

# Development Management Sub Committee

**Wednesday 11 February 2015**

**Application for Planning Permission 14/03807/FUL  
At St John's Parish Church Hall, 345 Oxfords Road North,  
Edinburgh  
Demolition of existing buildings and erection of a class 1  
retail foodstore with ancillary works including car parking,  
access and landscaping.**

**Item number**

**Report number**

**Wards**

A08 - Colinton/Fairmilehead

## Summary

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The proposals comply with the development plan and Edinburgh planning guidelines. The proposed development would not adversely affect the vitality and viability of the adjacent local shopping centre as per requirement of Edinburgh City Local Plan (ECLP) Policy Ret 4. The proposal does not constitute out of centre development as outlined in ECLP Policy Ret 5. The proposed development would not result in adverse traffic impacts and would provide an appropriate level of parking provision. The loss of open space is considered acceptable in that there would be no significant impact on the quality and character of the local environment or biodiversity. The proposals achieve an acceptable standard of architectural and landscape design which would relate to the character of the site and the surroundings. The proposal would incorporate an appropriate level of noise mitigation and development would not adversely affect the amenity of neighbours.

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## Links

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### [Policies and guidance for this application](#)

NSOSS, CITR4, CITR5, CITOS1, CITD1, CITD3, CITD4, CITD5, CITD6, CITE9, CITE12, CITE17, CITT6, NSGD02, NSMDV,

# Report

## **Application for Planning Permission 14/03807/FUL At St John's Parish Church Hall, 345 Oxgangs Road North, Edinburgh Demolition of existing buildings and erection of a class 1 retail foodstore with ancillary works including car parking, access and landscaping.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site extends to 0.63 hectares in area and is bounded by Oxgangs Road North to the south west, Oxgangs Path to the south and Oxgangs Brae to the west. The site is flanked by Oxgangs Library and public house to the north west with the Oxgangs Broadway Local Retail Centre lying to the north east corner.

The site is currently occupied by three disused buildings, set within open landscaped grounds within which are a number of mature and semi mature trees. These include former St John's Parish Church with free-standing bell tower to the south west corner of the site, with former church hall lying immediately to the north east. These are in a modern architectural style, designed by Alan Reiach Architects and date from 1956. A former Council Social Work Centre, comprising a 2-3 storey 1960's office block lies to the south eastern corner of the site with surface car parking and mature trees situated to the north.

The north western part of the site comprises grassed open space, with a vehicular access and surface car parking serving the library at the north west corner. A series of three pedestrian routes cross this part of the site, these providing access between Oxgangs Road North, the Library, the Oxgangs Broadway Local Centre and Oxgangs Brae.

The site slopes gently from the south east to north west along Oxgangs Road North, but is more steeply graded south to north, sloping 8-9 metres from the south western corner to the north eastern extremity of the site.

The areas around the site are characterised by low rise suburban development including open space and various public facilities. A Doctors Surgery and Scripture Union lie opposite the site on Oxgangs Path to the south. An area of grassed open space is situated to the east of the site, with Pentland View Primary School lying beyond.

Residential properties lie along Oxgangs Brae to the south east, Oxgangs Road North to the west with a number of flatted dwellings also located above the Oxgangs Broadway Shopping Centre. A wooded area of open space is situated on Oxgangs Road North to the south west of the site.

## **2.2 Site History**

There is no relevant planning history for this site.

## **Main report**

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### **3.1 Description Of The Proposal**

#### Scheme 3

The proposal comprises the redevelopment of the site for a Class 1 retail foodstore. This will require the demolition or removal of all existing buildings and trees from the site.

The existing ground levels would be lowered to the south western and south eastern corners of the site by up to 2 metres to accommodate the proposed building footprint, with ground levels being increased at the northern eastern corner by up to 3.5 metres to form surface car parking and service access.

The proposed foodstore building would occupy the southern part of the site, with car parking and pedestrian access routes being placed to the north.

The building would extend to a maximum length of 60.6 metres and width of 25.2 metres this forming a gross floor area of 1506 square metres and sales area of 998 square metres. The building would feature a flat roof rising to a maximum height of 5.5 metres, with the level of the building being sunk 2.5 metres beneath the level of the corner of Oxgangs Path and Oxgangs Road North. The difference in levels would be addressed by a retaining wall and landscaped embankments.

Vehicular access would be provided from Oxgangs Road North, with the existing entrance serving the library car park being subject to reconfiguration. A total of 87 car parking spaces would be provided with 12 spaces being allocated for the use of the library.

The store would be serviced via a ramped loading bay and loading dock to the eastern end of the building. This area and adjacent refrigeration plant would now be contained by a 2 metres high timber acoustic noise barrier.

The line of the existing pedestrian walkway to the north western edge of the site, adjacent to the library will be maintained. Defined pedestrian routes will also be formed through the car park to provide direct access between the store, the library and the Oxgangs Broadway Local Shopping Centre to the north. Direct stepped access route would also be provided to Oxgangs Road North to the west. The existing pedestrian access would be reconfigured at the north east corner of the site, to address the increase in site levels. This would be achieved through a series of steps and a curved ramp access, these being contained by soft landscaping, tree planting and 'criblock' retaining structures.

The building would be of a contemporary architectural design featuring a white rendered finish and grey charcoal brick detail. The flat roof arrangement would be contained by a low parapet to incorporate photovoltaic panels. The main entrance to the store would be positioned at the north eastern corner of the building, this being defined by a glazed entrance lobby with a wraparound cantilevered canopy above. The north elevation to the car park would feature a high level band of horizontal glazing. The west elevation to Oxgangs Road North would feature glazed curtain walling with the south western corner of the building now being defined through the use of grey brick cladding. The elevations to the south and east would be predominantly white render, with the design now being amended to include grey brick piers and a horizontal band of high level fenestration.

Soft landscaped buffers would be formed to the site edges and to the central island of the car park, these including low level planting to stabilise the embankments. A total of 31 trees would also be planted across the site. The two existing memorial cherry trees to Oxgangs Road North would be replaced as part of the proposals. Boundaries would be mainly defined by a low timber kick rail with a brick retaining wall to the eastern site boundary with Oxgangs Brae.

The car parking area would be finished using asphalt with permeable block paving to the parking bays and brushed concrete to the loading bays. Marshalls Conservation paving flags in a charcoal finish would be laid around the main entrance, with walkways being finished in asphalt.

### Schemes 1 and 2

As above, with the exception of the elevations to the Oxgangs Road North, Oxgangs Path and Oxgangs Brae which originally featured a plain white render finish only. Grey brick piers were added a part of the Scheme 2 proposal. The loading bay and refrigeration plant to the east elevation were previously unenclosed.

### Supporting Statements

The following documents have been submitted in support of the application:-

- Planning and Retail Statement;
- Design and Access Statement;
- Transport Assessment;
- Acoustic Report;
- Drainage Statement including Flood Risk Assessment;
- Phase 1 Geo-Environmental Assessment;
- Tree Survey & Arboricultural Constraints Report; and
- Report of Consultation.

These documents are available to view on the Planning and Building Standards Online Services.

### 3.2 Determining Issues

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 development is acceptable;
- b) the proposals would have a detrimental impact upon the adjacent local retail centre;
- c) the proposed loss of open space would be acceptable;
- d) the proposals would have a detrimental impact upon neighbouring amenity;
- e) the proposals achieve an acceptable quality of design;
- f) the loss of trees and replacement planting proposals are acceptable;
- g) the proposals raise transport impacts;
- h) the proposals raise flooding and drainage issues;
- i) the proposals raise archaeological issues;
- j) the proposal would impact upon the operation of aircraft;
- k) the proposed development would meet the Council's sustainability requirements;
- l) the proposals raise equalities or human rights issues, and
- m) that representations have been addressed.

#### a) Principle of Development

The Edinburgh City Local Plan Proposals Map identifies the site as lying within the Urban Area. The Open Space to the north of the existing buildings is defined as such. The existing shops at Oxfords Broadway form part of the defined Local Centre.

A number of representations have raised the issue of alternative uses on the site including affordable housing. The development plan does not promote the site specifically for housing development.

In order to assess whether the principle of retail development on the site is acceptable, the following issues are required to be considered:

b) Impact on the local retail centre

Local Plan Policy Ret 4, Local Centres, supports the principle of retail development to the edge of a local centre, provided that the following criteria can be addressed:-

- a) Can be satisfactorily integrated into the centre;
- b) Is compatible, in terms of scale and type, with the character and function of the centre;
- c) Makes a positive contribution to the shopping environment and appearance of the centre; and
- d) Would not have a significant impact on the city centre retail core or any other town centre.

In terms of whether the proposal achieves satisfactory integration with the adjacent local centre, the Oxfangs Broadway Shopping Parade is situated on an island site surrounded by roads, which limit options for contiguous expansion. The inward looking nature of the layout and the relatively small sizes of the units also act as a constraint to extending the existing retail offer within the boundary of the existing centre. Car parking for the centre is also limited being served mainly by on-street spaces.

Design issues and the implications of placing the proposed store closer to the existing Local Centre are considered in further detail in section f) of the report. However, various configurations for the proposed store have been explored by the applicant, particularly to maximise the relationship and physical linkage with the Oxfangs Broadway Local Centre. The main entrance to the store would be located approximately 90 metres from the existing Local Centre with pedestrian accessibility across the site being maintained and enhanced. The proposed layout is the optimum solution in terms of addressing site levels and providing effective integration with the existing Local Centre

The local centre is relatively small, with a total floorspace of around 600 square metres and in contrast to many local centres, is not anchored by a larger supermarket or foodstore. Planning policy seeks to reinforce the role of local centres in maintaining their vitality and viability and thereby maintain a basic level of shopping provision within walking distance of all homes.

The proposed foodstore would comprise 998 square metres net trading floorspace. Although this would significantly increase the overall retail floorspace within the vicinity of the local centre, the proposal is not considered incompatible in terms of scale or type. Whilst it is noted from the views expressed in representations, that the local centre experiences relatively high levels of occupancy, with a successful convenience store performing a social function for the local community, the offer of the proposed foodstore would be sufficiently distinctive to complement the existing retail offer and the role played by the existing small independent stores.

The presence of the proposed store in relation to the main bus routes on Oxgangs Road North and the increased levels of car parking, could potentially act as a draw to the local centre thus increasing overall levels of footfall. In turn this could enhance the vitality and viability and reinforce the role of the local centre.

The proposal would improve the physical environment within the immediate vicinity of the existing local centre and contribute to the regeneration of the wider site. Pedestrian linkages across the site would be maintained with the spaces around the store being subject to new structural landscaping measures.

The proposal would complement the function of the adjacent local retail centre and reinforce its role in terms of providing a basic level of shopping provision for residents. The nature of the proposal would not result in an adverse impact on the city centre retail core or any town centre. The proposal would meet the criteria of Local Plan Policy Ret 4 a) b) c) and d).

The applicability of ECLP Policy Ret 5, Out of Centre Development in assessing these proposals has been highlighted in a number of representations. Although this proposal does not in direct physical proximity to the local centre for the reasons outlined above, the application site lies in sufficiently close proximity to be considered as an edge of centre development as per the requirements of Local Plan Policy Ret 4. This policy has been applied as such in similar situations elsewhere in the city. A Retail Impact Assessment for the development was not considered necessary in this instance.

Scottish Planning Policy requires that a sequential town centre first approach is adopted, which includes local centres or edge of centres sites. The proposal is considered acceptable in this regard and would not have a significant adverse effect on the vitality and viability of existing centres within the intended catchment of the proposal.

#### c) Loss of defined Open Space

The north eastern corner of the site, which comprises mown grassed areas with tree planting, is defined as open space on the Local Plan Proposals Map. The application proposal would result in the loss of open space in its current form to the proposed development.

Local Plan Policy OS1 states that proposals involving the loss of open space will not be permitted unless it is demonstrated that there will be no significant impact on the quality or character of the local environment, the loss would not be detrimental to the wider network including its continuity or biodiversity value or either or that the open space is part of a larger area of limited amenity or leisure value and there is significant over provision of open space serving the immediate area.

The Council's Open Space Audit, December 2009, identifies the site (western part of Oxgangs Broadway designation AM 242) as being amenity space of fair quality. The site falls within the Pentlands Neighbourhood Partnership area with 90% of houses and flats being within a 400 metre walking distance of some type of significant accessible open space.



Whilst the existing open space provides a level of amenity benefit, the area is crossed by three pedestrian routes which results in fragmentation and limits its usability. A number of trees which have been planted in recent years have died and the majority of the larger trees within the application site lie outside the designated open space. The area is also of limited biodiversity value.

This area forms one of several areas of designated open space in the vicinity of the site. These include an area of grassed open space immediately to the east which includes a play area. The Cockit Hat Plantation immediately to the south west of the site also forms designated open space.

The site will remain open in aspect, and whilst the northern part of the site will be predominantly surface car parking this would be subject to various landscaping measures including new structural planting implemented across the site. The proposed steps and access ramp to the northern corner of the site would introduce a new element of soft landscaping to the location with public access across the site being maintained as part of the proposal. The design of the proposed landscape measures are further considered in section f) of the report.

The area of open space has limited amenity and leisure value, representing a small part of open space provision across the wider Oxfords area. The proposed redevelopment would not be detrimental to the wider network of open space, nor would it be detrimental biodiversity to the character or quality of the local environment. The proposal would also seek to establish new structural landscaping across the site, which would acknowledge the existing character of the site and location. The proposal would meet the requirements of Policy OS1 a) b) and c).

#### d) Amenity of Neighbours

The removal of the existing buildings and trees from the site and design of the proposed building has been addressed in section f) of the report and it is not considered that these aspects of the proposal would be detrimental to the amenity of neighbours.

However, representations have expressed concerns regarding the presence of loading dock and refrigeration plant to the eastern corner of the building and the impact on nearby residential properties. The design has now been amended to include a timber acoustic barrier to contain any noise impact to acceptable levels. Environmental Assessment has also requested that delivery times be restricted to 07:00-21:00 Mondays to Saturdays and 09:00-17:00 on Sundays and this would be controlled through condition.

#### e) Design

The existing buildings on the site are now redundant and of limited architectural and historic interest. The demolition of these buildings is further considered in section i) of the report.

In terms of the proposed layout and the positioning of the foodstore building within the site, various configurations have been explored by the applicant, particularly to maximise the relationship and physical linkage with the Oxfangs Broadway Local Centre to the north east. The positioning of a building in closer proximity to the existing Local Centre would likely result in a visually dominating presence and physical detachment at the north east corner of the site due to the constraints posed by site levels. Such an arrangement could also result in a poor integration with the adjacent Library and Public House and a lack of built frontage to Oxfangs Road North.

The entrance to the building and active frontage would be oriented towards Oxfangs Road North, the Library and walkway leading to the Oxfangs Broadway Local Centre.

The existing walkway to the north western edge of the site would be retained and lead to a new ramped access, and provide a pedestrian link to the Oxfangs Broadway Local Centre and Oxfangs Brae. This would be complemented with a stepped access to the northern corner of the site to provide a further pedestrian route across the car park to the main store entrance

Whilst the increase the levels in this part of the site would not allow for a clear visual connection between the store and the adjacent Local Centre, this increase is required to address the constraints posed by the existing topography of the site. The proposed new retaining structure has sought to integrate landscaping measures with engineering requirements, providing a new landscape feature, which would maintain pedestrian accessibility across the site broadly as per the existing arrangements.

The proposed layout would result in the rear aspects of the building and largely inactive frontage being oriented towards Oxfangs Path and Oxfangs Brae. However, the existing buildings on the site do not make a significant contribution in terms of active frontage. The level of the building would be sunk by up to 2.5 metres beneath the adjacent road levels with containment being provided landscaping and tree planting to the site perimeter.

Following discussions with the applicant the design of the building to the south west corner of the site has been amended to include a stronger architectural treatment at the prominent corner with Oxfangs Road North. This will feature the use of contrasting grey brickwork and an increase in height to the roof parapet to act as a visual marker. Grey brick piers have also been introduced to the Oxfangs Path and Oxfangs Brae elevations to provide visual relief and contrast with the adjacent white render finish.

The proposed material finishes of white render and grey charcoal brick are considered appropriate to the architectural character of the area, with the use of white render also acknowledging the character of the existing church buildings on the site. The proposed use of photovoltaic panels to the flat roof would be visually contained by the roof parapet.

The proposed layout, mass, scale, orientation and external detail of the building is considered design appropriate to the site topography and spatial character of the surroundings

The proposals meet the requirements of Local Plan Policies Des 1, Des 3 a) f) and g), Des 4 a) Des 5 a) and d) and Edinburgh Design Guidance.

#### f) Trees

A Tree Survey has been submitted as part of the application, with a total of 37 trees surveyed across the site. Whilst all the existing trees are semi mature and make a positive contribution to the amenity of the site, the majority are in a fair to poor condition. All of the recently planted saplings along the walkways have also died.

A total of 31 trees are proposed as part of the development, this establishing a new landscape structure across the site, particularly around the site perimeter to provide a suitable setting for the proposed development. The two existing memorial cherry trees would be replaced as part of the proposals and this aspect would be covered by condition.

The proposed replacement planting would offset any loss to amenity resulting from the loss of the existing trees and details are considered acceptable. The proposal would meet the requirements of Local Plan Policy Env 12 Trees and Edinburgh Design Guidance. The proposed parking layout would meet the requirements of Local Plan Policy Tra 6 which identifies the use of structure planting to minimise visual impact.

#### g) Transport Impacts

The applicant has submitted a Transport Assessment in support of the application.

The Head of Transport has advised that the proposed access arrangements including the design of the junction to Oxbgangs Road North are acceptable. The proposed 87 parking spaces would be 21 above the required allocation, 12 of these spaces have been allocated to the adjacent library and would therefore result an over provision of 9 spaces. This can be justified to ensuring there will be no overspill onto public roads. Parking around the site would also be discouraged through a new Traffic Regulation Order (TRO). The parking spaces for the library, will be for their dedicated use and will be marked as such.

Cycle racks would be provided beneath the canopy on the Oxbgangs Road North elevation and the proposed arrangement would meet the requirements of Local Plan Policy Tra 6.

It has been requested that the applicant enter into a legal agreement to contribute £30,000 for the upgrade of the existing Pelican crossing on Oxbgangs Road North. This is to take account of the reconfigured entrance to the site and will also improve pedestrian safety on routes serving both the proposed development and destinations around the site.

The use of Electric Vehicle charging points within the development has been raised by Environmental Assessment, particularly for those spaces which will be allocated to the library. The applicant has indicated they are unwilling to implement these as part of the proposal as such a facility would be of minimal benefit to the users of the store. However, their use is encouraged and would be in line with Edinburgh's Local Transport Strategy 2014-2019 which seeks to support the extension of the network of Electric Vehicle charging points. This issue will be highlighted through informative.

#### h) Flooding and Drainage

The applicant has submitted a Drainage Statement including Flood Risk Assessment. These have been assessed and the proposed drainage arrangements for the development would be acceptable.

The proposals would therefore meet the requirements of Local Plan Policy Env 17 Flood Protection.

#### i) Archaeological Impacts

The City Archaeologist has advised that the St John's Parish Church dates from the immediate post war period with such places of worship playing an important part in the history of local communities. However, the building is unlisted and of minor (local) archaeological significance. The benefits of allowing the development outweigh the importance of preserving the remains in situ and the proposal would therefore meet the requirements of Local Plan Policy Env 9 c). The loss of the church and church hall would be acceptable provided they are recorded prior to demolition. A Level 2 historic building survey will therefore be stipulated through condition.

#### j) Aviation Impacts

Edinburgh Airport were consulted as part of the proposals, due to the elevation of the site. However, the nature of the proposals and proximity of the site to the airport are not considered to pose adverse impact to the safety or operation of aircraft.

#### k) Sustainability

The applicant has submitted a sustainability statement in support of the application. The proposal complies with the requirements of the Edinburgh Design Guidance and Local Plan Policy D6 Sustainable Design and Construction.

#### l) Equalities and Human Rights

The application was assessed in terms of equalities and human rights.

The existing pedestrian access routes across the site will be reconfigured as part of the redevelopment with a DDA compliant ramp being provided to the northern corner of the site. The proposals have sought to maximise accessibility for the mobility impaired within the physical constraints of the site and current levels of accessibility through the site would be maintained.

The proposed arrangements are considered acceptable and no further equalities or human rights impacts have been identified.

#### m) Representations

#### Objections

- Principle of development - these issues have been addressed in sections 3.3 a) and b);

- Retail Impact - these issues have been addressed in sections 3.3 b);
- Loss of Open Space - these issues have been addressed in section 3.3 c);
- Proposed site layout and design - these issues have been addressed in section 3.3 d) e) f) and h); and
- Transport impacts - these issues have been addressed in section 3.3 g).

### Support

Proposal would offer physical regeneration of the site, enhance retail choice, complement the function and encourage greater footfall to the Local Centre which is well placed in relation to existing retail and community facilities, improve the accessibility of the location and offer additional car parking - these issues have been addressed in sections 3.3 a) b) d) e) f) and g).

### General

Transport impacts and parking - these issues have been addressed in section 3.3g).

### **Community Council comments**

Fairmilehead Community Council objected for the reasons covered above.

Firrhill Community Council (who are the community council for the area) support the proposals for the reasons identified above.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. Deliveries and collections, including waste collections, from the site to be restricted to between the hours of 07:00 -21:00 Monday to Saturday and 9:00 - 17:00 hours on Sundays.
2. Prior to the use being taken up, the 2m high 10kg per sq metre dense acoustic barrier shall be erected in accordance to drawing reference 0095 / PL208 E dated 22 July 2014 should be implemented.
3. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (level 2 historic building survey including annotated plan, photographic and written report prior to demolition works commencing) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
4. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

5. That two existing memorial cherry trees be replaced within the site as part of the construction programme, e.g. transplanted or replaced by two heavy standard trees of the same species.

**Reasons:-**

1. In order to safeguard the amenity of neighbouring residents.
2. In order to safeguard the amenity of neighbouring residents.
3. In order to safeguard the interests of archaeological heritage.
4. In order to ensure that the approved landscaping works are properly established on site.
5. In order to ensure that the approved landscaping works are properly established on site.

**Informatives**

It should be noted that:

1. The works 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. This permission relates to planning permission only. This does not negate the requirement for further permissions which may be required, e.g. Advertisement Consent for signage.
5. Prior to the issuing of consent the applicant to enter into a suitable legal agreement to contribute the sum of £30,000 towards the upgrading of the Pelican crossing on Oxbgangs Road North, immediately adjacent to the development site.
6. The applicant or his client to apply for a Traffic Regulation Order to install waiting restrictions around the development site. Prior to the issuing of consent the applicant to enter into a suitable legal agreement to contribute £2,500 for the cost of this order.
7. The applicant or his client to submit a Travel Plan to the City of Edinburgh Council for approval. The travel plan to be in place prior to the store opening.

8. There are a number of public footways which require to be stopped up. These should be stopped up through the planning process.
9. All accesses must be open for use by the public in terms of the statutory definition of a 'road' and require to be the subject of applications for road construction consent.
10. The number of parking bays is 21 above the required allocation. 12 of these bays have been allocated to the adjacent library therefore there is an over provision of 9 spaces. This over provision can be justified by ensuring that there is no overspill onto the public roads.
11. 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 the proper use of parking places for disabled persons vehicles. The applicant should therefore advise the Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to promote the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations.
12. If the applicant is to carry out works on the public road then he will require to submit a Section 56 permit. Section 56 permit applications can be accessed on the Council's website at the location below.  
[http://www.edinburgh.gov.uk/info/1317/road\\_and\\_pavements-permission\\_to\\_occupy/359/road\\_occupation\\_permits/1](http://www.edinburgh.gov.uk/info/1317/road_and_pavements-permission_to_occupy/359/road_occupation_permits/1). Applications should be forwarded to the Permits Section, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG (Tel 0131 529 3550) for registration.
13. Prior to the occupation of the development the applicant should investigate the provision electrical vehicle charging outlets of the following standard;- Type 2 (EN62196-2), Mode 3 (EN61851-1) compliant and be twin outlet with the ability to supply 22kW (32 Amps) AC - Three Phase power and have ability to be de rated to supply 11kW to each outlet when both are in use. Where this is not possible then 7kW (32 amps) AC - Single phase chargers that have ability to deliver power of 7kW capacity to each outlet simultaneously.
14. When available the applicant shall provide details of all the boilers to Environmental Assessment to ensure compliance with the Clean Air Act 1993.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

The application site is currently being disposed of by the Council.

## **Risk, Policy, compliance and governance impact**

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**5.1** Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

This application meets the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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### **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 30 September 2014 and also advertised as a Bad Neighbour Development.

A total of 240 representations have been received including the constituency MSP and MP, Scottish Grocers Federation and Fairmilehead Association. These include 173 objections, 62 letter of support and 1 general representation.

Both Firrhill Community Council, in which the application site is situated, and the neighbouring Fairmilehead Community Council have been consulted and submitted comments in relation to the application.

A 412 signature petition stating that the site should be used for social housing rather than commercial development has also been received.

2 late representations and 7 representations with incomplete address details could not be taken into consideration.

### Principle of use

- Site would be better suited to affordable housing and was marketed on the basis of residential and community uses.

### Retail impact

- Proposal would result in adverse impact to the Oxfangs Broadway Local Centre and would be incompatible with its character and function;
- Proposal would not integrate successfully with the adjacent Local Centre and should be assessed against the requirements of ECLP Policy Ret 5; and



- Relationship to Scottish Planning Policy particularly that the impact of new development on the character and amenity of local centres will be a material consideration in decision-making.

#### Loss of Open Space and Landscaping

- Loss of designated open space would be contrary to ECLP Policy OS 1 and has not been fully justified by the applicant; and
- The area provides an open feel to the location and replacement car park would have a detrimental impact on the character and amenity of the area.

#### Proposed Site Layout

- Arrangement of the store will divert trade away from the local shopping centre;
- Proposed delivery bay and refuse disposal and external refrigeration plant would be in close proximity to housing and detrimental to residential amenity;
- Concern regarding pedestrian access through the site, pedestrian safety implications with confusion over pedestrian access arrangements between the Library entrance and Oxfords Broadway; and
- Parking provision would be inadequate, with concern to the management of spaces allocated to the library.

#### Design issues

- Concern regarding the demolition of the church and bell tower, a work of the Architect Alan Reiach;
- Development will not be in keeping with the character and scale of the area; and
- Consideration given to proposed site drainage.

#### Transport impact

- Proposal will increase traffic levels on Oxfords Road, result in traffic congestion and exacerbate air pollution; and
- Traffic surveys are flawed and do not provide a complete picture of traffic congestion on the plans.

The letters of support have identified the following issues;-

- The proposal will enhance shopping choice and competition in this part of the city;
- Development would generate additional footfall and deliver additional parking provision;
- Supermarket would be well placed in relation to existing retail and community facilities and help regenerate the site; and
- Occupants of the shopping parade who have objected to the proposal are not fully representative of all traders and owners.

The letter of general representation has raised the following issues;-

- Letter from Pentland Primary School Parent Council with findings of parent survey, regarding travel patterns and potential traffic impacts created by development.

Firrhill Community Council (Firrhill CC) has written in support of the application and has raised the following issues;-

- Firrhill CC has only received one complaint in relation to the proposals;
- Firrhill CC are pleased to have been consulted at pre-consultation stage regarding public exhibition. Initial concerns regarding wheelchair access across the site were addressed at this stage, with a replacement ramp being provided;
- The proposed single storey building will not impose upon the surrounding area and proposed level of landscaping will soften the site;
- Oxgangs Broadway Shopping Centre is currently hidden from the main road and these shops could benefit from enhanced physical presence which could increase footfall. The traders in Oxgangs Broadway will also offer services which will be distinct from the proposed foodstore;
- A discount retailer could be beneficial in a community which is statistically recognised as an area of deprivation;
- Firrhill CC Recognise that the proposal may result in a level of traffic congestion on Oxgangs Road North, especially when vehicles must wait to get across the flow of traffic. However, effects cannot be predicted given uncertainty to how shoppers will choose to travel to the store or what times of day car users would choose to do their shopping;
- Recognise applicant's commitment to providing local recruitment and apprenticeships; and
- Firrhill CC recognise that affordable housing is badly needed in the area and it is a missed opportunity not to pursue this site specifically for this purpose. It is disappointing that the City Council and the Church could not specific this rather than seeking the highest bidder. However, would prefer to see the site redeveloped quickly rather than allow the site and buildings to fall into a derelict state.

Fairmilehead Community Council (FCC) has written to object to the proposals and has raised the following issues;-

- Proposal contrary to Local Plan Policies Ret 4 and Ret 5 and the Edinburgh and Lothians Structure Plan;
- FCC area of the opinion there are sufficient retail premises in the local area selling similar products to the applicant;
- FCC do not consider that there is a deficiency in the local or wider area that would necessitate a convenience retail store of the size proposed by the applicants;
- The proposal will result in severe economic impact on existing businesses in the local and wider area, with a loss of employment which may not be compensated by the applicant;
- The Traffic Assessment is flawed and does not reflect average usage or the role of surrounding roads;

- The proposal will result in overspill parking on surrounding streets;
- Concern regarding sightlines from the egress to the car park;
- Local Plan policy Env 18 demands that open space should not be lost unless there will be "no significant impact on the quality or character of the local environment", and that the loss would not be "detrimental to the wider network including its continuity or biodiversity value". Area of open space within the site provides amenity and is well used by local residents;
- Path from Oxfangs Road North to Oxfangs Broadway was funded by money from the Neighbourhood Partnership at the request of local residents. This investment will be lost if the proposals are accepted;
- Concern regarding the loss of vehicular access and parking for Oxfangs Library and management of parking spaces for the library within the proposed development;
- Concern regarding impact upon pedestrian movement across the site, including pupils from Pentland Primary School who currently use these paths to get to and from school. Access through the car park raises safety issues, with the alternative route via the library being considerably longer;
- Only stepped access has been provided between the car park and Oxfangs Broadway which will hinder access for the mobility impaired;
- Proposed path and ramp will be used by skateboarders;
- Concern regarding the noise impact of air conditioning and refrigeration plant on neighbouring amenity;
- Concern regarding proposed delivery times on neighbouring amenity and suggest this should be conditioned to 09:30 - 20:00 Monday to Saturday with no Sunday deliveries. Deliveries should also be timed to avoid school dispersal times;
- Proposed parking should include electric vehicle charging points; and
- In conclusion, the proposals do not comply with the development plan or relevant Scottish Planning Policy guidelines. There is insufficient deficiency in convenience retail provision in the local area to accommodate the size of the retail premises, to the detriment of existing retail centres and premises within the local area.

## **Background reading/external references**

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

**Statutory Development****Plan Provision**

Edinburgh City Local Plan - The southern and western parts of the site comprises Urban Area, with the north eastern corner designated as Open Space. The Oxfangs Broadway Local Centre is located to the north western corner of the site.

**Date registered**

19 September 2014

**Drawing numbers/Scheme**

01-02, 03A, 04-05, 06B-07B, 08, 09A, 10,

Scheme 3

**David R. Leslie**

Acting Head of Planning and Building Standards

Contact: Francis Newton, Senior planning officer

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**Links - Policies**

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**Relevant Policies:**

The Open Space Strategy and the audit and action plans which support it are used to interpret local plan policies on the loss of open space and the provision or improvement of open space through new development.

Policy Ret 4 (Local Centres) sets criteria for assessing proposals in or on the edge of local centres.

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

Policy Os 1 (Open Space Protection) sets criteria for assessing the loss of open space.

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

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 4 (Layout Design) sets criteria for assessing layout design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

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

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.

Policy Env 12 (Trees) sets out tree protection requirements for new development.

Policy Env 17 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

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

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

**Non-statutory guidelines** on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

# Appendix 1

## **Application for Planning Permission 14/03807/FUL At St John's Parish Church Hall, 345 Oxbgangs Road North, Edinburgh Demolition of existing buildings and erection of a class 1 retail foodstore with ancillary works including car parking, access and landscaping.**

### **Consultations**

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#### **Transport Planning - Development Control**

*No objections to the application subject to the following conditions:-*

*Prior to the issuing of consent the applicant to enter into a suitable legal agreement to make provision for the following:*

- a) Contribute the sum of £30,000 towards the upgrading of the Pelican crossing on Oxbgangs Road North and immediately adjacent to the development site.*
- b) The applicant or his client to submit a Travel Plan to the City of Edinburgh Council for approval. The travel plan to be in place prior to the store opening.*
- c) The applicant or his client to apply for a Traffic Regulation Order to install waiting restrictions around the development site. The cost for this Order is £2,500.*
- d) There are a number of public footways which require to be stopped up. These should be stopped up through the planning process.*

#### *Informatives*

- 1) All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent.*
- 2) The number of parking bays is 21 above the required allocation. 12 of these bays have been allocated to the adjacent library therefore there is an over provision of 9 spaces. This over provision can be justified by ensuring that there is no overspill onto the public roads.*
- 3) All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations.*
- 4) If the applicant is to carry out works on the public road then he will require to submit a Section 56 permit. Section 56 permit applications can be accessed on the Council's website at the location below.*

[http://www.edinburgh.gov.uk/info/1317/roads\\_and\\_pavements-permission\\_to\\_occupy/359/road\\_occupation\\_permits/1](http://www.edinburgh.gov.uk/info/1317/roads_and_pavements-permission_to_occupy/359/road_occupation_permits/1)

*Applications should be forwarded to the Permits Section, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG, (telephone number 0131 529 3550) for registration.*

## **Environmental Assessment**

*The applicant proposes developing a new 998m<sup>2</sup> supermarket with associated customer car park (75 spaces) and 12 spaces provided for the library. There are residential properties located east of the site on Oxfangs Brae. There are further residential premises located to the west of the site (Oxfangs Road North) close to the proposed entrance. Oxfangs library is located to the north with Oxfangs Path forming the southern boundary.*

*Environmental Assessment raised concerns regarding the potential noise impacts this proposal may have on the existing nearby residential properties. The applicant subsequently submitted a noise impact assessment which has been amended to ensure that nearby residential amenity will be protected. Environmental Assessment will recommend conditions to ensure that the hours of deliveries and collections of waste are controlled and that an acoustic barrier is erected around the service yard and plant area as detailed in drawing reference 0095 / PL208 E.*

*During the pre-planning stage Environmental Assessment advised that The City of Edinburgh Council were already considering installing an electric vehicle (EV) charging point at the Oxfangs library. As this proposal includes the development of 12 spaces for the library car park it was advised that this development should incorporate a charging point within its plans. It was highlighted that Edinburgh's Local Transport Strategy 2014-2019 seeks to support increased use of low emission vehicles and support the extension of the network of EV charging points.*

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

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

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

*Type 2 (EN62196-2), Mode 3 (EN61851-1) compliant and be twin outlet. With the ability to supply 22 kW (32 Amps) AC - Three Phase power and have the ability to be de rated to supply 11 kW to each outlet when both are in use. Where this is not possible then 7 kW (32 Amps) AC - Single Phase chargers that have the ability to deliver power of 7 kW capacity to each outlet simultaneously.*

*The applicant has been advised that support is available to developers to adopt EV's through the Energy Saving Trust's Sustainable Transport Advice Service and Interest Free Low Carbon Loans.*

*Grants are also available for the installation of EV charge points for workplaces, with 100% funding currently available for installations up to £10,000. More information can be found at <http://www.energysavingtrust.org.uk/scotland/Organisations/Transport/Electric-vehicles/Electric-Vehicle-Charge-Point-Funding>*

*The applicant has advised that they do not intend applying for the grant or investigating the installation of EV charging points. However Environmental Assessment recommends that the applicant reconsiders this and at the very least installs a charging unit as described above serving one of the library car parking spaces.*

*Environmental Assessment does not object to this subject to the following being included as a condition, legal agreement or informative;*

- 1. Prior to the occupation of the site a electric vehicle charging outlets should be provided.*
- 2. The following noise protection measures, as defined in the Paul Horsley Acoustics Ltd 'Acoustic Report'(Ref J2266-R2), dated 16/07/2014:*
  - a) Deliveries and collections, including waste collections, to be restricted to between the hours of 07:00 -21:00 Monday to Saturday and 9:00 - 17:00 hours on Sundays.*
  - b) Prior to the use being taken up, the 2m high 10kg per m<sup>2</sup> dense acoustic barrier shall be erected in accordance to drawing reference 0095 / PL208 E dated 22 July 2014 should be implemented.*

*Informative:*

*Type 2 (EN62196-2), Mode 3 (EN61851-1) compliant and be twin outlet. With the ability to supply 22 kW (32 Amps) AC - Three Phase power and have the ability to be de rated to supply 11 kW to each outlet when both are in use. Where this is not possible then 7 kW (32 Amps) AC - Single Phase chargers that have the ability to deliver power of 7 kW capacity to each outlet simultaneously.*

*When available the applicant shall provide details of all the boilers to Environmental Assessment to ensure compliance with the Clean Air Act 1993*

### **Bridges + Flood Prevention**

*All outstanding queries regarding flood risk and drainage design have been addressed by the applicant. The drainage proposals provided are appropriate for the proposed development.*

*CEC Flood Prevention has no further comment regarding this application.*



## **City of Edinburgh Archaeological Service**

*Further to your consultation request I would like to make the following comments and recommendations in respect to this application for the demolition of existing buildings and erection of a class 1 retail foodstore with ancillary works including car-parking, access and landscaping.*

*St John's Parish Church Hall at Oxgangs dates to the immediate post-war period. Such places of worship play important parts in the history of local communities and although unlisted this church in my opinion should nevertheless be accorded local historic/archaeological importance. Accordingly this application must therefore be considered under terms of the following Scottish Government policies; Scottish Planning Policy (SPP), PAN2/2011 and SHEP and also under CEC's Edinburgh City Local Plan (2010) policies 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.*

*The proposed scheme will see the demolition of the current church hall its bell tower and associated out buildings, an action which must be regarded as having a major adverse impact. However given the minor archaeological significance of the building (Local) it is considered that it's loss may be acceptable provided that the church is recorded prior to demolition. This will require the undertaking of a detailed (level 2) historic building survey (annotated plan, photographic and written report) linked to an appropriate level of documentary research prior to demolition works commencing.*

*It is recommended that this programme of works be secured using the following condition;*

*'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, reporting and analysis) 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.*

## **Firrhill Community Council**

*Members of Firrhill Community Council (FCC) were pleased that James Harbison asked for a pre-consultation meeting to be arranged in March '14 for us to speak with the Aldi team (although not obliged to do so), that they took our advice on holding a public exhibition in St John's Colinton Mains Church in addition to the one they proposed for Oxgangs Library and, particularly, that they took on board our concerns regarding wheelchair access across the site and substantially changed their plans to facilitate this.*

*We like the proposed single-storey building, which will not impose on the surrounding area, and that there will be a fair amount of landscaping to 'soften' the site.*

*We have had only one complaint made directly to FCC. However, if the Broadway shops play to, and build on, their strengths of personal service and - in the case of the Premier Store - free delivery, as well as branded goods and other items which Aldi is not able to provide, we can see no reason for conflict. In fact, as is claimed by Aldi, their store may indeed increase footfall there. At present, the Broadway shops cannot be seen from the main road (Oxgangs Rd North), thus losing out on possible passing trade - especially as there is no signage indicating their presence. However, if Aldi is in situ, with its large car park extending to the Broadway end of the site, these shops will be seen and this may well encourage more people to patronise them. [Moreover, in the short term, the many construction workers on site will undoubtedly provide a bonanza for Broadway shops.]*

*It has been said in responses from Aldi's public exhibitions that there are already several supermarkets and stores in the neighbourhood, which is undoubtedly true. However, as we have statistically-recognised areas of deprivation within this community, FCC feels that a discount store would be welcomed here.*

*The other main issue raised in these responses is possible traffic congestion. The Traffic Impact report raises no particular concerns, although it is difficult to see how increased traffic going to the store would not lead to some congestion on this short stretch of Oxgangs Rd North which has four other roads leading into it, especially when vehicles must wait to get across the flow of traffic. In its favour, Aldi itself would have nothing like the number of vans/lorries going in and out that large supermarkets have. However, it cannot be predicted with any certainty what might happen in this situation, as nobody knows in advance how many shoppers would choose to walk or travel by bus, using the convenient adjacent bus stops and pedestrian crossing, or at what times of day the majority of car users would choose to do their shopping.*

*One of Aldi's commitments is that recruitment will be done locally, where possible, even providing the opportunity for apprenticeships and promotion within the store. We regard this as a positive for this community, with its high level of unemployment - especially if this store, which would be so close to the local Pentland Primary School, offers shifts which will suit single-parent families.*

*Affordable housing is badly needed here; that would have been our preferred option, and it is seen as a missed opportunity by CEC and Church of Scotland to help this situation by not using the site specifically for this purpose. However, if no builders are willing to pay a reasonably-acceptable price to develop this land for housing, our main priority must be that the site is developed quickly, which Aldi is prepared to do. The last thing we would want is more derelict land in our community, with buildings belonging to CEC and the Church of Scotland ripe for vandalism and arson - as with the ex-Hunters Tryst Primary School site which has lain derelict for years.*

*In conclusion: with the above in mind, as well as the other positive aspects detailed in my letter, we feel that this store would be a good thing for this community as a whole, and so Firrhill Community Council supports Aldi's Planning Application.*

**Fairmilehead Community Council**

*Fairmilehead Community Council objects to the above proposals and we offer the following objections and comments.*

*We would suggest that the majority of the reasons put forward for refusal of a similar application by the applicant in 13/002192/FUL (Gilmerton Road) are also applicable to the current application.*

*We are aware that the application, although recommended for refusal by officials, was subsequently granted by the Development Sub Committee. However the majority of the reasons for refusal put forward by officials are equally applicable to this application.*

*We suggest that the following issues are also applicable to the current site under consideration:*

#### *Local Situation*

*The policies in the Edinburgh and Lothians Structure Plan 2015 and several local policies (RET 4 and 5) would rule against the application.*

*There are at present, in our opinion, sufficient retail premises in the area selling similar products as the applicant.*

*There is a Morrisons supermarket at Hunters Tryst and a Tesco supermarket at Colinton Mains Drive. There is a Scotmid in Oxfords Road North along with local shops in Colinton Mains Drive (including a post office) and a convenience store in Firrhill Neuk. There are also the shops in Oxfords Broadway including a post office which are recognised in the local development plan as a Local Centre.*

*Further afield there are local shops in Buckstone Terrace and Biggar Road. A ten minute bus ride would take you to the Asda supermarket at Chesser or the Aldi at Gorgie. A short bus ride also takes you to Morningside which has a Waitrose supermarket and a Sainsburys Local.*

*It is considered that there is not a deficiency within the local area or even wider area, and certainly not one that would necessitate a convenience retail store of the size proposed by the applicants.*

*If the application is granted there will be severe economic impact on existing businesses in the local and wider area. There may also be loss of employment which will not be compensated for by the arrival of the applicant.*

*Reference is made to the "Access to supermarkets and food shopping in Edinburgh (September 2011)" study for further information.*

#### *Traffic Assessment*

*We would suggest that the traffic assessment is flawed. It was conducted at a "quiet" time on quiet days and at a time of year when traffic is normally less due to holidays and other considerations such as good weather. As such it would not reflect the proper average usage of the surrounding roads.*

*Oxgangs Road, Oxgangs Road North and Redford Road form part of the inner city bypass and form the official diversionary route when there are incidents or accidents on the City Bypass. They are major arterial routes.*

*On average there is an incident requiring a diversion once a week. At other times if there is heavy or standstill traffic, drivers are inclined to come off, or avoid the bypass, by using the diversionary routes or other local roads.*

*Also due to the Dreghorn Spur there is increased traffic in the area by those vehicles leaving or joining the bypass.*

*It does not appear that such circumstances have been taken account of in the traffic assessment.*

*The extra traffic which will be generated by the proposals will have a detrimental effect on the surrounding area and streets.*

*In the event of the proposed car park being full then shoppers will park in the surrounding streets which are not suitable for increased traffic and due to their widths they are not suitable for parking any additional vehicles on.*

*It should also be remembered that this area is above the snow line and is very susceptible to snow and ice. In fact in the recent bad winters we have had in the area buses and other traffic were unable to get up the hill from Oxgangs Avenue and the only way to get around was on foot.*

#### *Traffic Impact and Road Safety*

*Oxgangs Road North is a busy bus route with 5 bus routes traversing it. Southbound buses pull into the bus stop at the layby to the immediate west of Oxgangs library. There are also a set of pedestrian traffic lights nearby. The proposed car park entrance is immediately to the south of this configuration. With the pedestrian crossing and the bus stop in close proximity to the proposed car park egress sight lines for motorists emerging from the car park will be non-existent.*

*It is not unknown for there to be a line of several buses at the bus stop and drivers to pull out to overtake them. This will create a dangerous situation with vehicles trying to exit and enter the car park.*

#### *Loss of Green Space*

*The Local Development Plan (Policy Env 18 - Open space protection) demands that open space should not be lost unless there will be "no significant impact on the quality or character of the local environment", and that the loss would not be "detrimental to the wider network including its continuity or biodiversity value".*

*At present part of the area which falls within the applicants boundary, if the appropriate land sales go ahead, is green space and used by the local residents to get about the area as well as walking dogs and for exercise. It forms a green lung between the library and the existing building of the church and social work centre.*

*This green space is also traversed by two paths one of which gives access to the library. Both paths runs from Oxfangs Road North to Oxfangs Broadway and allow access to the Broadway and local residences. One of the paths was funded by money from the neighbourhood partnerships local roads budget at the request of local residents. This investment will be lost if the proposal is accepted.*

#### *Access to Library*

*At present there is a large area in front of Oxfangs library which is used for vehicular access and parking. On the north side of the area there are double yellow lines to allow the Library Link bus direct access to the main door. Emergency vehicles also require direct access as was instanced recently when an ambulance was required at the library to assist a patron.*

*The south side is parking for library patrons and there are also two disabled bays provided.*

*The plans submitted propose that all this area is included in the proposals and that there will be no direct access to the main door of the library for vehicles. The whole of this area will form part of the car park for the development. This will also mean that the existing paths will no longer be available.*

*Whilst there will be bays allocated for library use how are these going to be policed as they will just be part of the car park?*

*The existing path along the front of the library will be formed by a high wall separating it from the proposed car park. Although there appears to be a small access from the car park to this path it will not be suitable for access by emergency vehicles or the library link service. These vehicles would have no option other than to park across occupied vehicles bay and cause an obstruction.*

#### *Access Through Car Park*

*At present people wishing to get to or from Oxfangs Road North and Oxfangs Broadway have access over the existing paths. Pupils attending Pentland Primary also use these paths to get to and from school.*

*This will no longer be possible if the development is built. Pedestrians including pupils will require to traverse across the car park which will be unsuitable and unsafe due to delivery vehicles and vehicle movements in and out of the car park.*

*Whilst there will be an alternative route past the library this will be considerably longer and human nature will dictate that the majority of users will take their chances crossing the car park.*

*However this option will not be available to wheelchair users, persons with buggies or prams and the elderly. This is because the accesses to and from the car park for pedestrians is by means of steps. Persons in these categories will have no other option than to take the long, tortuous and curving route using the library path which requires a user to go past the steps to Oxfangs Broadway and then double back to continue to use the ramp.*

*There has been talk of building a skateboard park in the area. However if these proposals go ahead it is feared that this path will be used by cyclists and skateboarders which would be a safety issue for the elderly, children and other users of this path.*

#### *Amenity Concerns*

*We have concerns about the noise that will be generated by the development in respect of air conditioning and refrigeration plant and its impact. We suggest that if the application is granted conditions be attached to limit the noise generated by such plant.*

*Noise will also be generated by vehicles making deliveries and those using the car park. Whilst nothing can be done about the normal vehicle noise it is suggested that a condition be applied to limit deliveries to between 0930 and 2000 hours Monday to Saturday with no deliveries on a Sunday.*

*This will help to reduce the annoyance to the residents in the adjoining streets the majority of whom are elderly. There are also "pensioners" cottages in the adjoining Oxfangs Brae. Further, by limiting the start time to 0930 it will reduce the likelihood of schoolchildren being about as this area is a school route.*

*Consideration might also be given to limiting the delivery time to outwith the afternoon school dispersal times as well as the morning arrival period.*

*As highlighted in the Local Transport Strategy 2014-2019 the Council seeks to support increased use of low emission vehicles and support the extension of the network of EV charging points. It does not appear that such an option is incorporated in the current plans. It is suggested that this should be a condition.*

#### *Conclusion*

*The proposals do not comply with the development plan and the relevant guidelines in Scottish Planning Policy as there is insufficient deficiency in convenience retail provision in the local area to accommodate the size of retail premises identified by the application, to the detriment of existing retail centres and premises within the local area.*

*We are of the opinion that there are no compelling reasons for departing from policy and there are no material considerations which outweigh this.*

#### **Edinburgh Airport**

*The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below:*

##### *Submission of a Bird Hazard Management Plan*

*Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:*

- monitoring of any standing water within the site temporary or permanent
- sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS)' (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).
- management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' attached.
- reinstatement of grass areas
- maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow
- which waste materials can be brought on to the site/what if any exceptions e.g. green waste
- monitoring of waste imports (although this may be covered by the site licence)
- physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste
- signs deterring people from feeding the birds.

*The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.*

*Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.*

*The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.*

*The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.*

#### *Submission of SUDS Details*

*Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)'. The submitted Plan shall include details of:*

- Attenuation times

- Profiles & dimensions of water bodies

- Details of marginal planting

*No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.*

*Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)' (available at <http://www.aoa.org.uk/operations-safety/>).*

*We would also make the following observations:*

#### *Cranes*

*Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/operations-safety/>)*

#### *Lighting*

*The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting near Aerodromes' (available at <http://www.aoa.org.uk/operations-safety/>). Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.*

*We, therefore, have no aerodrome safeguarding objection to this proposal, provided that the above conditions are applied to any planning permission.*

*It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.*



## Location Plan

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**END**