

Development Management Sub Committee

Wednesday 8 December 2021

Application for Planning Permission 21/04058/FUL At 102 Pilton Drive, Edinburgh, EH5 2HF Erection of coffee shop with drive-thru facility

Item number

Report number

Wards

B04 - Forth

Summary

The proposal complies with the Local Development Plan. The proposal is acceptable in this location and is of an appropriate scale, form and design and will not have a detrimental effect on the character of the area. The proposal is located in an area with good transport links and the increase in journeys and traffic are within acceptable limits. Sustainable modes of travel can be used to access the site. The proposal is compatible with surrounding uses and will not result in a detrimental impact on neighbours' living conditions. The proposal complies with the 13 policy principles of sustainable development set out in Scottish Planning Policy (SPP) and there are no other material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LRET11, LRET06, LDES01, LDES04, LDES07, LDES05, LTRA02, LTRA03, LTRA04, LDES06, LEN12, LDES03, NSG, NSGD02, SPP,

Report

Application for Planning Permission 21/04058/FUL At 102 Pilton Drive, Edinburgh, EH5 2HF Erection of coffee shop with drive-thru facility

Recommendations

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

Background

2.1 Site description

The application site is part of the car park at an existing supermarket on the north side of Ferry Road near Crewe Toll. The car park is to the whole front of the supermarket and partly to the east side. A service yard is to the north of the east side of the supermarket building and there is a petrol filling station with car wash to the south east of the site. Access is from Pilton Road via a short access road and roundabout.

To the east of the supermarket and car park and opposite the filling station is Ferryfield community hospital and beyond is residential. To the north is a cycleway and to the west is an engineering/development company. Opposite on the south side of Ferry Road is open space in the form of playing fields and further to the west is a business/office block, a hotel, gym and coffee shop.

There are mixed uses in the surrounding area including residential and in the wider surrounding area residential use is predominant.

Ferry Road is a busy main thoroughfare in the city and a key route to Leith. It is served by a frequent bus service and near the application site it has cycle lanes in both directions.

2.2 Site History

06 March 1996 - application granted for construction of petrol filling station, ancillary shop & car wash (application number 95/01599/FUL);

28 August 1996 - application granted for construction of a superstore, including shop units, associated car park (application number 95/01600/REM);

28 Jul 2021 - application received for proposed signage for coffee shop and drive thru (application number 21/04059/ADV); and

17 September 2021 - application granted for car park valeting pod to be located within the existing car park (application number 21/03668/FUL).

Main report

3.1 Description Of The Proposal

The proposal is for a coffee shop with a drive thru on the existing car park. Access will be from the existing roundabout and car park.

The proposed building will be single storey with a mono pitched shallow sloping roof. There will be an entrance door on the west side and windows on the west and south elevations with the drive thru window on the east side.

The drive thru window will be on the side to the existing access road and petrol filling station. The entrance and windows will face onto the existing car park.

Materials proposed are aluminium roof, flashings/trims and framed glazing; render, bricks, blockwork, timber battens and PPC (polyester powder coating) doors.

A footpath will be provided along the front entrance side of the proposed building and crossing points installed. Two disabled parking spaces will be provided.

The following information was submitted in support of the application:

- Design and Access Statement;
- Planning Statement;
- Transport Statement;
- Desk Study (i.e. geological and historical appraisal);
- Drainage Philosophy;
- Noise Impact Assessment; and
- Ventilation Strategy.

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

3.2 Determining Issues

This report will consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

3.3 Assessment

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

- a) the proposal is acceptable in this location;
- b) the proposal is of an appropriate scale, form and design;
- c) there is any impact on neighbouring residential amenity;
- d) there are any transport or parking issues;
- e) there are any other material considerations;
- f) there are any equalities or human rights issues; and
- g) the public comments have been addressed.

a) Principle of development

Local Development Plan (LDP) policy Ret 11 (Food and Drink Establishments) states that the change of use of a shop unit or other premises to a licensed or unlicensed restaurant, café, pub or shop selling hot food for consumption of the premises (hot food takeaway) will not be permitted: a) if likely to lead to an unacceptable increase in noise, disturbance, on-street activity or anti-social behaviour to the detriment of living conditions for nearby residents or b) in an area where there is considered to be an excessive concentration of such uses to the detriment of living conditions for nearby residents.

The proposed drive thru, which will include a café, is a use class 3 - food and drink. It is not a proposed shop and, therefore, policy Ret 11 is applicable and retail policies, such as policy Ret 6 (Out Of Centre Development), are not applicable. The retail use of the larger site, including the area of the proposal, is well established and, therefore, the principle of out-of-centre retail on this site is also established.

The site is located within the context of the urban area in the LDP. The proposal will be positioned within the existing large car park of an established supermarket between the supermarket building and near the petrol filling station. A café is currently provided within the supermarket building and the proposed coffee shop will not affect the existing predominant retail use and character of the wider site.

There are a mix of uses along this part of Ferry Road. The proposed coffee shop with drive-thru is compatible with the existing uses within the area.

There are no immediately adjacent residential properties although there is a community hospital. However, the proposal will be located diagonally opposite the community hospital (nursing home) and next to the existing access road and petrol filling station. The coffee shop with drive through facility will not result in an excessive concentration of such uses. Therefore, the proposal will not be detrimental to nearby residential

properties. Environmental Protection has stated that it has no objections to the application and has advised that noise levels would be acceptable.

Anti-social behaviour is a matter for the police.

The proposal complies with policy Ret 11 and is acceptable in this location.

b) Scale, form and design and character and appearance of the surrounding area

LDP Policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area.

LDP Policy Des 4 (Development Design - Impact on Setting) also requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regard to its height and form, scale and proportions, including the spaces between the buildings, position of the buildings and other features on the site; and the materials and detailing.

LDP Policy Des 7 (Layout Design) sets out criteria a) - f) in relation to layout of buildings, streets, access and connectivity.

The single storey building is of a simple design which will sit within the large car park behind landscaping on one (east) side and near the petrol filling station which has a high canopy. Existing trees will remain which will continue to contribute positively to the character of site and surrounding area. A mix of uses and a variety of building sizes, heights and architectural styles are found in the surrounding area. The modern building and materials proposed will sit comfortably within the site's surroundings and in the surrounding area. Sufficient space will remain in the car park to retain the openness to the front of the supermarket building.

The proposed development will be easily accessed from the existing car park and roads and other connections from the larger surrounding retail site. It will not form a new street and will create a new building in what is currently an underused area of car park. There will be level access to the coffee shop and the new footpath and crossing points will provide safe and convenient pedestrian access and minimise potential conflict with vehicles. Due to its positioning in the wider area, although it will not be overlooked by other buildings, activity on the site and adjacent busy thoroughfare will provide some natural surveillance and therefore community safety of the access routes.

The proposal complies with policies Des 1, Des 4 and Des 7.

c) Neighbouring Amenity

LDP Policy Des 5 (Development Design - Amenity) requires development proposals to demonstrate that neighbouring amenity of a development will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

Environmental Protection has advised that it has no objections to the application. It is stated that the nearest noise sensitive development is a nursing home (community

hospital) located approximately 40m to the north east. Environmental Protection is of the view that the proposal is unlikely to produce any cooking odours of significance and that the conclusion of the Noise Impact Assessment (NIA) is accepted and that no noise levels are envisaged that would affect the nursing home.

The proposal will be in an existing car park and next to a petrol filling station where there is already some noise from traffic and servicing. It will also be next to a busy thoroughfare which provides some ambient background traffic and other noise. The nearest residential units are to the east which are opposite the filling station and front Ferry Road. In this context, the proposal will not have a detrimental impact on neighbouring amenity.

The proposal complies with policy Des 5.

d) Transport and parking

LDP Policies Tra 2 - Tra 4 sets out the requirements for private car and cycle parking. The Council's Parking Standards are set out in the Edinburgh Design Guidance.

Policy Tra 2 (Private Car Parking) states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.

Policy Tra 3 (Private Cycle Parking) states that planning permission will be granted for development where proposed cycle parking and storage provision complies with the standards set out in Council guidance.

Policy Tra 4 (Design of Off Street Car and Cycle Parking) sets out that design considerations which will be taken into account. This includes location of parking, structured planting, safety and community recycling space.

The City Mobility Plan is a material planning consideration for this application and, therefore, the Active Travel Action Plan is also a material consideration.

Information provided in the Transport Statement indicates that existing vehicle journeys either going to the supermarket or driving past the site will use the proposed coffee shop with its drive thru facility although there will be some new vehicle journeys. It is expected that in the Friday evening and Saturday evening peaks, 19 and 27 new journeys respectively will be generated.

The Roads Authority has advised that it has no objections to the proposed application. It has also advised that the proposed application will reduce on site car parking from 450 spaces to 399. The additional two disabled parking spaces will be provided resulting in a total of 18 disabled parking spaces for the wider site. This will assist those with mobility impairments or those with disabilities. The additional vehicle trips, up to 27 in the Saturday peak, are considered to be acceptable.

There is existing pedestrian and cycle access to the larger supermarket site which is also near a bus stop. A footpath will be provided along the front entrance side of the proposed building and crossing points installed. To further improve pedestrian links to

the proposed development, a condition is recommended relating to the provision of a link from Ferry Road to the proposed coffee shop.

Cycling parking is available at the supermarket building although no specific cycle parking is shown in the drawings for the proposed coffee shop. The Edinburgh Design Guidance advises that cycle spaces would be required and, therefore, a condition is recommended requiring cycle parking to be provided on site.

In terms of the impact on climate change, pollution and encouraging car journeys, the proposed development will be accessible on foot, by bicycle and by public transport. The transport information has shown that most of the journeys to the coffee shop and drive thru will be existing journeys from those already travelling to the supermarket or petrol station or those driving past the application site. Although not wholly a sustainable development in relation to travelling, the proposal does provide for sustainable access and is within walking distance of nearby residential development.

Public comments have raised pedestrian and cycle access to the existing supermarket site as being insufficient. However, there is no requirement for a new access to be formed to access the supermarket from the nearby core path/cycle route. Therefore, requiring such an access is not necessary and would be contrary to Planning Circular 4/1998 regarding the use of planning conditions.

The proposal contributes to Active Travel by proposing a footpath for pedestrian and cycle access to the application site and will be set within a larger site that is already accessible by active travel modes.

As no additional car parking is being produced as a result of this development, there is no requirement for additional electric charging infrastructure.

The proposal, with the use of a condition relating to cycle parking, complies with policies Tra 2 - Tra 4.

e) other considerations

Sustainability and Climate Change

Policy Des 6 (Sustainable Buildings) states that planning permission will only be granted for new development where it has been demonstrated that criteria a) and b) can be met with regards to; a) carbon dioxide emissions reduction through the use of low and zero carbon generating technologies and b) other features are incorporated that will reduce or minimise environmental resource use and impact.

This policy relates to buildings only. The sustainability impact in terms of transport has been assessed in 3.3d).

The Design and Access Statement advises that the building will be constructed to meet the building regulations and, therefore, it will be a sustainable building. The building and ancillary work will also be on an existing site which has already been developed.

The proposal complies with policy Des 6.

Env 12 (Trees) states that development should not damage trees protected by a Tree Preservation Order or any other tree worthy of retention.

Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) seeks to retain exiting characteristics and features worthy of retention on the site and in the surrounding area.

No trees will be removed and it is not expected that the crowns will need to be severely cut back to accommodate the building or vehicle movements at drive thru. The proposal will be within 12 metres of the tree roots and, therefore, a condition is recommended to protect the trees.

The existing landscaping including the trees will remain and continue to contribute to the character of the street and the surrounding area.

The proposal complies with policies Env 12 and Des 3.

Scottish Planning Policy (SPP) - significant material consideration

The SPP introduces a presumption in favour of development that contributes to sustainable development and sets out 13 principles to guide policy and decisions:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

The development will be located on land already developed and will re-use existing car parking spaces which will be a sustainable use of the land. It will contribute to the economy through the creation of jobs and associated construction and maintenance of the development. The site can be accessed by sustainable modes of transport including by bus, cycling or walking. The development will also have inside and outside seating which will offer opportunities for social interaction and will contribute to a sense of place.

The proposed development therefore complies with the 13 SPP principles.

f) Equalities and Human Rights

The application has been assessed and has no impact in terms of equalities or human rights. The building will be level access and provide disabled parking spaces. The ability to use the drive thru facility to buy a coffee rather than enter the coffee shop, will give equal opportunity for those with mobility or other impairments to use the facility.

g) Public Comments

Material objections

- contrary to policy Ret 6 (Out of Centre Development). Addressed in 3.3a).
- anti-social behaviour. Addressed in 3.3a).
- contrary to policy Des 7 (Layout Design). Addressed in 3.3b).
- increased traffic (car) journeys. Addressed in 3.3d).
- contrary to Active Travel Action Plan. Addressed in 3.3d).
- impact on sustainability, climate change, emissions and pollution. Addressed in 3.3d).
- lack of electric vehicle chargers. Addressed in 3.3d).
- equalities. Addressed in 3.3d) and 6.1.
- pedestrian and cycle access. Addressed in 3.3d).

Support

- welcome new facilities in area
- creates a meeting place

Non material

- contrary to Scottish Government's Commitment to address over reliance on cars. The proposal does not raise issues of a strategic nature and can, therefore, be assessed within the context of Edinburgh Local Development Plan (LDP).
- creation of a street. The planning authority can only assess the application submitted.
- litter. This is not a material planning consideration.
- need for another coffee shop. This is not a material planning consideration for this application.

- road safety, road layout/junction changes on Ferry Road. This is a separate legislative matter and the Roads Authority and supermarket operator are in discussions to improve the junction.
- timing of traffic lights. This is the responsibility of the Roads Authority.
- resurfacing of road. This is the responsibility of the Roads Authority if a publicly adopted road or the owner if a private road.
- use car park for car club cars. The planning authority can only assess the application submitted.
- impact on local businesses. This is not a material planning consideration for this application.
- no community benefit. The proposal is not required to provide a community benefit.
- neighbour notification. Planning legislation and regulations only require those neighbours within 20 metres of the application site to be notified of the application. The neighbour notification has been carried out in accordance with the regulations.

CONCLUSION

The proposal complies with the Local Development Plan. The proposal is acceptable in this location and is of an appropriate scale, form and design and will not have a detrimental effect on the character of the area. The proposal is located in an area with good transport links and the increase in journeys and traffic are within acceptable limits. Sustainable modes of travel can be used to access the site. The proposal is compatible with surrounding uses and will not result in a detrimental impact on neighbours' living conditions. The proposal complies with the 13 policy principles of sustainable development set out in Scottish Planning Policy (SPP) and there are no other material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives:-

Conditions:-

1. Notwithstanding the provisions of Part 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) or any subsequent order, the premises shall be restricted to Class 3 as specified by the Town and Country Planning (Use Classes) (Scotland) Order 1997, and shall not be used for any other purpose unless it has been first authorised by means of a grant of planning permission, by the planning authority.
2. Prior to the operation of the coffee shop and drive thru, cycle parking shall be provided on site in accordance with cycle parking standards in the Edinburgh Design Guidance. A drawing showing the details of the number of spaces, location of the spaces and type of cycle parking racks shall be provided to and approved in writing by the Council as planning authority and the approved cycle parking shall be installed before the use hereby approved commences.

3. No development shall take place until the applicant has submitted details of a pedestrian link from Ferry Road to the entrance of the development hereby approved. The aforementioned pedestrian link shall be completed prior to the opening of the development.
4. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".

Reasons:-

1. In order to control the land use of the site.
2. To comply with the Edinburgh Design Guidance and to enable the planning authority to consider the matter in more detail.
3. To improve pedestrian links to the development.
4. In order to safeguard protected trees.

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. Consideration should be given to the provision of electric vehicle charging points.

Financial impact

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Sixty public comments have been received. Of these 58 are objections, one is a support comment and one is a general comment.

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**

Local Development Plan - Urban Area.

Date registered

28 July 2021

Drawing numbers/Scheme

01-06,

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jackie McInnes, Planning officer
E-mail: jackie.mcinnnes@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

LDP Policy Ret 6 (Out-of-Centre Development) identifies the circumstances in which out-of-centre retail development will be permitted.

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 7 (Layout design) sets criteria for assessing layout design.

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

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 Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

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

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

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

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.

Scottish Planning Policy (SPP) - The SPP sets out Scottish Government policy on nationally important land use matters and includes subject specific policies on: economic development, town centres and retailing, housing, rural development, coastal planning, fish farming, historic environment, landscape and natural heritage, open space and physical activity, green belts, transport, renewable energy, flooding and drainage, waste management, minerals, on-shore oil and gas, surface coal mining and communications infrastructure.

Appendix 1

Application for Planning Permission 21/04058/FUL At 102 Pilton Drive, Edinburgh, EH5 2HF Erection of coffee shop with drive-thru facility

Consultations

Environmental Protection

Environmental Protection has no objections to this application.

Assessment

The application is for the erection of a coffee shop with a drive through facility within the south east corner of the supermarket car park at 102 Pilton Drive, Edinburgh. The supermarket is located to the north west, with car parking to the north and west of the proposed development. The nearest noise sensitive development is a nursing home located approximately 40m to the north east. A fuel filling station is adjacent to the east and on the other side of Ferry Road to the south are located sports playing fields. The application site is next to Ferry Road which is a very busy road with traffic. Consequently, there are high background noise levels in this area due to traffic noise.

The coffee shop proposed is unlikely to produce any cooking odours of significance. However, should the business activities change in the future, it is a sufficient distance to allow any cooking odour to be diluted and disperse and not impact on the nursing home.

In terms of noise, a Noise Impact Assessment (NIA) was submitted in support of the application. Mechanical heat recovery ventilation to provide a general fresh air supply and extract to the occupied areas of the cafe are proposed, as are extract only ventilation to the toilets. The exact details of mechanical plant were not known at the time of the NIA. However, it concluded: "Based on assessments carried out for similar developments, the distance between the development and receptors and the existing background noise levels, it is anticipated that the criteria suggested in Table 6 above will be met." Although the NIA did not use the same criteria that we specify, the conclusion is accepted and we do not envisage noise levels affecting the Nursing Home.

The NIA also investigated noise from vehicles using the drive-thru as well as noise from deliveries. It concluded that noise levels would be acceptable.

Therefore, Environmental Protection has no objection to this application.

Transport (Roads Authority)

Summary Response

No objections.

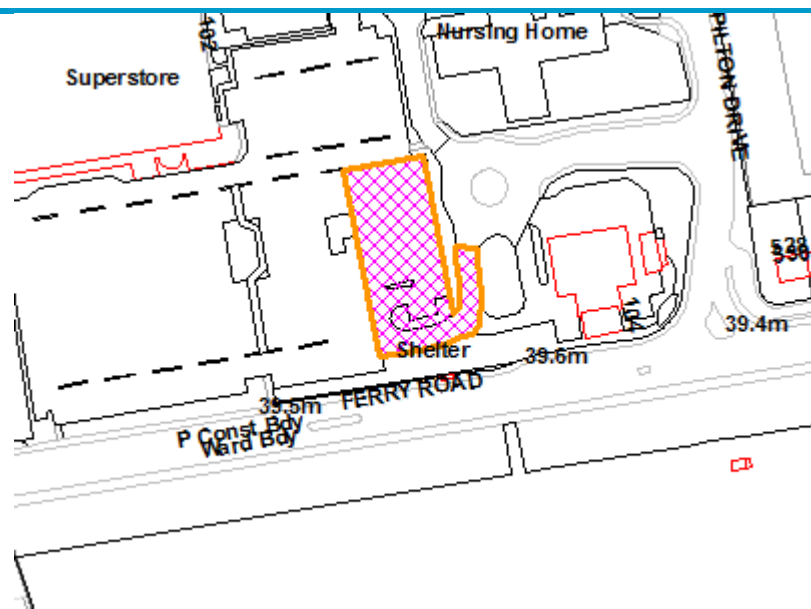
Full Response

No objections to the proposed application.

Note:

1. The proposed application will reduce on site car parking from 450 spaces to 399;
2. An additional 2 disabled spaces will be provided resulting in a total of 18 spaces;
3. The additional vehicle trips, up to 27 in the Saturday peak, are considered to be acceptable.

Location Plan



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