, restaurant, retail unit, and community health facility/GP practice within the existing southern car park of the shopping centre. The size of development is as follows:

- Cinema screens totalling 890 seats;
- Unit 1 - 349sqm restaurant;
- Unit 2 - 268sqm retail unit; and
- Unit 3 - 275sqm community health facility/GP practice.

The building is approximately 15.5 metres in height, 57 metres in length and 39 metres in width. The design is a simple box shape with entrance canopy. The materials are proposed to be dark render at the upper levels and brick at ground level. A new area of public realm would be created between the entrances of the existing shopping centre and the proposed cinema building.

The development proposal will result in a net loss of 128 parking spaces, retaining overall provision of 867 spaces. These spaces will be subject to a new management regime as there are currently no restrictions on the amount of time cars can park at present.

A total of 25 new cycle racks are proposed to serve the development.

In terms of the levels across the site, the new cinema building would sit at a level slightly higher than the existing shopping centre. However, levels to the rear of the proposals are such that the level of the tennis club immediately to the rear sits approximately 2.5 metres higher than the site.

Scheme 1

The access into the tennis club was amended for clarity.

Supporting Information

The following supporting documents were submitted in support of the application:

- Design and Access Statement;
- Drainage and Flood Risk Assessment;
- Consultation Statement;
- Otter Survey;
- Air Quality Assessment;
- Transport Statement, and;
- Planning Statement (including Leisure Impact Analysis).

These 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 principle of the development complies with the Development Plan;
- b) The proposals provide a development of appropriate design, scale and layout;
- c) The proposals would adversely impact the setting of the nearby listed buildings or the character and appearance of the conservation area adjacent to the site;
- d) The proposals provide an acceptable level of amenity for existing adjoining residents;
- e) The transport, access, parking arrangements and air quality impacts are acceptable;
- f) The proposals address issues of sustainability;
- g) There are any other material issues, and;
- h) The representations have been addressed.

a) The Principle of the Development

The site is within the Urban Area of the Edinburgh Local Development Plan (LDP) and is allocated as a Commercial Centre.

LDP Policy Ret 1 (Town Centres First Policy) states that planning permission will be granted for retail and other uses which generate a significant footfall (including commercial leisure use, community and cultural facilities and healthcare facilities) following a town centre first sequential approach in order of locational preference, starting with town centres, to edge of centres, other commercial centres and then out of centre locations.

As the site is within a Commercial Centre, LDP Policy Ret 4 (Commercial Centres) states that proposals for additional retail floorspace in a Commercial Centre will not be supported unless it can be demonstrated that certain criteria are met. These criteria relate to the need to address a quantitative or qualitative deficiency within its catchment, and that the scale, format and type of development is compatible with the future role of the centre.

This policy relates to retail development, and although a level of retail floorspace is shown on the ground floor of the proposal, planning permission recently expired (January 2020) for an extension to Cameron Toll Shopping Centre to include retail uses (Class 1), restaurant/cafe (Class 3) and leisure use (Class 11) (application reference: 15/02170/FUL). This permission also included a cinema. In addition, the LDP (in Table 7 - Commercial Centres) notes this permission that was granted for an additional 8600 square metres of retail space and a cinema, and the LDP notes that this will enhance the leisure role of Cameron Toll. The principle of additional retail floorspace is therefore accepted at this location. Likewise, the inclusion of a medical/health centre is also supported.

Under LDP Policy Ret 8 (Entertainment and Leisure Developments - Other Locations), all potential City Centre or town centre options must be thoroughly assessed and discounted as unsuitable or unavailable. In addition, the development site must be easily accessible by a range of public transport options and will not lead to an unacceptable increase in traffic locally; it must integrate satisfactorily into its surroundings with high quality design; and it must be compatible with surrounding uses and will not lead to a significant increase in noise or general amenity.

In order to support the development, a sequential analysis was submitted for both the retail and leisure elements of the proposal. This analysis has examined the existing sites within the city centre and town centres, including the new St James Centre development, sites on New Street, and the former Odeon cinema on Clerk Street. None of these sites were listed as suitable for the applicant as they are either not available, or not large enough to accommodate the requirements of the operator.

Taking these issues into account, and the site history, the proposal accords with LDP policies regarding the principle of the uses contained within the development.

b) Design, Scale and Layout

LDP Policies Des 1 - Des 8 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials. These are examined below.

Layout

LDP Policies Des 4 (Development Design - Impact on Setting) and Des 7 (Layout Design) set out that developments should have regard to the position of buildings on the site and should include a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths and open spaces.

The layout has been governed by the constraints of the site, in terms of the space within the car park. The layout design has been based on positioning the development between the southern boundary and the main entrance, which will result in the loss of car parking spaces. It will also restrict the ability to drive around the car park between the entrances at Lady Road to the west and Sharpdale Loan to the north. The only route around the car park will be via a road to the rear of the proposed cinema.

This has enabled a new area of public realm to be created between the entrances of the existing shopping centre and the cinema. It also allows the proposed building to have a direct relationship with the existing building.

Access to the tennis club to the rear has been altered through discussions between the tennis club and the applicant. The access was amended to provide a clearer means of entry/exit for pedestrians from the car park to the tennis club.

The general layout is therefore acceptable.

Design and Materials

The Design and Access Statement sets out the approach to the design and references the elevational treatment of the existing shopping centre.

The external appearance of the proposed building is simple and functional and it is commensurate in height with the existing shopping centre. The proposed dark coloured render is a modern material that will harmonise with the main shopping centre building.

To the rear, the land of the tennis club is higher than the site. This means that the upper levels of the proposed building are visible from the tennis club grounds. Concerns were expressed from the tennis club regarding the impact on amenity and outlook based on the fact that the club currently has clear views across to Arthur's Seat, and that the height and location of this proposal would have a detrimental impact on the membership of the club. The applicant has amended the proposals to include additional tree planting along the boundary and change the colour of the render on the rear of the proposed building in order to lessen the impact.

The predominant material on the rest of the building is a dark render, the details of which are required to be submitted as a condition of the permission.

Height

LDP Policy Des 4 (Development Design - Impact on Setting) states that development should have a positive impact on its surroundings, including the wider townscape and landscape, and impact on existing views including (amongst other matters) height and form.

The site is at a significantly lower level than the surrounding streets. As such, the existing shopping centre is not readily visible in long views. This will largely be the case for the proposed building, although due to its positioning nearer Gilmerton Road/Liberton Road, the upper parts of the proposed building will be visible. It will also be visible from within Inch Park to the east of the site. However, within the context of this commercial centre, it will not be incongruous within its location. Additional tree

planting within the tennis club site will also help with screening the building from this aspect.

Although it will be a new addition to the area, the height of the proposal is not out of context with the immediate area. Overall the height is acceptable.

c) Impact on Listed Buildings and the Conservation Area

LDP Policies Env 3 (Listed Buildings - Setting) and Env 6 (Conservation Areas - Development) both require that consideration is given to the impact of developments on the setting of listed buildings and conservation areas. Development affecting the setting of a listed building will only be permitted where it is not detrimental to the historic interest or its setting. Similarly, developments affecting the setting of a conservation area will be permitted where the development preserves or enhances the special character of the area and is consistent with the relevant conservation area character appraisal.

With regards to Policy Env 3, Liberton Bank House is statutorily listed category C, and is located to the west of the application site. It is an 18th century house, inhabited until the early 1990s. It is of special historic interest owing to its association with two important Scots, Arthur Conan Doyle and Mary Burton. The setting of this building has already been affected by the modern medical centre to its south and the shopping centre car park to the east. This proposal would not present any further impact on the setting of the listed building, over and above the contemporary surrounding developments.

With regards to Policy Env 6, the Craigmillar Park Conservation Area lies to the immediate west of the shopping centre car park. The Craigmillar Park Conservation Area Character Appraisal notes the predominance of high quality stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing and the use of traditional materials, and the predominant residential use.

The character appraisal also notes that there was little change in the overall form of the conservation area during the twentieth century. However, the development of the Cameron Toll shopping centre and the University's King's Buildings complex within the immediate vicinity has altered the character of the environment.

Given the low-lying nature of the site, and the fact that the proposal will sit within the context of the existing shopping centre, the character of the conservation area will be preserved.

Therefore, the proposals are in accordance with LDP Policies Env 3 and Env 6 .

d) Impact on Amenity of Existing Adjoining Residents

LDP Policies Des 5 (Development Design - Amenity) and Hou 7 (Inappropriate Uses in Residential Areas) require that new developments have cognisance to the amenity of existing residential neighbours in relation to noise, daylight, sunlight, privacy or immediate outlook.

The nearest residential properties are located on Mill Lane, which are approximately 150 metres to the south of the site, and Gordon Terrace, which are approximately 200 metres to the west of the site. As there are a number of intervening roads, mature trees, and ground level differences, these properties are not affected in terms of sunlight, daylight or privacy.

With regards to noise, the applicant submitted a noise impact assessment in support of the application. The assessment concludes that noise from the cinema and commercial uses will be suitably controlled so that there will be no adverse impact on adjoining sensitive uses. A condition is recommended which outlines the mitigation measures specified within the noise impact assessment.

In this regard, the proposal accords with policies Des 5 and Hou 7.

e) Transport, Access, Parking and Air Quality

Transport, Access and Parking

LDP Policies Tra 1 (Location of Major Travel Generating Development) and Tra 8 (Provision of Transport Infrastructure) require that where new developments will generate a significant amount of traffic, mitigation should be provided. In non-city centre locations, the suitability of the proposals will be assessed having regard to the accessibility of the site by modes other than the car; the contribution the proposal makes to Local Transport Strategy objectives in respect of travel patterns; and the impact on any travel demand generated by the new development on the existing road and public transport networks.

The site is well situated due to its proximity to existing public transport facilities and nearby residential areas. The development provides opportunities for direct pedestrian and cycle links to existing walking, cycling, and public transport routes.

Existing access points into the car park from Lady Road and Sharpdale Loan will be utilised.

The nearest bus stops to the site are well within 400 metre (5-minute walk), which complies with the maximum walking distances set out within Scottish Planning Policy.

The Transport Assessment, which was submitted in support of the application, has been prepared in accordance with the Scottish Government's document 'Transport Assessment Guidance'. The guidance on cycling journey times has been followed during the preparation of the statement, which specifies a 30 to 40 minute cycle journey time as reasonable for local trips.

The implementation of a Travel Plan Framework, as proposed by the applicant, would encourage the use of walking and cycling which will help towards achieving the goals of the Cycling Action Plan for Scotland and the Long-Term Vision for Active Travel in Scotland.

The development complies with the Council's Local Transport Strategy and the Active Travel Action Plan as it promotes sustainable transport by providing the facilities required to make sustainable travel more convenient. The use of public transport is also promoted through the proximity of the site to a range of public transport routes and infrastructure.

With regards to car parking, the proposals would require the loss of 128 parking spaces. This leaves a total of around 867 spaces remaining within the car park. Of this, a proportion will be re-marked as accessible spaces.

In assessing the loss of car parking spaces, the applicant has advised that there are currently no restrictions on the amount of time cars can be parked within the centre. This has resulted in this car park being used as an informal 'park and ride' facility into the centre of town, or to the nearby hospital. It is therefore proposed that a parking management system is implemented which limits parking activity to short-stay parking (less than 4 hours), enforced through the application of financial penalties. The Transport Assessment has indicated that this approach will generate sufficient capacity to accommodate future demand, even with the proposed reduction in spaces associated with the implementation of the new development. For example, a conservative assumption that only 8-hour duration vehicles are removed from the car park on a Saturday, would suggest a peak demand of 776 vehicles, 100 vehicles below available capacity.

Further to this, the Transport Assessment states that trips associated with the proposed cinema, restaurant, and retail unit will include trips that are already at the shopping centre for other retail purposes and the peak new trips generated by all development proposals will occur outside the normal commuter and retail peak periods. This will result in a minimal number of additional trips impacting on the local road network.

The introduction of a Travel Plan for the centre alongside reduced and well managed car parking provision is compatible with local and national policy on promoting sustainable travel behaviour, reducing emissions, and reversing climate change.

In terms of cycle parking, an additional 25 spaces for cycles are proposed. This is in accordance with the Council's current parking standards. The location of these is recommended as a condition of the permission.

A total of six electric vehicle (EV) parking spaces will also be provided within the vicinity of the site in the existing car park in order to comply with the Council's current Parking Standards. This is recommended to be controlled as an informative of the permission.

Transport Planning has reviewed the transport information submitted with the application and is satisfied that the proposals will not have an adverse impact on the road network. This is on the basis of the findings of the transport assessment, which demonstrates that the peak time for the proposed uses all occur at different times and outside of the normal morning and evening peaks. However, to provide a worst case scenario it has been assumed that the peaks for these uses all occur at the same time. This analysis predicts that the proposed development will generate 99 two-way vehicle trips during the weekday peak and 118 two-way vehicle trips at the weekend peak. The Applicant has also provided a threshold assessment to consider the predicted increase in traffic on the surrounding road network. This has been assessed by Transport

Planning and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted document is generally in line with the published guidelines on transport assessments and indicates that there is sufficient capacity to support the development.

The proposal therefore accords with LDP Policies Tra 1 and Tra 8.

Air Quality

LDP Env 22 (Pollution and Air, Water and Soil Quality) requires that new developments will have no adverse impacts on air quality, or that mitigation can be put in place.

The application is likely to increase trips to the site as customers visit the developed site. Therefore, localised air quality impacts could increase due to this development if customers arrive by car. However, the applicant has advised that the application will reduce the overall number of car parking spaces within the development from 1049 to 867 due to the build occurring on existing parking spaces. This reduction is supported in principle, as the site is well served by public transport and easily reached by walking and cycling. The applicant has indicated that there will also be initiatives to encourage customers and staff to access the site via public transport, including providing bus timetables, providing induction packs for new employees regarding public transport accessibility, and liaising with public transport providers to ascertain if improvements can be made.

In addition, the applicant has sought to offset any additional air quality impacts by adding electric vehicle charging points into the development and has provided a referenced drawing in this regard. Environmental Protection is satisfied that these proposals will offset any air quality impact.

Therefore, the proposal is acceptable in terms of policy Env 22.

f) Sustainability

LDP Policy Des 6 (Sustainable Buildings) requires that new developments take cognisance of measure to promote sustainability including reducing carbon emissions and encouraging sustainable transport.

The applicant has indicated that the building will be constructed to allow for enhanced u-values. In addition, there will be increased cycle parking and general promotion of sustainable transport methods.

This is acceptable and in accordance with policy Des 6.

g) Other Material Issues

The Impact on the Local Nature Conservation Site

LDP Policies Env 15 (Sites of Local Importance) and Env 16 (Species Protection) requires that development will not have an adverse impact on flora, fauna or landscape unless mitigation is proposed and acceptable; and where a full survey has been carried out to ascertain the status of a protected species potentially affected by the proposals.

In this case, the site is adjacent to the Braid Burn Local Nature Conservation Site and a survey of the sections of the Braid Burn within 250 metres of Cameron Toll Shopping Centre was carried out. The aims of the survey were to identify the potential for, or presence of, otters within the site and to advise on any potential effects that the development may have on otters.

Evidence of otter in the form of spraints was found within the site. However, as there was no evidence of any otter resting places found within 250 metres of the proposed works, the report concluded that otters are likely using the Braid Burn as a commuting route only. The proposal is therefore unlikely to affect otters, as the area of proposed works is within the existing footprint of the shopping centre.

Additionally, the Braid Burn runs throughout an active urban area and as such already suffers a degree of disturbance from its proximity to both roads and pedestrian areas. Therefore, the operational aspects of the proposed cinema development are unlikely to cause additional levels of disturbance to that which otters are experiencing at present.

Provided that the requirements and recommendations, discussed within Section 6 of the Otter Survey Report, with regards to otters and the proposed works at the site are adhered to, the development can go ahead without the need for further survey.

This is dealt with as a condition of the planning permission. Therefore, the proposal accords with LDP policies Env 15 and Env 16.

Flooding and Drainage

LDP Policies Env 21 (Flood Protection) and Env 22 (Pollution and Air, Water and Soil Quality) requires that developments should demonstrate that there would be no increased risk of flooding, impede the flow of flood water or deprive a river system of flood water storage. Appropriate mitigation is required to minimise any adverse impacts.

With regards to surface water, due to the presence of cohesive soils and deep made ground, infiltration for the disposal of surface water will not be possible. It is proposed to capture and attenuate all surface water from the building before attenuating and discharging to the existing water course, as is currently the case. An underground tank is proposed as the SUDS feature best suited to the development with a connection to the culverted water course. Although this approach is generally not supported, the site options for surface water attenuation are limited. The tank will be privately managed, and therefore is acceptable in this instance.

Given that the surface water outfall from the site will connect into a culverted watercourse, it is proposed that the flows from the site are restricted to a rate based on a typical greenfield runoff rate of 4.5 litres per second per hectare. In this instance, it is proposed to attenuate flow from the site to 3.0l/s up to the 1:200 (plus 40% climate change) level. This has been chosen as the lowest recommend flow rate to minimise potential for blockages in line with Council guidelines.

Final details of surface water management are recommended as a condition of the planning permission, in conjunction with SEPA and CEC Flooding requirements.

Archaeology

Although the site has been significantly affected by the construction of the shopping centre, it historically overlies the northern limits of the medieval village of Nether Liberton. Occurring over part of the existing car park, the development site is regarded as being of archaeological potential given that no archaeological work was undertaken at the time of the shopping centre's construction. Although affected by the construction of the centre and car-park, it is considered possible that significant remains may still underly this area. Therefore, given the extensive nature of excavations required for development, it is recommended that a programme of archaeological work is undertaken prior or during development to ensure the appropriate protection and/or full excavation, recording and analysis of any surviving archaeological remains.

This is recommended as a condition of the planning permission.

h) Representations

The application was advertised on 17 January 2020 and 211 letters of representations were received. This comprised 196 letters of objection, 10 of support and 5 of general comment. These included comments from the local community councils and adjoining tennis club.

Material Objections

- The principle of the development and the need for an additional cinema (addressed in (a));
- Road capacity issues (addressed in (e));
- Amenity issues (addressed in (d));
- Air quality issues (addressed in (g));
- Height of the building (addressed in (b));
- Design of the building (addressed in (b));
- Materials (addressed in (b));
- Impact of potential parking on neighbouring streets (addressed in (e));
- Impact on the access into the adjacent tennis club (addressed in (e));
- Impact on listed buildings (addressed in (c));
- Lack of details on ventilation and plant and waste collection (addressed in (g)).

Support

- Location of cinema and ability to travel locally to the proposed amenity;
- Beneficial to local community;
- General enhancement to the area;
- The site is served by good transport links;

General Comments

- Impact on parking spaces;
- Impact on pedestrian accesses;
- Impact on accessible parking spaces.

Non-material Issues

Increase in anti-social behaviour;
Licensing issues;
Impact of construction works on adjacent tennis club.

It should be noted that the planning system does not operate to protect the amenity of facilities such as the adjacent tennis club. However, through discussions, the developer and the tennis club have reached an agreement through a memorandum of understanding in relation to access, promotion of the club and sponsorship.

All representations have been considered and taken into account during the assessment of the application.

Conclusion

The principle of the development in this location is acceptable. The proposal is appropriate in design and in keeping with the character of the immediate surrounding area. The proposal will maintain amenity to existing nearby residential areas and will have no adverse impact on the conservation area or listed buildings. The proposal is in accordance with LDP Policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 6, Des 7, Des 8, Env 3, Env 6, Env 9, Env 21, Env 22, Hou 7, Ret 1, Ret 4, Ret 8, Tra 8, and broadly complies with the council's non-statutory guidance.

The proposal therefore complies with the development plan. There are no other material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. 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.
2. No development shall take place until the Flood Risk Assessment and Surface Water Management Plan information has been submitted and approved in writing by the Planning Authority in consultation with SEPA.
3. Prior to the commencement of works on site, a plan shall be submitted showing the provision of cycle parking for at least 25 additional cycles, for approval by the Planning Authority. The cycle parking shall be installed prior to the occupation of any part of the development, and maintained as per the approved plan.
4. No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting and analysis and publication) in accordance with a written scheme of investigation

which has been submitted by the applicant and approved by the Planning Authority.

5. The noise mitigation measures for the air handling units, as defined in the Sharps Redmore Report (No. 1717572 dated 5th May 2020): paragraph 3.9 (performance requirement for AHU attenuators) shall be installed prior to operations beginning.
6. The sound insulation measures for the cinema building, as defined in the Sharps Redmore Report (No. 1717572 dated 5th May 2020): paragraph 3.11 (performance requirement specification) and shown on drawing 190096(T)023 Rev D shall be installed prior to operations beginning.
7. The ventilation measures as shown on drawing numbers 190096(D)007 Rev B, 190096(D)008 Rev B and 190096(D)009 Rev B shall be fully installed prior to the use of the development beginning.
8. The requirements and recommendations, including mitigation, as recommended within Section 6 of the Echoes Ecology Otter Survey dated 30 January 2018 with regards to otters and the proposed works at the site shall be carried out.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In the interests of management of surface water and drainage.
3. In the interests of sustainable travel.
4. In the interests of cultural heritage.
5. In the interests of amenity.
6. In the interests of amenity.
7. In the interests of amenity.
8. In the interests of nature conservation.

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. The applicant will be required to provide 6 electric vehicle (EV) parking spaces in order to comply with the Council's current Parking Standards.
5. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area.
6. 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.

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 meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 17 January 2020 and 211 letters of representations were received. This comprised 196 letters of objection, 10 of support and 5 of general comment. These included comments from the local community councils and adjoining tennis club.

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

Statutory Development

Plan Provision

Cameron Toll Shopping Centre is a commercial centre in the Edinburgh Local Development Plan. A tram route safeguard runs along the northern boundary of the shopping centre site.

Date registered

18 December 2019

Drawing numbers/Scheme

10-04, 05A, 06A, 07, 08, 09A, 10A, 11-13,

Scheme 1

David R. Leslie

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 Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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

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

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP 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.

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.

LDP Policy Ret 8 (Entertainment and Leisure Developments - Other Locations) sets out the circumstances in which entertainment and leisure developments will be permitted outwith the identified preferred locations.

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

LDP Policy Tra 7 (Public Transport Proposals and Safeguards) prevents development which would prejudice the implementation of the public transport proposals and safeguards listed.

Other Relevant policy guidance

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, parking, streets and landscape, in Edinburgh.

Appendix 1

Application for Planning Permission 19/06001/FUL At Cameron Toll Shopping Centre, 6 Lady Road, Edinburgh Proposed cinema development (Class 11) with ancillary Class 1 (retail), Class 2 (Financial and Professional Services) and Class 3 (Food and Drink) use, reconfiguration of existing car park and landscaping (as amended).

Consultations

Archaeology response dated 27 January 2020

Further to your consultation request I would like to make the following comments and recommendations in respect to this application for a proposed cinema development (class 11) with ancillary class 1 (retail), class 2 (financial and professional services) and class 3 (food and drink) use, reconfiguration of car park and landscaping.

The site adjacent to the medieval estate of Inch House and overlies the northern limits of the small historic rural settlement of Nether Liberton, first recorded in 1369. The layout of this small medieval village can be seen on General Roys 1750s Military Survey and J Lauries 1766 A plan of Edinburgh and places adjacent and comprised a small number (8) of buildings spread on each side of the Braid Burn with the focus being the former Nether Liberton Mill.

The site is therefore regarded as occurring within an area of archaeological importance both in terms of late-medieval and post-medieval development of Neither Liberton. Accordingly, this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and Edinburgh Local Development Plan (2016) ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Although the site has been significantly affected by the construction of the shopping centre, the site historically overlies the northern limits the medieval village Neither Liberton. Occurring over part of the centre's car-park the development site is regarded as being of archaeological potential given that no archaeological work was undertake at the time of the centre's construction. Although affected by the centres and car-parks construction, it is considered possible that significant remains may still underly this area. Therefore, given the extensive nature of excavations required for construction, it is recommended that a programme of archaeological work is undertaken prior / during development. to ensure the appropriate protection and/or full excavation, recording and analysis of any surviving archaeological remains.

Accordingly, it is essential that the following condition is attached to this consent to ensure that undertaking of the above elements of archaeological work are undertaken.

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

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

Gilmerton and Inch Community Council response dated 11 February 2020

It is recognised that a development of this kind situated at the edge of the Gilmerton and Inch community council area could provide a valuable resource for the whole of the south-east sector of Edinburgh which is currently not well served with entertainment facilities. It would reduce the need for lengthy car journeys to town centre and other facilities and would encourage the use of the convenient shorter duration and more direct public transport links in the area. This is an important consideration in view of the substantial housing development taking place towards the outskirts of the community council area. Furthermore, it would be located within a very reasonable walking distance for a large number of residents including University of Edinburgh students who are to be housed at the proposed Peffermill development.

However it also has to be recognised that the box-like structure proposed for the multiplex development is disappointing and we would like to see further consideration given by the developers in consultation with planning officers to a more sympathetic design with some architectural merit which sits low rise within the environment ensuring a limited adverse visual impact such as has been achieved with the shopping centre. As far as possible, it should mirror what has been achieved with the Cameron Toll shopping centre design and certainly should not, if at all possible, obtrude on the skyline above that height.

Operational arrangements should be put in hand to ensure effective noise control and the absence of littering in order to minimise inconvenience and loss of amenity to local residents and businesses.

It is claimed by the developers that the loss of car parking spaces necessary to accommodate this development will have no adverse effect on the customers of the shopping centre on the basis that there is currently an overprovision of spaces necessary to meet demand. We are prepared to accept that statement at face value, subject to information to the contrary, but would not wish to see at a future date a request for additional car parking, whether multi-storey or not, in recognition of later perceived difficulties in this regard.

There are special circumstances which relate to local residents and patrons of neighbouring Inch Park and Inch House Community Centre, the 75th Braids Scout Hall, the Conan Doyle Medical Centre and GP Surgery and perhaps especially the Craigmillar Park Tennis Club whose premises, despite the name, sit right on the boundary of, and

whose only access is from, that point in the shopping centre car park where the multiplex is to be located. All existing rights of access and car park provision within the shopping centre car park by these groups and organisations should be recognised, protected and, where appropriate, improved. It should be noted that the Tennis Club require the continuation of vehicular as well as pedestrian access for reasons which they will detail in their submission.

Of the local organisations, the Tennis Club is likely to be the most adversely affected during the construction phase and their legitimate concerns during this period should be addressed sympathetically with effective communication channels providing full consultation and consideration. The integrity and stability of their boundary wall and verge and associated security must be maintained throughout the construction phase. In addition, their close proximity to the finished development, a planned mere road width, strengthens the need for a sympathetic attractive design.

This development, should it go ahead, supports the case for improved access as part of an integrated pedestrian and cycle provision in the Cameron Toll, Lady Road, Liberton Road and surrounding area which, at the same time, recognises the continuing needs of other road users including bus, car and the disabled. The Community Council hopes that this opportunity will be grasped at this time.

This submission on behalf of the Community Council should be regarded as a qualified approval to this development subject to the matters of concern as described above being met.

Transport 2 March 2020

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

- 1. The applicant will be required to provide 25 cycle parking spaces in order to comply with the Councils current Parking Standards;*
- 2. The applicant will be required to provide 6 electric vehicle (EV) parking spaces in order to comply with the Councils current Parking Standards;*
- 3. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;*
- 4. 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;*
- 5. The Applicant should review cycling facilities across the Cameron Toll Centre, and consider additional and improved cycle parking (including provision for e-bikes), staff showers, changing rooms and drying facilities;*

Note:

I. The application has been assessed under the 2017 Parking Standard. These permit the following for a development of this size and nature in zone 2:

a. A maximum of 132 car parking spaces, 37 parking spaces are proposed within the boundary of this application. The assessment is as follows:

i. 890 seat cinema (1 space per 10 seats) = 89 spaces;

ii. 349m² restaurant (1 per 14m²) = 25 spaces

iii. 268m² retail (1 per 50m²) = 5 space

iv. 275m² GP practice (1 per 35m²) = 8 spaces

b. A minimum of 25 cycle parking spaces, the assessment is as follows:

i. 890 seat cinema (1 space per 50 seats) = 18 spaces;

ii. 349m² restaurant (1 per 75m²) = 5 space

iii. 268m² retail (1 per 250m²) = 1 space

iv. 275m² GP practice (1 per 250m²) = 1 space

c. A minimum of 8% of the total car parking capacity should be designated as accessible. 15 accessible spaces are proposed, equating to 40% of the parking;

d. A minimum of 1 of every 6 car parking spaces should be equipped for electric vehicle charging, equating to 6 EV spaces;

II. A transport assessment has been submitted in support of the application. Travel demand has been prepared utilising the TRICs database and applying local mode share data to develop relevant trip generation information that can be utilised to consider the impacts of trips, particularly vehicle trips generated by the proposals, which will need to be considered against existing traffic volumes and junction capacity. The results of the TRICs analysis has shown that the peak time for the proposed uses all occur at different times and outside of the normal morning and evening peaks. However, to provide a "worst case" scenario it has been assumed that the peaks for these uses all occur at the same time. This analysis predicts that the proposed development will generate 99 two-way vehicle trips during the weekday peak and 118 two-way vehicle trips at the weekend peak. It should be noted that based on similar applications across Scotland of similar facilities within existing retail parks and centres where assumption of 75% of trips are linked. The applicant has assumed a 50% linked journey rate with the restaurant (Centre and Cinema) and all Cinema trips will be new however the applicant has highlighted that these trips are also likely to be linked as well. The Applicant has also provided a Threshold assessment to consider the predicted increase in traffic on the surrounding road network. Traffic count data collected from Lady Road and Sharpdale Loan in 2018 at both Centre access points was utilised for this assessment. The distribution of the development traffic is predicted to be:

a. Lady Road - 46% Arrival / 53% Departure

b. Sharpdale Loan - 54% Arrival / 47% Departure

The proposed development peaks all fall out with standard peak times so the assessment was undertaken on the Saturday lunchtime peak 1230-1330 and shows the development would have a maximum impact of:

a. Lady Road is estimated as a 3% increase in traffic, which equates to 20 additional veh/hr above the existing 756 veh/hr (1 additional vehicle every 3 mins)

b. Sharpdale Loan is estimated as a 2% increase in traffic, which equates to 21 additional veh/hr above the existing 768 veh/hr (1 additional vehicle every 3 mins).

This has been assessed by transport officers and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted document is generally in line with the published guidelines on transport assessments.

III. The proposals will lead to a net loss of 182 car parking spaces across the Cameron Toll Centre from 1,049 to 867 parking spaces. In order to justify this a parking assessment has been provided to estimate parking demand for the Cameron Toll Centre with the addition of the proposed development. Existing parking demand was determined using parking surveys that took place on Thursday 14th November and Saturday 16th November 2019 between 0530-2330. These surveys found that that peak parking period for the weekday was 1100-1200 and 1400-1500 at the weekend. Both peaks are well within capacity of the current parking provision at 803 and 849 vehicles respectively. Predicted Parking demand for the proposals was calculated using accumulation values based on the trip generation data then combined with existing demand to provide a forecast for the whole Cameron Toll Site, which found:

- a. Weekday peak demand of 830 vehicles parked between 1100-1200;
- b. Weekend peak demand of 885 vehicles parked between 1400-1500;
- c. Predicted weekday peak still within proposed parking capacity;
- d. Predicted weekend peak shows shortfall of 18 car parking spaces;

The Applicant has highlighted that currently the Cameron Toll Centre car park has no parking controls on it and evidence from the parking surveys shows that the car park is being utilised as a long stay car park by what is assumed as commuters and staff. As this parking is not the primary role of the car park the Applicant is proposing the use of an ANPR based parking management system to limit the maximum stay of any one vehicle which it will enforce through financial penalties. By applying this system and effectively removing the vehicles that stay for 8 or more hours the peak predicted parking demand for weekend will be 776 vehicles, 90 vehicles below capacity. Whilst there are minor concerns about the level of supporting data used in establishing the existing demand, based on the proposed parking management system and that the reduction of car parking contributes to several of the Councils aims and objectives around car use and ownership, the proposals in terms of car parking are considered acceptable;

IV. The Cameron Toll area is currently on the boundary of the existing Priority Parking Area (PPA) B6. As per the Strategic Parking Review that was reported to the Council's Transport and Environment Committee in September 2019 the Cameron Toll area is not earmarked for any form of parking controls. However, the areas to the north are earmarked for either a form of controlled parking or further monitoring from the Parking and Enforcement team. These are as follows:

- a. PPA B6 - Further Monitoring
- b. Blackford - Further Monitoring
- c. Prestonfield - PPA
- d. PPA B1 (Newington) - CPZ
- e. PPA B7 - CPZ

V. The Applicant has committed to producing a Travel Plan in line with the current Travel Plan Framework and has set out proposed measures to encourage staff and visitors to use alternatives to private car travel to and from Cameron Toll. The Applicant proposes the following as part of the travel plan:

- a. Travel Plan Co-ordinator to develop, implement and monitor the measures set out in the Travel Plan;
- b. Encourage cycling through monitoring of the existing and proposed cycle parking and provide additional where required;
- c. Provide up-to-date information on notice boards related to active travel and public transport;
- d. Liaise with public transport operators in advance of the facilities opening and ensure that services will cover the needs of future users;
- e. Encourage multi-occupancy car travel through the liftshare scheme

Environmental Health 20 May 20

I refer to the above and would advise that Environmental Protection has no objections to the proposed development.

The application proposes a new cinema development with ancillary Class 1, 2 and 3 Uses and includes a reconfiguration of the existing car park.

The applicant has confirmed that any premises with an operational kitchen will vent odours to roof level and attain a minimum of 30 air changes per hour ventilation rate. It is expected that this will ensure that odours will not impact upon localised residential amenity.

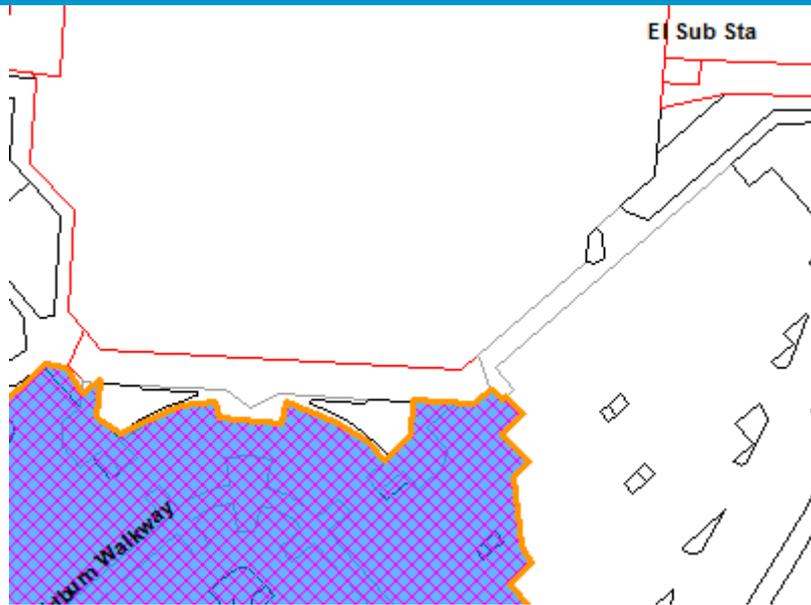
The application is likely to increase vehicular trips as customers visit the developed site. Therefore localised air quality impacts could increase due to this development. The applicant has advised that the application will reduce the overall number of car parking spaces within the development from 1049 to 867 due to the build occurring on existing parking spaces. The local area is well served by public transport and easily reached by walking and cycling so any reduction is supported. In addition, the applicant has sought to offset any additional air quality impacts by adding electric vehicle charging points into the development and have provided a referenced drawing in this regard. The applicant is also strongly encouraged to install further sustainable measures to assist the city to meet its climate change targets (e.g. heat pumps/solar panels etc)

The applicant has provided a noise impact assessment in support of the application which advises that noise from the cinema, Class 1, 2 and 3 will be suitably controlled. A condition is recommended below which outlines the mitigation measures specified within the noise impact assessment which are designed to ensure noise will not impact upon nearby residential amenity.

Therefore, Environmental Protection offers no objection to this development subject to the following conditions:

- 1. The noise mitigation measures for the air handling units, as defined in the Sharps Redmore Report (No. 1717572 dated 5th May 2020): paragraph 3.9 (performance requirement for AHU attenuators) should be installed prior to operations beginning.*
- 2. The sound insulation measures for the cinema building, as defined in the Sharps Redmore Report (No. 1717572 dated 5th May 2020): paragraph 3.11 (performance requirement specification) and shown on drawing 190096(T)023 Rev D should be installed prior to operations beginning.*
- 3. The ventilation measures as shown on drawing numbers 190096(D)007 Rev B, 190096(D)008 Rev B and 190096(D)009 Rev B should be fully installed prior to operations on site beginning.*
- 4. The electric vehicle charging points as shown on drawing reference 190096(D)005 Rev D should be installed prior to operations beginning.*

Location Plan



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