

Development Management Sub Committee

Wednesday 16 December 2020

**Application for Planning Permission 20/03545/FUL
At Land 71 Metres North East Of, 11 Moray Park, Edinburgh
Proposed coffee shop with drive thru facility and associated
works.**

Item number

Report number

Wards

B14 - Craigentinny/Duddingston

Summary

The proposal complies with the Edinburgh Local Development Plan. The proposal is acceptable in this location and is of an appropriate scale, form and design. The proposal is located in an area of good transport links and will not result in an unacceptable impact on traffic locally. No road safety issues will occur as a result. The proposal is compatible with surrounding uses and will not result in a detrimental impact on neighbour's living conditions.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES04, LDES05, LEN12, LRET01, LRET08, LTRA02, LTRA03, LEN21, NSG, NSGD02,

Report

Application for Planning Permission 20/03545/FUL At Land 71 Metres North East Of, 11 Moray Park, Edinburgh Proposed coffee shop with drive thru facility and associated works.

Recommendations

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

Background

2.1 Site description

The proposal site is an area of car parking space within a retail park identified as a commercial centre in the adopted Edinburgh Local Development Plan.

There are mixed uses of development in the wider area. Large scale retail units form the retail park to the north and west of the site. To the east, the site is adjacent to four-storey residential flatted properties on Moray Park Terrace and in proximity to the KFC drive thru facility to the south-west. To the south lies a place of worship, a garage and traditional tenemental buildings.

2.2 Site History

The site has the following relevant planning history:

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

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

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

23 January 2002 - Planning permission granted for restaurant unit with associated access, servicing staff and landscaping (Ref: 01/00512/FUL)

8 February 2019 - Planning permission granted for Section 42 application for non-compliance with Condition G34 of Planning Permission A/01457/95/RM to allow for the sale of convenience goods at Unit 3. - (Ref: 18/00464/FUL)

Main report

3.1 Description Of The Proposal

The application proposes to erect a freestanding coffee shop with drive thru facility and associated works. This would be located in the car park in an area currently consisting of parking spaces.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) The proposal is acceptable in principle;
- b) The proposal raises any issues in respect of road safety and parking;
- c) The proposal will not have a detrimental impact on the character and appearance of the surrounding area;
- d) The proposal will not have any unreasonable impact on neighbouring amenity;
- e) The proposal will not increase the risk of flooding; and
- f) All material comments have been addressed.

a) Principle of the Proposal

Edinburgh Local Development Plan (LDP) policy Ret 1 - Town Centres First Policy states permission will be granted for retail and other uses which adopt a town centre first sequential approach.

LDP policy Ret 8 states that proposals for entertainment and leisure developments in other locations will be granted subject to criteria a-d) regarding assessment of the suitability and availability of all potential city centre or town centre options; accessibility of transport and impact on traffic; design appropriate to the existing character, and compatibility with surrounding uses.

Paragraph 253 of the LDP states this policy is applicable to entertainment and leisure uses including uses such as restaurants. Further, that this policy sets out criteria for assessing such uses in other locations, including commercial centres, local centres and elsewhere in the urban area.

The applicant has submitted a sequential assessment of the suitability of alternative sites within the surrounding catchment area of the proposal site. This area includes the east of the City Centre, Leith Walk Town Centre and five local centres. The extent of area assessed is considered appropriate to the scale and function of the development proposal to incorporate all potential town / city centre options applicable.

The assessment states that there are no sequentially preferable vacancies or development sites suitable or available within the area of research having regard to the scale, layout and dual function of the proposal. The physical requirements of the proposal as a sit in food/drink use with takeaway drive-thru facility cannot suitability be accommodated by these existing development sites. A sequential approach has been applied, and the location in the commercial centre is the only one suitable and available.

Further, the use is compatible to the primary retail function of the commercial centre. The scale of the proposal does not require the submission of a retail impact analysis.

The principle of the proposal complies with the Local Development Plan subject to assessing the accessibility of transport and impact on traffic, the design and integration with the existing character of the area and impact on amenity of neighbouring residents. These sections are assessed below.

b) Parking and Road Safety

LDP policy Ret 8 criteria (b) states that permission will be granted for entertainment and leisure development that will be made easily accessible by a choice of means of transport and not lead to an unacceptable increase in traffic locally.

The retail park is within Zone 2 of the parking and cycle standards in the Edinburgh Design Guidance (EDG), in an area containing good public transport accessibility.

The site is accessed by vehicles from Moray Park, which connects to London Road via Marionville Road. Pedestrian footways run along this route which includes a shared cycleway as access to the site. A footway also runs along Moray Park Terrace, serving housing development to the east and north east.

The cycle way links to a local cycle way on Albion Road, which joins the National Cycle Route 75 - providing access to Leith to the north and connects to National cycle routes 1, 76 and 754 to the south.

The site is accessible via public transport; Lothian Services 1, 4, 5, 26, 34, 44, East Coast service 113, 124 and Borders Service 253 on London Road and Lothian services 19, 34 on Marionville Road.

A transport statement has been submitted in support of the application. This has been assessed by transport officers and is considered an acceptable reflection of both the estimated traffic generated by the development and of the traffic impact on the surrounding road network.

A total of 54 vehicular trips (two-way) are predicted during the weekday PM peak hour and 100 trips during the weekend PM peak hour. It is expected that the majority of the vehicular trips will originate from customers already in the retail park or pass-by trips from vehicles already on the surrounding road network. It is predicted that there will be minimal increase in car park occupancy, with the car park predicted to continue to operate well within capacity both on a weekday and weekends.

A parking survey has been submitted that demonstrates there is available parking capacity at all times of the day. The weekday sample detailed 45 % occupancy (12:00 - 12:30) and 65% at the weekend (13:30-14:00).

LDP policy Tra 2 (Private Car Parking) requires development to comply and not exceed parking levels of the council guidance.

The EDG standards outline that food and drink establishments within this location should have a maximum car parking provision of 1 space per 14 square metres.

The proposed unit has a gross floor area of approximately 210 square metres. The proposal includes provision for 16 spaces of which two are accessible, and therefore does not exceed the maximum standard.

LDP policy Tra 3 (Private Cycle Parking) requires development to provide cycle parking and storage provision that complies with the council guidance.

EDG standards state cycle provision should be 1 space per 75 square metres. The proposal includes six cycle spaces therefore complies with these standards.

The site is accessible by a choice of means of transport and it has been demonstrated that the overall loss of car parking spaces for the retail park will not lead to an unacceptable increase in traffic locally. Car parking provision does not exceed EDG standards and appropriate cycle provision is proposed.

Pedestrian access has been included into the proposed development connecting to the existing pedestrian network at the retail park. The existing pedestrian access at Moray Park Roundabout will be unaltered by the proposal which is considered acceptable considering the scale of development proposed. No objections have been received from the Roads Authority in regard to road safety or pedestrian safety.

The proposal complies with LDP policies Tra 2, Tra 3 and Ret 8 criteria (b).

c) Scale, form, design and character and appearance

LDP policy Des 1 (Design Quality and Context) supports new development where the design reflects the positive characteristics of the area.

LDP Des 4 (Design- impact on Setting) requires new development proposals to have similar characteristics to the surrounding urban grain, paying close attention to scale, height and positioning of buildings, materials and detailing.

LDP policy Ret 8 (Entertainment and Leisure Developments) criteria (c) states permission will be granted for development that can integrate satisfactorily into its

surroundings with attractive frontages to a high-quality design that safeguards existing character.

The surrounding area is characterised by buildings of varying height, form, and design.

The proposed building is of a simple contemporary design. The walls are primarily finished in white render with large glazed openings, cedar cladding and dark grey aluminium panelling. On the west side, a dark red rendered finish is utilised on the pedestrian entrance facing the car park, and the east side of the drive thru facility fronting Moray Park Terrace. Paving and external seating area fronts the west elevation. The overall design is appropriate and in keeping with the character of the existing retail park.

The building is single storey and covers approximately 210 square metres. The scale is appropriately modest, and its positioning retains adequate separation from the surrounding built form. The scale, layout and position are appropriate in the context of the surrounding area.

A planting scheme including new trees and green space primarily to the west boundary of the site is proposed. Plans include removal of one tree to the south that is not protected by a tree preservation order. A replanting scheme is considered adequate mitigation for the loss of soft landscaping on site and the inclusion of additional soft landscaping would further integrate the proposal into its surroundings. Further details of all hard and soft landscaping treatment are required by condition.

The applicant has confirmed that the existing recycling depot would be relocated to the north of the application site.

The proposal complies with LDP policies Des 1, policy Des 4 and Ret 8 criteria (c).

d) Neighbouring Amenity

LDP policy Des 5 (Development Design - Amenity) states permission will be granted for development where it has been demonstrated that the amenity of neighbouring developments will not be adversely affected in terms of noise, daylight, sunlight privacy or immediate outlook.

LDP policy Ret 8 (Entertainment and Leisure Developments) criteria (d) states permission will be granted for development that is compatible with surrounding uses and will not lead to a significant increase in noise, disturbance and on-street activity at unsocial hours to the detriment of living conditions of nearby residents.

The site lies approximately 30m from residential properties to the east of the site on Moray Park Terrace; the closest buildings to the proposal. Environmental Protection requested a Noise Impact Assessment (NIA) to be submitted in order to assess noise from plant and machinery associated with the unit and aspects of the drive through including additional traffic movements and the ordering point. The proposed operational hours are 05:00 - 23:00 Monday to Sunday, therefore the NIA includes day-time and night-time assessment of noise levels.

The NIA concludes that the proposed development will have a negligible impact in terms of noise on these residential properties at daytime and night-time periods. Environmental Protection has raised no objection to the proposal, subject to the inclusion of a condition limiting cooking operations on site. Further, a condition has been included to restrict the hours of operation to 05:00 - 23:00 in order to safeguard the amenity of neighbouring residents.

The proposed use does not require the preparation of any form of cooking on the premises that would require ventilation details as part of the proposal. However, certain cooking could be conducted on the premises, without adversely impacting on nearby residents. Therefore, a condition is required to restrict the methods of cooking on this premises including use of a panini machine, toasty machine, baked potato oven, soup urn and microwave only. This is to safeguard the living environment of neighbouring residents.

Further, should a nuisance or noise disturbance be reported from the site then there are statutory provisions in order to mitigate these concerns under the Environmental Protection Act 1990.

The proposal will not cast shade on neighbouring properties gardens or impact on daylight to existing windows.

In regard to privacy, proposed windows on the south and west elevation face the car park and street. These openings are at an angle that do not directly face adjacent residential properties. In addition, the distance retained of approximately 30m from the building to nearest residential properties would prevent any significant impact in terms of overlooking or immediate outlook for these occupiers.

The proposal does not result in any unreasonable loss of neighbouring amenity in regard to noise, daylight, sunlight, privacy or immediate outlook.

Environmental Protection has raised no concerns in terms of impact on air quality and air pollution.

The proposal complies with LDP policies Des 5 and Ret 8 criteria (d).

e) Flooding

The site lies within an area identified as a surface water flood risk. A surface water management plan and flood risk assessment have been submitted as part of the application.

Flooding have raised no concern regarding the proposal. Additional drainage calculations and flow path drawings of surface water for pre-development and post development scenarios have been submitted by the applicant and are considered acceptable.

f) Public comments

Material comments - objections

- Proximity to residential neighbourhood - Addressed in sections 3.3 c) and d).
- Adverse impact on amenity (privacy, outlook, noise and cooking odours) - Addressed in section 3.3 d).
- Impact on traffic - Addressed in section 3.3 b);
- Impact on footpaths, crossing points, pedestrian and cycle safety - Addressed in section 3.3 b);
- No detail of tree planting/ hedgerows and impact on biodiversity - Addressed in section 3.3 c);
- Existing provision of uses in retail park including KFC and McDonalds - Addressed in section 3.3 a);
- Impact on air quality, air pollution - Addressed in section 3.3 d); and
- Current provision of recycling depot would be lost - Addressed in section 3.3 c).

Non-material Comments

- Impact on litter - Refuse facilities have been included on the proposed plans. Maintenance of litter facilities would be the responsibility of current / future owners of the application site and cannot materially be assessed as part of this planning application;
- Lead to antisocial behaviour, impact on health, and homelessness; These matters cannot materially be assessed as part of this planning application and are matters for the Police and other statutory regimes;
- Impact on house prices; This matter is not a material planning consideration;
- Contrary to draft City Local Plan (sustainability, zero carbon economy) - this is not yet a material planning consideration as the proposed Plan has not been approved;
- Adverse impact on existing independent coffee units - competition is not a material planning consideration;
- Neighbour notification - The records indicate that neighbour notification was carried out in accordance with the relevant legislation of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013;
- Site address does not exist - The site address refers to the location of Unit 11 in the retail park and has been updated to reflect the application site's location in

relation to this. The location plan submitted identifies the site location within the retail park.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Cooking, heating and reheating operations on the premises shall be restricted to the use of a panini machine, toasty machine, baked potato oven, soup urn and microwave only; no other forms of cooking, heating and reheating shall take place without prior written approval of the Planning Authority and no odours shall be exhausted into any neighbouring premises.
2. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
3. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
4. Hours of operation shall be restricted to 05:00 to 23:00 Monday to Sunday.

Reasons:-

1. In order to safeguard the amenity of neighbouring residents and other occupiers.
2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
3. In order to ensure that the approved landscaping works are properly established on site.
4. In the interests of neighbouring amenity.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. In accordance with the Council's Local Transport Strategy Travplan3 policy, 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), timetables for local public transport.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

19 representations have been received - 17 objecting, 1 neutral and 1 support.

Background reading / external references

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

- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

Edinburgh Local Development Plan - Urban Area

Date registered

26 August 2020

Drawing numbers/Scheme

01, 02A, 03A, 05A, 06A, 07A, 08, 09, 10A, 11,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Relevant Non-Statutory Guidelines

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

Appendix 1

Application for Planning Permission 20/03545/FUL At Land 71 Metres North East Of, 11 Moray Park, Edinburgh Proposed coffee shop with drive thru facility and associated works.

Consultations

Transport:

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

I. In accordance with the Council's LTS Travplan3 policy, 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), timetables for local public transport;

Note:

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

a) The development is expected to generate 54 and 100 two-way vehicular trips respectively for the weekday peak (13:00 - 14:00) and weekend peak (14:00 - 15:00). It is expected that majority of the vehicular trips will originate from customers already in the retail park or pass-by trips from vehicles already on the surrounding road network. It is predicted that there will be minimal increase in car park occupancy, with the car park predicted to continue to operate well within capacity both on a weekday and weekends;

b) The proposal reduces existing car parking spaces on the application site boundary from 73 to 16 spaces; The proposal reduces the total car parking space for the retail park by 57 from 553(including 24 disabled bays) to 496;

c) The applicant has demonstrated by swept path analysis that refuse collection will be done from the front of the drive-thru pod;

d) Site is accessible by public transport - Lothian service 1, 4, 5, 26, 34, 44.

b) The applicant by means of parking survey on Thursday 22nd and Saturday 24th March 2018, demonstrated that there is available/spare parking capacity at all times of the day with a maximum observed car park occupancy of 45% (246) on a weekday (12:00 - 12:30) and 65%(365) at the weekends (13:30 - 14:00).

Environmental Health:

This application proposes the development of a new coffee shop with drive through facility within the south eastern part of the car park associated with the Meadowbank Retail Park off Moray Park.

It is proposed that hot and cold drinks, snacks and sandwiches will be sold for consumption on the premises or to takeaway and as no primary cooking will take place on site, no ventilation extraction plant is planned for the development.

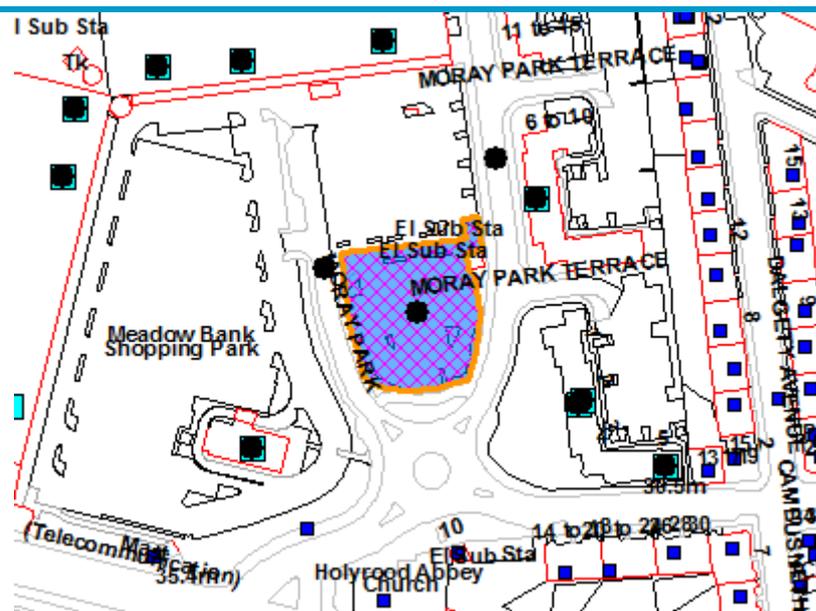
It is understood that the proposed hours of operation will be 0500-2300 hours, seven days a week. Deliveries and waste collections however are to be carried out within the restrictions of the original planning consent for the retail park. As there are residential properties located on Moray Park approximately 30 metres from the boundary of the development site a noise impact assessment was requested which considered noise from plant and machinery associated with the unit and those aspects of the drive through including additional traffic movements and the ordering point. A Noise Impact Assessment by Bureau Veritas, UK.3911968/rmg/R1 dated 30th October 2020 was subsequently provided which concluded that the proposed development will have a negligible impact at the nearest noise sensitive receptors for daytime and night-time periods.

Therefore, Environmental Protection has no objections to this proposal subject to the following condition:

1. Cooking operations on the premises shall be restricted to that necessary for the toasting of paninis and the reheating of baked goods only. No other forms of cooking shall take place without the prior written approval of the Planning Authority; and Cooking odour shall not escape or be exhausted into any neighbouring premises, all to the satisfaction of the Council's Planning Authority.

Flooding: No objections to the proposal.

Location Plan



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