

# Development Management Sub-Committee Report

**Wednesday 23 November 2022**

**Application for Approval of Matters Specified in Conds  
1 & 4 Gilmerton Station Road, Edinburgh, EH17 8RZ**

**Proposal: Approval of Matters specified in Conditions (amsc)  
Application for the Discharge of Conditions 1 a, b, c, d, e, f, g, h, i,  
and j, condition 3, condition 4, condition 6, condition 7, condition 9,  
condition 10 and condition 11 associated with Planning Consent:  
19/02122/PPP (phase 1) (as amended).**

**Item – Committee Decision  
Application Number – 21/05498/AMC  
Ward – B16 - Liberton/Gilmerton**

## **Reasons for Referral to Committee**

This application is referred to Development Management Sub-Committee as the conditions attached to planning permission 19/02122/PPP were attached by Committee. In approving these AMC proposals, this would conflict with the wording of Condition 8 as the food store area proposed is above the level stated in condition 8 of 1858 square metres.

## **Recommendation**

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

## **Summary**

The proposals design, scale, layout and mix of uses is acceptable and compatible with the LDP and conditions. The built form height, scale and massing, and arrangement of the buildings fronting onto both Gilmerton Station Road and Gilmerton Road is appropriate. The design of the pedestrian and cycle connections, public open space and parking areas are of an appropriate scale, appearance and subject to the landscaping details being implemented and maintained agreed, quality. Vehicular and non-vehicular access arrangements to and within the site and the levels of car and cycle parking including electric vehicle charging and disabled spaces is acceptable as are the proposed surface water drainage, sustainability and biodiversity arrangements. There are no material considerations which outweigh the proposals accordance with the Development Plan.

## SECTION A – Application Background

### Site Description

The development site, covering an area of 5.08 hectares, lies to the southeast of Edinburgh and is currently occupied by industrial (Bernard Hunter, part of site) and agricultural uses. The site is bound by Gilmerton Road (A772) to the north and Gilmerton Station Road to the west. Beyond Gilmerton Road is agricultural land that is designated as green belt in the Local Development Plan (LDP). Part of this land is also designated as a Special Landscape Area associated with the wider Drum Estate. To the south are existing industrial uses and to the east is open countryside in agricultural use which also forms part of the green belt. A bus terminus with drivers' facilities is located at the north-west corner of the site on Gilmerton Road. There are no buildings or structures of significant interest on the site.

The site is intersected by a former railway line that has recently been laid out as a cycle path linking Lasswade and Shawfair. The site is designated as urban area in the LDP. The site was identified in the Gilmerton and Southeast Site Brief as a long-term redevelopment opportunity.

### Description of the Proposal

The proposal is for approval of matters specified in the following conditions under planning permission in principle 19/02122/PPP (Phase 1):

- 1(a) layout and phasing
- (b) siting, design and height
- (c) public open spaces
- (d) cycle and car parking and access
- (e) footpaths and cycle routes
- (f) waste management and recycling facilities
- (g) surface water and drainage
- (h) existing and finished ground levels)
- (i) sustainable buildings
- (j) (i) landscaping details
- (ii) plants schedule
- (iii) programme of completion and maintenance of SUDs (iv) servicing and cables (vi) play equipment and
- (vii) phasing.
- 3 (contamination)
- 4 (archaeology)
- 6 (surface water drainage scheme),
- 7 (coal mine workings)
- 8 (food store size)
- 9 (preliminary ecological survey)
- 10 (noise measures) and
- 11 (Toucan crossing).

It is noted that some of these conditions include a pre-site start clause as well as a further clause related to later stages in the development process, and they are added here for context although the condition in its entirety cannot be discharged at this time. In addition, phase 2 would be the subject of a further AMC application in due course.

The information provided in support of the application includes a masterplan and masterplan movement and layout plans, a phase 1 location plan, food store site plan, the start-up site plan, drainage layout plans, bin store, bridge design, landscape layout plans and visualisations.

Phase 1 consists of the southwest and southeast parts of the development site.

The southwest corner of the site contains a food store (unit 8) which fronts onto Gilmerton Station Road and is accessed from this road with an area of public open space in front of the buildings entrance as well as 60 car parking spaces including accessible and electric vehicle charging spaces and a turning circle area and delivery vehicle access.

Units 10-17 and 18-28 are two rows of terraced start-up business units with 48 car parking spaces. These are in the south-east corner of the site separated from units 1-8 by the cycleway bisecting the site. These units use the same access road from Gilmerton Road as units 31-37.

Later phases would cover the north-west and northeast parts of the site. At this time, it is envisaged that the north-west part would contain unit 1 (Health and Leisure) units 2-5 (no use class identified), and units 6 and 7 (cafe/hot food). These are all to be accessed from Gilmerton Station Road fronting onto the pedestrian and cycle route, with 55 car parking spaces separating them from Gilmerton Road.

The northeast corner of the site is a Unit 9 is a 60-bed hotel accessed from Gilmerton Road and fronting a landscaping area separating it from units 31 (nursery) units 32-37 (offices) which are in the 'u' shape focused around the car parking area with 55 spaces. The vehicle access is from Gilmerton Road.

In addition to the masterplan, detailed permission is sought for landscaping and roads layout.

There are three main areas of landscaping: fronting onto Gilmerton Road; along the access from Gilmerton Station Road; and in front of the hotel.

There is a pedestrian link from Gilmerton Station Road through the site to the existing pedestrian and cycle walkway. There is a separate cycle route through the site with ramp access to the pedestrian and cycle walkway and then continuing to serve the hotel and office units.

## **Scheme1**

Scheme 1 was based on the indicative masterplan submitted with the Planning permission in Principle 19/02122/PPP. However, condition 1 explicitly stated that this indicative masterplan was not approved.

## Supporting Information

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Air Quality Assessment;
- Archaeology assessment;
- Design and Access Statement;
- Geotechnical environmental assessment;
- Drainage strategy;
- Lighting Strategy;
- Transport statement;
- Sustainability statement and information;
- Ecology survey;
- Noise impact assessment;
- Planning statement and
- Visualisations.

## Relevant Site History

19/02122/PPP

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.

Granted

5 February 2020

17/04330/PAN

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 4-6 Business/Light Industrial, Class 7 Hotel, Class 11 Assembly and Leisure, access, car parking, servicing, bridge, demolition of building and associated works.

Pre-application Consultation approved.

2 October 2017

## Other Relevant Site History

## Pre-Application process

There is no pre-application process history.

## Consultation Engagement

Transport

Environmental Protection

Flooding

Scottish Water

Archaeology

Environmental Protection

Waste Services

The Coal Authority

Refer to Appendix 1 for a summary of the consultation response.

## Publicity and Public Engagement

**Date of Neighbour Notification:** 23 August 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** Not Applicable;

**Site Notices Date(s):** Not Applicable;

**Number of Contributors:** 3

## Section B - Assessment

### 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?

- a) the development complies with the planning permission in principle;
- b) the details of the development are acceptable;
- c) there are any other material issues:

## Assessment

To address these determining issues, it needs to be considered whether:

### **a) The proposals comply with the Development Plan and the conditions 1,3, 4, 6, 7, 8, 9, 10 and 11 of 19/02122/PPP.**

The Development Plan comprises the Strategic Development Plan and the LDP. The relevant LDP policies to be considered are:

- LDP Design policies - Des 1 - Des9;
- LDP Environment policies - Env 8-9, Env 12 - 16, Env 20 - 22;
- LDP Employment policies - Emp 8-9;
- LDP Retail policies - Ret 5-6;
- LDP Transport policies - Tra 1-4, Tra 7-9
- LDP Resource and Services policy - RS6

The Gilmerton and Southeast Site Brief (Development Principles) and non-statutory Edinburgh Design Guidance are material considerations that is relevant when considering the Design, Environment, and Transport policies.

The relevant conditions of 19/02122/PPP are listed below:

*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.*
  
- 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.*
  
- 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.*
  
- 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.*
  
- 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.*

8. *The food-store 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.*
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.*
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.*
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.*

This report will now assess the submitted information against each condition and part, local plan policies and guidance outlined above to determine whether the condition can be fully discharged at this time. As shown above, a number of these conditions are staged in relation to the development process, and therefore whilst what has been submitted, can be acceptable, the whole condition cannot be discharged until further within the development process.

#### Condition 1 a - site layout and phasing plan

A masterplan has been submitted showing the site development layout and a phasing plan with Phase 1. The Plan shows the location and position of all uses within the site and needs to be assessed against Des 7- Layout Design. Phase 1 consists of a food-store and parking accessed from Gilmerton Station Road and started up business units accessed by vehicle from Gilmerton Road. There is a new bridge link allowing pedestrian and cycle access between the two areas bisected by the cycleway and a ramp and steps to the cycleway prioritising pedestrian and cycle movement within the site. Phase 2 contains a mix of uses fronting Gilmerton Road which will be the subject of a further AMC application in due course.

As condition 1a requires, the masterplan layout is an improvement over the previous PPP indicative layout. This is a gateway site to the city and the proposals represent a more comprehensive and integrated approach to the layout of buildings and movement of people. The townscape and design has improved with buildings fronting the main routes into the city emphasising this gateway location with active frontages to the main routes and easily accessible for pedestrians, cyclists and public transport users. There is now more connectivity across the site for pedestrian and cyclists. Environmental Protection agree that this revised layout locates delivery bays, bin stores etc away from sensitive noise receptors. This complies with policy Des 7 and is acceptable.

A Landscape and Visual context was submitted as part of the Design and Access Statement. This notes that the cumulative landscape and visual effects will occur where the proposed development is read in conjunction with the various new housing developments on the land west of Gilmerton Station Road which is at a higher elevation than the application site. This would result in localised views, particularly due to the relatively low heights of the buildings from 4.5m to a maximum of 12.5m in height. The wider views across the landscape would be partially screened by the trees along the surrounding farmland and Drum estate together with the built-up areas. This is acceptable.

Therefore part 1(a) can now be discharged.

Condition 1 Part b) for each phase of the development, a plan detailing the siting, design and height of development, including the design of all external features;

### Food Store

The food store is located along Gilmerton Station Road to the south-west of the site. The food store is a large rectangular building 1928 sqm in size with canopy over the entrance area, trolley and cycle storage. There is a delivery bay on the north elevation. The building is a maximum of 6.9m with a mono pitched roof and a mezzanine floor for plant only. The proposed materials include insulated grey and white panels, steel doors and curtain wall double glazing.

The food store entrance would be at the north-west corner with glazing along the west elevation providing a frontage with some activity to Gilmerton Station Road. The food store is 35 square metres above the PPP size of 1893 square metres set out in condition 8. However, the modest increase is to accommodate new requirements for the legislative changes in relation to the recycling scheme in the proposals at the outset, rather than retrofitting them and is considered acceptable.

Class 4, 6 start-up units and class 11 Assembly and Leisure uses.

Planning permission 19/02122/PPP gave planning permission in principle for Use Classes: 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 within the site. The start-up units consists of business class 4 and class 6 general industrial as well as class 11 assembly and leisure.

The start-ups are located in the south-east corner of the application site accessed by pedestrian and cycle by the new bridge link from Gilmerton Station Road and by vehicle from the proposed access from Gilmerton Road.

The start-up units consist of 8 100 sqm units, in a terrace 11m deep by 80m long and 7.5m high. A further 16 units in back-to-back terrace of 21m deep by 80m long and 7.5m which has been subdivided into 11 100 sqm class 4 and 6 units; and two class 11 units: one 300sqm unit is identified as Archers and one 200 sqm unit is identified as Spinners.

The proposed materials are grey cladding roof and upper wall panels with lower wall panels in a lighter grey colour. The units consist of roller shutter doors in grey, security shutters and facing buff coloured brick basecourse. The fenestration details are grey with blue grey panels and door sets. Each unit would have its own PV panel array.

The proposals are acceptable. Therefore part 1(b) can now be discharged.

Condition 1 Part (c) design and configuration of public and open spaces, all external materials and finishes:

The masterplan and landscape layout shows the main areas of public and open spaces including the public space outside the food-store, and drainage attenuation area in phase one. In phase two there is a public space at the bus stop and connection to phase one. There is also open space around the hotel, offices and nursery areas.

The proposed materials include a mix of hard and soft landscaping.

The food store entrance public space, suds area and car parking contains a mix of grass and bulb planting, hedging and around 30 trees including along either side of the active travel route and car park entrance. The hard landscaping proposed is a mix of gravel and grey paving slab.

The phase two open spaces are mainly soft landscaping including a mix of trees, shrubs, bulb planting and grass and hedges, integrating with the existing on-site landscaping. The layout and design of the public and open spaces is acceptable.

The proposed materials are acceptable provided that they are implemented with the planting undertaken by the first planting season after opening and maintained for a 10 year period.

Therefore part 1(c) can now be discharged subject to an additional condition relating to landscaping implementation.

Condition 1 part d) car and cycle parking, access, road layouts and alignment, including a Stage 2 Quality Audit, classification of streets, and servicing areas:

This information has been submitted, including a Transport Statement and Stage 2 Quality Audit. The proposed total number of 86 car parking spaces including seven disabled spaces, is considered acceptable due to the mix of uses proposed and the high provision of electric vehicles - 34 spaces. Therefore, the applicant will be required to provide a minimum of 39% electric vehicle charging spaces and a maximum of 52 general car parking spaces across this phase 1 development which can be secured by condition.

Environmental Protection has assessed the proposals including the location of the electrical vehicle charging points and types of chargers to be used. This is acceptable provided that these electric vehicle spaces and chargers are fully installed and operational prior to occupation of the food store which could be secured by condition.

Cycle parking has also been provided across the site including an undercover stand at the food store, and at least 93 spaces across the site.

Therefore part 1(d) can now be discharged.

Condition 1 Part e footpaths and cycle routes, including proposed multi-use paths;

The applicant has submitted details showing the proposed pedestrian and cycle links, including the location of the toucan crossing on Gilmerton Station Road. There are shared links from the existing bus stop through phase 2 to the food-store. There is also a 3m wide multi use path through the site, to the start-up units, forthcoming hotel and along the vehicle access to the proposed junction with A772 Gilmerton Road. A new bridge link will be created not only linking both parts of the site but also include new ramp access to the core path as well as steps for pedestrians. The layout of the ramp is the traditional Zig Zag layout however this is a constrained site with level differences and further details on the gradient and turning spaces for non-standard bikes is required. It is also noted that there is another Sustrans designed, funded and implemented circular ramp nearby.

Therefore part 1(e) can now be discharged with a condition attached requiring further details of the ramp gradient and turning spaces.

Condition 1 Part f waste management and recycling facilities;

Waste has been consulted on this application and as this is a commercial development, the City of Edinburgh Council would not collect waste from these premises and instead this would need to be arranged through a private contractor(s). The developer/site owner would be obliged to separate the waste streams and arrange collections via a private waste contract. It is also required to have off-street storage, adequately sized and suitable for all bins and bin types needed.

Therefore part 1(f) can now be discharged.

Condition 1 Part (g) surface water and drainage arrangements;

This condition integrates with Condition 6 which also requires details of the location and design of the surface water drainage arrangements. A full response explaining why the proposals are acceptable for Phase 1 is referred to under condition 6.

The proposals comply with the requirements of condition 1g.

Condition 1 Part (h) existing and finished ground levels in relation to Ordnance Datum;

Drawings show the levels plans for Phase 1 including the food store and start-ups. This is acceptable.

The proposals comply with the requirements of condition 1h.

Condition 1 Part (i) full details of sustainability measures in accordance with Edinburgh Standards for Sustainable Building;

The Edinburgh Standards for Sustainable Building are now largely subsumed within the LDP Policy Des 6 and the Section 6 of the Building Regulations (Energy Efficiency Requirements). The applicant has submitted a sustainability statement and further details including the location of the PV solar panels in order to meet all their heat and energy demand via renewables and electric. Environmental Protection has assessed the use of onsite renewables and notes that the proposal does not include connecting the site to the gas network. The SuDs measures have been incorporated into the car parking area. A mix of native species has been included within the landscaping scheme and further measures have been included in terms of active travel routes, ramp and cycle parking across the site.

This is acceptable.

The proposals comply with the requirements of condition 1i.

#### Condition 1 Part (j) hard and soft landscaping details

These include:

- 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;

The applicant has submitted the landscape drawings in four quadrants (South West area), (North West Sector) (North East Sector) and (South East Sector) which is useful to see how it integrates across Phases 1 and 2. The proposed soft landscaping has been used to break up the hard landscaping and provide a degree of separation for pedestrians and cyclists from vehicles.

These drawings show the location of new 138 trees, hedges, shrubs, wildflower meadow, grassy areas and bulb planting. There is a planting schedule included on the masterplan layout showing the range of species proposed including native species, and density/number.

The LDP Gilmerton and South East Site Brief suggested new woodland along the Green Belt boundary edge to the west and south of the site. The proposals include the integration of the existing woodland along the southern boundary of the Food-store, a new hedge is proposed along the south west boundary of the start up units and a mix of grass and hedging would be integrated with the existing woodland along the south east boundary adjacent to the vehicle access from Gilmerton Road. This landscaping and tree retention would help screen the proposals from the wider views.

Condition 5 of 19/02122/PPP requires the existing trees on site to be protected through the demolition and construction phases. A new condition is proposed to ensure that the proposed new landscaping is fully implemented and maintained.

In consequence, condition 1j i and ii can be discharged at this time.

- iii. programme of completion and subsequent maintenance including a separate maintenance plan for the SuDS areas;

Good maintenance is part of the drainage strategy, and having maintenance responsibility with both developer and retailer ensures that regular maintenance is planned as intended. The applicant has confirmed that the food store operator will be responsible for the maintenance and adoption of the SuDs within their area, the remainder will be adopted and maintained by Bernard Hunter LTD - the developer of the site. This is acceptable.

The proposals comply with the requirements of condition 1 (j) (iii).

iv. existing and proposed services such as cables, pipelines, substations;

Details show the proposed utility layout for phase 1 development including two substations near the bridge link in the centre of the site. Some information etc is indicative and for Phase 1 only. An external lighting and control strategy has also been provided. The location of the substations is acceptable however all this information needs to be provided for the whole phase1 site before this part of the condition can be discharged.

Therefore, this part of the condition can be discharged provided a condition is required showing the proposed external lighting plan prior to the occupation of the development.

v. other artefacts and structures including street furniture, lighting columns and fittings

As the main areas within the site, are likely to be private and not adopted by the Council, these details do not need to be assessed in terms of Road Construction Consent. However, for the areas fronting either Gilmerton Station Road and/or Gilmerton Road and the accesses onto them, further details of street furniture, lighting columns and fittings will need to integrate with the Road Construction Consent requirements and therefore will be subject to the further legislative control under the Roads Authority legislation.

A number of benches are provided in the public spaces around the site.

The proposals comply with the pre-commencement requirements of condition 1 (j) (v).

vi. play equipment and

The PPP did not require the provision of play equipment within the site. The site has a range of green public spaces and bench areas which would provide space for informal play. There is no play equipment required nor proposed within this proposal.

The proposals comply with the pre-commencement requirements of condition 1 (j) (vi)

vii. details of phasing of these works in relation to implementation and phasing of the development.

The applicant has submitted a masterplan highlighting the phase 1 proposals which are the subject of this AMC application and the remainder of the site phase 2 which will come forward in due course. This is acceptable.

The proposals comply with the pre-commencement requirements of condition 1 (j) (vii).

### Condition 3 - Contamination

The applicant has submitted a Desk Study Report and Geotechnical Environmental and Mining Report. These have been assessed by Environmental Protection and giving consideration to the details of the proposed end use, Environmental Protection is satisfied risks to development from potential ground contaminants/gas generation will be sufficiently low and there is suitable for the proposed use intended. On this basis, Condition 3 should be discharged from 19/02122/PPP.

Therefore condition 3 can now be discharged.

### Condition 4 - Archaeology

Archaeology has commented on the submitted Written Scheme of Investigation which involves a phased mitigation strategy. Evaluation work has been undertaken on part of the northern area of the site but not the whole of Phase 1. Further mitigation is still to take place across the remainder of the site (once cleared) and once undertaken, this condition could be discharged in full. Accordingly, although consent for development to continue this condition still remains live and should not be fully discharged at this juncture.

Therefore, in terms of condition 4 the applicant has provided a written scheme of investigation, this is acceptable. The phased mitigation strategy is acceptable. Therefore, this condition could be discharged with the further condition requiring the implementation of the phased mitigation strategy prior to the occupation of any part of the development.

### Condition 6 - Surface Water Drainage Arrangements

As stated under condition 1(g) A drainage strategy and surface water management arrangements have been submitted. Flood Planning has no objection to the proposals for phase 1 and has made further comments on Phase 2. Flood Planning note that if more vulnerable land uses classes are proposed in phase 2, for example a nursery, then the applicant must demonstrate the development is not at risk of flooding in the 1:1000-year return period storm event (including an allowance for climate change). But the PPP does not include class 10 When developing Phase 2 of the site, the applicant must demonstrate that flooding in the north-west corner of the site and overtopping of the existing SuDS basin does not pose a flood risk to the site. The landscape should be designed to safely manage exceedance flows and the applicant must determine whether any additional mitigation measures are required. Therefore, in terms of Phase 1, this is acceptable.

The proposals comply with the requirements of condition 6 for phase 1.

### Condition 7 - Coal Mining Workings

The Coal Authority has been consulted on this application and has advised that the submitted information is sufficient to allow the discharge of condition 7.

Therefore condition 7 can now be discharged.

### Condition 8 - Food Store Size

As set out in 1b above, the food-store is marginally above the cap set in condition 8 of 1858.sqm at 1928 sq.m. This condition remains in force on the Planning permission in principle so that any further increases would also be subject to the consent of the Planning Authority.

Therefore condition 8 is not being discharged at this time.

### Condition 9 - Preliminary Ecological Survey

The preliminary ecological survey has been submitted and assessed by the biodiversity officer. This is acceptable.

Condition 9 can now be discharged.

### Condition 10 - Noise

This proposal has the potential to create noise that will adversely impact the neighbouring residential amenity and therefore the proposals need to be assessed against Policy Des 5- amenity. The applicant has submitted a noise impact assessment in support of this phase of the development and to discharge condition 10 (Noise) which has been assessed by Environmental Protection. The noise impact assessment has predictably identified that daytime noise is dominated by noise from road traffic from the city bypass and the other local busy roads. As the traffic levels reduce so does the background sound over the evening and at night. The results from the applicants' noise impact assessment indicate that noise from the proposed development has a low potential to affect the residential amenity of existing and approved noise-sensitive dwellings during the daytime, due to relatively high background sound levels, but that noise from the proposed development has the potential to become more intrusive as background sound levels reduce in the evening and further at night. This would likely disturb residential neighbours sleep and result in complaints being made to Environmental Protection.

The applicant has therefore identified several mitigation measures that will be required to reduce the night-time levels from the proposed development site. The noise mitigation measures proposed at the development include locating and orientating the buildings within the proposed development to provide maximum screening of noise-sensitive receptors from noise generating plant or from other noise generating activities. Service areas shall be located on the far side (east) of the buildings away from the residential properties. This would include delivery bays and bin store locations. It is also considered reasonable to limit the timings of deliveries and collections to the

site to Monday to Saturday from 7am to 9pm with none on Sundays, to reduce the noise impact on the amenity of neighbouring residents, which could be secured by condition.

The applicant has advised that there are no final details on the proposed plant. There is a plant area marked on the drawings showing it located to the rear of the retail shop. This is located near to where there are existing residential properties. Environmental Protection suggest that this area should be screened off with an acoustic barrier on the west and south elevation. The applicant has confirmed that they currently do not have all the specific details on the Plant and suggest a standard condition is used to ensure that residential amenity is protected. The use of such conditions are not supported by Planning. Therefore, following Environmental Protections advice, further details of the plant and any further mitigation measures are required, to ensure that the noise is mitigated so that residential amenity of neighbours is not adversely affected. Once this information is submitted, assessed and approved in consultation with Environmental Protection then, this condition can be fully discharged.

This can be discharged with the condition that limits the timings of deliveries and collections and further details of the plant and any further mitigation measures are required prior to the occupation of any part of the development.

#### Condition 11 - Toucan Crossing

Details shows the location of the proposed Toucan (signalised cycle) crossing on Gilmerton Station Road. Whilst this is satisfactory in terms of Planning, the applicant should be aware that there will be further, more detailed requirements, in terms of the Road Construction Consent and Road Safety Audit, as required from the Council as Roads Authority. Therefore, there is understanding that the separate legislative process of Roads Authority still needs to be complied with however the fact that the proposed crossing still needs to be implemented is still a planning matter.

Condition 11 details of the toucan crossing is accepted; however, this crossing needs to be implemented prior to occupation of any part of the development and therefore a further condition is attached.

#### Conclusion in relation to the Development Plan and conditions of 19/02122/PPP

The proposals are in accordance with the Development Plan and comply with conditions 1. (a) (b) (c) (d) (e) (f) (g) (h) (i) and (j) (i) (ii) (iii) (iv) (v) (vi) (vii) and conditions 3, 4, 6, 7, 9, 10 and 11 of planning permission in principle 19/02122/PPP. Condition 8 is not discharged at this time.

The proposals design, scale, layout and mix of uses is acceptable and compatible with the LDP and conditions. The built form height, scale and massing, and arrangement of the buildings fronting onto both Gilmerton Station Road and Gilmerton Road is appropriate. The design of the pedestrian and cycle connections, public open space and parking areas is of an appropriate scale, appearance and subject to the landscaping details being agreed, quality.

Vehicular and non-vehicular access arrangements to and within the site and the levels of car and cycle parking including electric vehicle charging and disabled spaces is acceptable as are the proposed surface water drainage, sustainability and biodiversity arrangements.

## **b) There are any other material considerations which must be addressed**

The following material considerations have been identified:

### Scottish Planning Policy

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

SPP was a significant material consideration when 19/02122/PPP was assessed. The proposal will further SPP principles in a number of ways:

- the site has previous use, and this proposal is the redevelopment of a brownfield site identified as a long term redevelopment opportunity;
- development would result in local and city-wide economic benefit from construction and other local jobs from the investment in the mix of uses proposed; and
- the site is easily accessible by road, public transport and on foot or cycle as it is close to the newly constructed residential developments at Gilmerton Station Road.

### Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010 and consideration has been given to human rights. The main active travel route through the site includes both ramp and stair access to the cycle path bisecting the site. Accessibility within and outwith the site with connections including the toucan crossing, to nearby bus stops and the proposed mix of uses is acceptable.

## Public Representations

Two letters of support and one representation were received. One letter included a petition of support with 106 addresses in the local community. The other letter of support also included a petition of 56 representators. The comments are addressed in sections A and B of this report.

## Material considerations

- provision of a range of mixed uses and essential services;
- inward investments and new employment opportunities both within construction and operational phases;
- brings opportunities for small businesses within this catchment area
- the accessibility of the site - ease of walking and cycling linkages and new public transport interchange although some concern that the ramp to the cycle path could be tricky for someone using non-standard bikes;
- provision of open space
- provision of indoor leisure and community facilities;and
- will benefit the local community.

## Conclusion in relation to identified material considerations

None of the identified material considerations outweigh the proposals compliance with the Development Plan.

## c) Overall Conclusion

The proposals design, scale, layout and mix of uses is acceptable and compatible with the LDP and conditions. The built form height, scale and massing, and arrangement of the buildings fronting onto both Gilmerton Station Road and Gilmerton Road is appropriate. The design of the pedestrian and cycle connections, public open space and parking areas is of an appropriate scale, appearance and subject to the landscaping details being implemented and maintained, quality. Vehicular and non-vehicular access arrangements to and within the site and the levels of car and cycle parking including electric vehicle charging and disabled spaces is acceptable as are the proposed surface water drainage, sustainability and biodiversity arrangements. There are no material considerations which outweigh the proposals accordance with the Development Plan.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

### Conditions :-

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
2. This AMC application relates to condition 1, 3, 4, 6, 7, 9, 10 and 11 of planning permission in principle 19/02122/PPP which was granted on 5 February 2020 and which requires AMC applications to 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).
3. Prior to the occupation of the food store, a minimum of 39% of the total number of car parking spaces shall be the electric vehicle charging spaces with chargers, and these shall be fully installed and operational. The maximum number of general car parking spaces consented is 52.
4. No part of the development hereby approved shall be occupied until full details of acoustic measures in relation to the food store plant and any further mitigation measures required as set out in the requirements of condition 10 of planning permission in principle 19/02122/PPP, have been submitted to and approved in writing by the Planning Authority.

Thereafter, deliveries and collections, including waste collections, to any part of the development are to be restricted to 0700 - 2100 hours Monday to Saturday.

5. The landscaping hereby approved should be planted and/or installed not later than the first planting season after the occupation of any part of this planning permission. Thereafter, the landscaping scheme should be maintained for a 10-year period.
6. Prior to the occupation of any part of the development, a scheme for the external lighting and street furniture shall be submitted to and approved by the Planning Authority.
7. Prior to the occupation of any unit, details of the proposed pedestrian and cycle ramp should be provided and agreed with the Planning Authority.
8. The Toucan crossing hereby approved must be implemented prior to the occupation of any part of this planning permission.
9. Prior to the occupation of any part of the development the Written Scheme of Investigation and Mitigation Measures for archaeology should be implemented and confirmation approved by the Planning Authority.

**Reasons: -**

1. In order to ensure applications for approval of matters specified in condition are made timeously and in accordance with section 41 (1) (c) of the Town and Country Planning (Scotland) Act 1997.
2. To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 and to ensure an appropriate amount of time in which the development can be commenced having regard to the provisions of the development plan and to any other material considerations.
3. To ensure the electric vehicle charging facilities are implemented and operational prior to the opening of the food store.
4. In order to protect the amenity of residents.
5. To ensure the landscaping is implemented and maintained.
6. To ensure an appropriate strategy is implemented.
7. To ensure the cycle ramp is acceptable.
8. To ensure the implementation of the crossing is linked to the opening of any units on site.
9. To ensure the appropriate mitigation strategy is implemented.

**Informatives**

It should be noted that:

1. 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.
2. 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.
3. The applicant should consider developing a Travel Plan including provision of a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

**Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information - Local Development Plan**

**Date Registered: 19 October 2021**

**Drawing Numbers/Scheme**

1, 2A- 11A, 13C, 14A, 15, 16, 17A, 18A,29A,30A ,31,32B, 33-36, 37A, 38, 39A, 40-43,

Scheme 2

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Catriona Reece-Heal, Senior Planning Officer  
E-mail: [catriona.reece-heal@edinburgh.gov.uk](mailto:catriona.reece-heal@edinburgh.gov.uk)

## Appendix 1

### Summary of Consultation Responses

NAME: Transport

COMMENT: No objections subject to appropriate conditions and informatives.

DATE: 28 October 2022

NAME: Environmental Protection

COMMENT: Environmental Protection refer conditions covering noise, contaminated land and local air quality and ask for further information and clarification prior to them supporting the discharge of all these conditions.

Condition 1 (b) and (d) 40 EVC provided but specify exact type and highlight on drawings.

(i) confirm maximising on site renewables their locations and if connections to be made to gas network. EP want all heat and energy demands via renewables and electric. (j) EVC rapid chargers is a larger unit and requires 3 phase power.

Contaminated land information submitted and still being addressed and cannot be discharged until later in the development process.

Condition 10 - noise. A noise impact assessment concludes that noise from the development has low potential to affect residential amenity during the day and become more intrusive at night, likely disturbing residential neighbours. Mitigation measures are proposed: locate and orientate buildings to provide maximum screening - with service areas on the east side of buildings away from residential properties. The retail shop has plant to the rear which should be screened of with an acoustic barrier on the west and south elevation. Details of proposed barrier should be submitted. Applicant to confirm if area identified as external plant plinth on Drawing No (X) is where all external plant for the food store is. Also would encourage conditions on hours of collections and deliveries to the food store at this AMC stage.

DATE: 29 September 2022

NAME: Flooding

COMMENT: No objection to Phase 1. Phase 2 includes a nursery and therefore the applicant must demonstrate that the development is not at risk of flooding in the 1:1000-year return period storm event (including an allowance for climate change).

Also when developing Phase 2 of the site, the applicant must demonstrate that flooding in the north-west corner of the site and overtopping of the existing SuDS basin does not pose a flood risk to the site. The landscape should be designed to safely manage exceedance flows and the applicant must determine whether any additional mitigation measures are required.

DATE: 13 October 2022

NAME: Scottish Water

COMMENT: No Objection.

DATE: 15 November 2021

NAME: Archaeology

COMMENT: Condition 4 relates to archaeological mitigation. The WSI report covers the whole site and a phased mitigation strategy. The evaluation and mitigation was limited to the northern part of the site. Archaeological mitigation is still required across

the rest of the site. The development can continue however this condition cannot be fully discharged until this is undertaken.

DATE: 1 December 2021

NAME: Environmental Protection

COMMENT: 1b and 1d - requires types of electric vehicle chargers. (i) requires sustainability to be considered particularly the locations of renewable energy sources rather than gas.

Further Noise Issues relating to amenity of residents would require a condition on deliveries and collections from the site.

DATE: 29 September 2022

NAME: Waste Services

COMMENT: No Objection: If it is just a commercial development, the City of Edinburgh Council would not collect waste from these premises and instead this would need to be arranged through a private contractor(s). The developer/site owner would be obliged to separate the waste streams and arrange collections via a private waste contract. It is also required to have off-street storage, adequately sized and suitable for all bins and bins types needed.

In general waste arrangements should be made in line with Waste (Scotland) Regulations. More information can be found at <https://www.mygov.scot/business-commercial-waste> & <https://www.zerowastescotland.org.uk/waste-scotland-regulations>

DATE: 29 September 2022

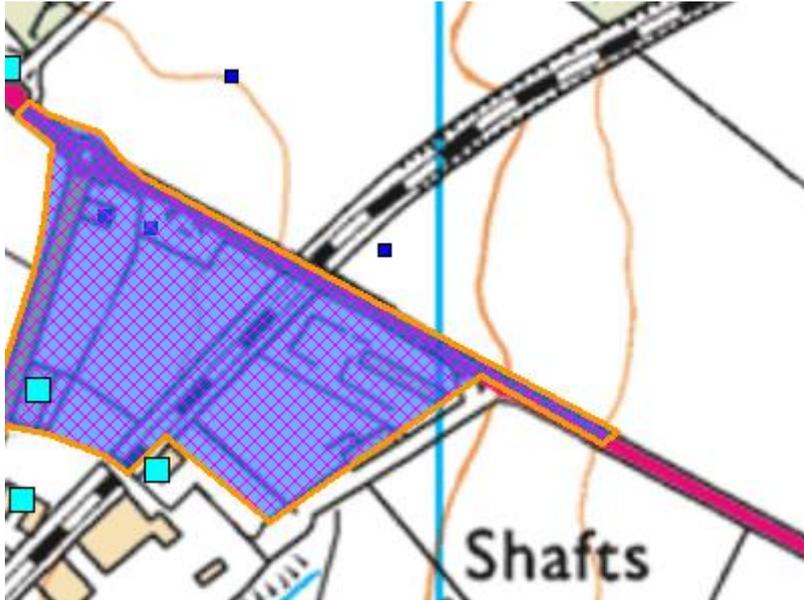
NAME: The Coal Authority

COMMENT: No objection to the Council discharging Condition 7.

DATE: 29 September 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

## Location Plan



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