

Development Management Sub-Committee Report

Wednesday 5 October 2022

**Application for Planning Permission
4 Piersfield Terrace, Edinburgh, EH8 7BQ**

Proposal: Car park valeting pod to be located within the existing car park (as amended)

**Item – Committee Decision
Application Number – 21/03671/FUL
Ward – B14 - Craigentiny/Duddingston**

Reasons for Referral to Committee

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-committee as it has received more than six material representations in objection and the recommendation is to approve planning permission.

Recommendation

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

Summary

The proposals comply with the relevant Local Development Plan policies and Scottish Planning Policy. The proposals are acceptable in principle and will not have a detrimental impact on the function of the Piershill Local Centre. They do not have a materially detrimental effect on the living conditions of nearby residents and the proposals will promote the creation of a sense of place. The proposals raise no material issues in respect of flooding, drainage, pollution or car and cycle parking. There are no compelling material considerations for not approving the development.

SECTION A – Application Background

Site Description

The development site comprises an area of nine car parking spaces in the southwest corner of the car park of Morrisons at Piershill.

The application site is separated from Baronscourt Park to the south by a row of trees. To the west are 2-storey residential properties fronting Baronscourt Terrace. The boundaries of their rear curtilages are marked by a stone wall which is approximately 1.5m in height.

The application site is located in the Piershill Local Centre.

Description of the Proposals

Planning permission is sought for the erection of a vehicular valeting facility. There are three parts to the proposals. From west to east, it is proposed to site a blue steel cabin, measuring 2.4m by 4.9m by 2.6m (w / l / h), then form a dry area, which will include finishing and vacuuming, and a wet area, which will include a jet wash. Two blue canopies, each measuring 4.9m by 8.0m by 3.9m, are to sit above the wet and dry areas and a 2.8m in height grey composite fence shall be installed to the south, east and west boundaries.

The application was amended prior to this recommendation. Scheme 2 and Scheme 3 increased the height of the composite boundary fence and the extent of a canopy. Scheme 4 replaces one canopy with two, with no significant change to the overall height and extent when compared to Scheme 2 and Scheme 3, and further increased the height of the composite boundary fence.

Supporting Information

A Design and Access Statement and a Noise Impact Assessment, with subsequent reappraisal to take into account the changes between Scheme 3 and Scheme 4, were submitted in support.

Relevant Site History

21/03670/ADV
4 Piersfield Terrace
Edinburgh
EH8 7BQ
Fascia, Hoarding and Elevations signage (as amended)
Granted
14 June 2022

Other Relevant Site History

Pre-Application process

There is no pre-application process history.

Consultation Engagement

CEC Environmental Protection

Scottish Water

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

Publicity and Public Engagement

Date of Neighbour Notification: 20 July 2021

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable;

Site Notices Date(s): Not Applicable;

Number of Contributors: 35

Section B - Assessment

Determining Issues

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

Do the proposals comply with the development plan?

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

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

Assessment

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

a) The proposals comply with the Development Plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- Des 1 Design Quality and Context;
- Hou 7 Inappropriate Uses in Residential Areas;
- Ret 5 Local Centres;
- Env 21 Flood Protection;
- Env 22 Pollution and Air, Water and Soil Quality;
- Tra 2 Private Car Parking;
- Tra 3 Private Cycle Parking and
- RS 6 Water and Drainage.

The non-statutory Guidance for Businesses and the Edinburgh Design Guidance are material in the consideration of these policies.

Principle of the proposals

LDP Policy Ret 5 states that *"proposals for non-retail development in a local centre which would have a detrimental impact on the function of the centre will not be permitted"*.

Whilst Morrisons has a conveyorised tunnel car wash, the Piershill Local Centre is not served by a vehicular valet facility. Although similar, in terms of the function of cleaning cars, the proposals would offer a more hands on service for customers to use when they are in-store. The non-retail development is small, ancillary in nature and would not have a detrimental impact on the function of the Piershill Local Centre.

Sting, design and impact on surroundings

LDP Policy Des 1 state that *"planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance"*.

The removal of car parking spaces to provide complementary uses to a supermarket is supported as it would foster the creation of a sense of place by the diversification of an otherwise characterless expanse of tarmac. The proposed siting is acceptable as mature trees will frame the development, promoting integration into its surroundings and minimising change to the wider townscape. The design of the proposals is functional and has largely been dictated by a need to contain spray and noise, which is appropriate for a development of this nature in this location.

Amenity

LDP Policy Hou 7 states that *"developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted"*.

The eastern side of Baronscourt Terrace is defined by three rows of 2-storey terraced properties. Single-storey garages sit between each row. The nearest properties are 35/37 Baronscourt Terrace to the west (30m to façade and 14m to curtilage boundary), 31/33 Baronscourt Terrace to the northwest (18m and 35m) and 51/53 Baronscourt Terrace to the southwest (38m and 52m). All are separated from the car park by a 1.5m high stone wall (approx.) except 51/53 Baronscourt Terrace; this property would not have a clear line of sight of the development, owing to trees around Baronscourt Park and its own and neighbouring boundary treatments.

These separation distances, the presence of the stone wall and intervening mature trees, as well as the composite fencing and canopies being proposed, sufficiently ensures that there will be no materially detrimental effect on the levels of privacy, overshadowing, immediate outlook, daylight or sunlight for bounding properties. The wet area is the easternmost part and located the furthest from properties. This, and the broadly enclosed nature of the proposals, means that spray is unlikely to break out into curtilages.

A Noise Impact Assessment (NIA) was submitted in support. It modelled the worst-case scenario in respect of noise from jet washers and vacuums and considers local topography and barriers, as well as the existing noise levels of the supermarket environment. In response to the as submitted NIA and subject to conditions, CEC Environmental Protection do not consider that the proposals shall have an adverse impact on residential amenity and raised no objection. The attachment of their suggested restriction of opening hours, which matches those proposed within the as submitted and revised NIA, as well as a standard, implementation of mitigation prior to operation condition is recommended. The NIA was reappraised to take into account the changes between Scheme 3 and Scheme 4 and there was no change in its findings. As such, it was not considered necessary to reconsult CEC Environmental Protection.

Car and cycle parking

LDP Policies Tra 2 and Tra 3 support development where the proposed car and cycle parking provision complies with the Edinburgh Design Guidance.

No cycle parking is proposed, and staff would be able to use the existing provision of the supermarket. This is acceptable for a small scale and incidental development of this nature. The proposals and 'garden centre' approved by planning permission 21/02951/FUL will occupy nine and 12 car parking spaces respectively. The reduction from 387 car parking spaces to 366 is minor, acceptable and raises no capacity concerns for the supermarket.

Drainage, flooding and pollution

LDP Policy Env 21 states that *"planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself"*. LDP Policy Env 22 states that *"planning permission will only be granted for development where:*

- a) there will be no significant adverse effects for health, the environment and amenity and either:*
- b) there will be no significant adverse effects on: air, and soil quality; the quality of the water environment; or on ground stability: or*
- c) appropriate mitigation to minimise any adverse effects can be provided"*.

LDP Policy RS 6 states that *"planning permission will not be granted where there is an inadequate water supply or sewerage available to meet the demands of the development and necessary improvements cannot be provided"*.

The wet area will be graded to direct run off into a centralised drain. There will be no change to the tarmac for the dry area. Whilst sections of Baronscourt Park are at risk of surface water flooding, the small-scale facility, set within a car park with existing drainage provision, which would be bounded by composite fencing and use a relatively modest amount of water per day, would not increase the identified flood risk or be at risk of flooding itself.

Chemicals used are to be biodegradable, diluted and will flow into a silt trap before connecting to the existing wastewater network. Scottish Water has confirmed that there is adequate water and wastewater capacity to serve the development and no current network issues which may impact provision. The requirement to obtain Scottish Water consent for a connection to the existing wastewater network as well as a Trade Effluent Licence suitably ensures there will be no significant adverse effects for soil quality and the water environment.

The proposals are expected to serve 30 vehicles per day which is significantly fewer than the movements generated by the supermarket currently. Its 'selling point' over the conveyerised tunnel car wash is the convenience for supermarket customers to have their car washed whilst they shop. Its ancillary nature, in both scale and need to the supermarket, means that it is unlikely to generate vehicular trips by itself and it is accepted that the majority of users will also be supermarket customers. The increase in vehicular traffic from the proposals, as well as any from the similarly ancillary 'garden centre', is minor, unlikely to intensify any existing periods of congestion associated with the supermarket or result in significant adverse effects on air quality.

Conclusion in relation to the Development Plan

The proposals comply with LDP Policy Des 1, Hou 7, Ret 5, Env 21, Env 22, Tra 2, Tra 3 and RS 6. The proposals are acceptable in principle and will not have a detrimental impact on the function of the Piershill Local Centre. They shall not have a materially detrimental effect on the living conditions of nearby residents and the proposals will promote the creation of a sense of place. The proposals raise no material issues in respect of flooding, drainage, pollution or car and cycle parking.

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

The following material planning considerations have been identified:

Scottish Planning Policy - sustainable development

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

The proposals will have a net economic benefit and they support the Piershill Local Centre through the diversification of its commercial offering. The 'wash while we shop' nature is unlikely to generate vehicular trips by itself and any increase in water use is minor. The amenity of existing development shall not be adversely affected and there are no implications for water and soil quality.

Emerging policy context

The Draft National Planning Framework 4 is being consulted on at present and has not been adopted. City Plan 2030 has not been submitted to Scottish Ministers for examination. As such, little weight can be attached to these as material considerations.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010 and consideration has been given to human rights. No impacts have been identified.

Public representations

35 letters of representation in objection were received.

Material considerations in objection

- Existence of similar in nature developments - this is addressed under 'principle of the proposals' within paragraph a).
- Inappropriate design and siting - this is addressed under 'siting, design and impact on surroundings' within paragraph a).
- Impact on amenity including from noise and spray - this is addressed under 'amenity' within paragraph a).
- Water usage - this is addressed under 'drainage, flooding and pollution' within paragraph a).
- Air and ground pollution - this is addressed under 'drainage, flooding and pollution' within paragraph a).
- Drainage and flood risk - this is addressed under 'drainage, flooding and pollution' within paragraph a).
- Increase in vehicular traffic - this is addressed under 'drainage, flooding and pollution' within paragraph a).
- Loss of car parking spaces - this is addressed under 'car and cycle parking' within paragraph a)

Non-material considerations in objection

- Discrepancy on the application form relating to trees - the answer of no to the question 'are there any trees on or adjacent to the application site' is noted. No trees shall be removed or impacted by the proposals.
- Replacement of trees previously removed to the western boundary of the supermarket - this does not relate to the proposals.
- Drawings not showing allotments or playing fields - the lack of detail in respect of Baronscourt Park was noted. The proposals shall have no material impact on the continued enjoyment of these identified areas.
- Allegations of Morrisons being a 'bad neighbour'.
- Loss of view.
- Breaking of vehicular speed limit within or outwith the car park.
- Noise from modified vehicles.
- Noise or other disturbance from birds.
- Allegations of litter being 'thrown' into curtilages.
- Noise from dogs barking outside the supermarket entrance.

- Impact on residential property value or the ability to sell property.
- Restrictions or guidance issued as a result of COVID-19.

Conclusion in relation to identified material considerations

There are no compelling material considerations for not approving the development.

c) Overall conclusion

The proposals comply with the relevant Local Development Plan policies and Scottish Planning Policy. The proposals are acceptable in principle and will not have a detrimental impact on the function of the Piershill Local Centre. They do not have a materially detrimental effect on the living conditions of nearby residents and the proposals will promote the creation of a sense of place. The proposals raise no material issues in respect of flooding, drainage, pollution or car and cycle parking. There are no compelling material considerations for not approving the development.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. Hours of operation shall be restricted to 09:00 to 18:00 Monday to Saturday and 10:00 to 16:00 on Sundays as recommended by the Healthy Abode Noise Impact Assessment (ref HA/AD943/V1.2) dated 5 September 2022.
3. The development shall be implemented as set out in the Healthy Abode Noise Impact Assessment (ref HA/AD943/V1.2) dated 5 September 2022. The noise attenuation measures shall be completed prior to operations subject of this planning permission being initiated.

Reasons:-

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. No radios or amplified music shall be used on site. While stationary, all vehicles using the car wash should be switched off and not left idling.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 19 July 2021

Drawing Numbers/Scheme

01, 02A, 03C

Scheme 4

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Graham Fraser, Assistant Planning Officer
E-mail: graham.fraser@edinburgh.gov.uk

Summary of Consultation Responses

NAME: CEC Environmental Protection

COMMENT: No objection subject to conditions and informatives

The site fronts onto Portobello Road, which is bordered by commercial and some residential premises. Residential premises run along the west boundary of the site, which are situated on Baronscourt Road. To the rear of the site (south) is Baronscourt Park and Claremont Park Allotments with residential behind. Royal High Primary School and Northfield and Willowbrae Community Council are located to the south-east.

It is proposed that a small area of the Morrisons car park be developed in to a car wash and valeting area. The development will include a; wash area, dry valet area and a car park valeting cabin. The car parking valet cabin will be situated to the west. In addition, a composite fence is proposed to surround the wet and dry bay to the south, east and west façade of the development. The valet area, also has a proposed canopy over it. The total area of the proposed car wash will take up approximately 9 car parking spaces.

The applicant has provided a site-specific supporting noise impact assessment. In terms of changes to the noise environment from the proposals, the main change will arise from the use of the high-pressure jet washers and vacuums. The applicants noise impact assessment has been modelled on a worst-case scenario. They have assessed against the relevant noise criteria's and demonstrated that there should not be an adverse impact on residential amenity of conditions are attached to any consent. The store opening times are 07:00 - 22:00 hours Monday - Saturday, and between 08:00 - 08:00 hours on Sundays. The operational times for the proposed Car Wash would be between 09:00 - 18:00 hours Monday - Saturday and 10:00 - 16:00 Sunday. Planning have confirmed that a condition can be applied to ensure that the car wash cannot operate beyond these hours. Further noise mitigation measures will also be applied in the form of barriers and enclosers near to the sources of noise.

The site office (2.6m high) will be located to the west façade of the site and act as a barrier for noise between the site activities and the sensitive receptors. A composite 2.6m high fence will be erected to the south of the site wrap around to the east to limit flanking noise, this barrier will be comprised of a solid structure, with no air gaps. A good standard fence design will achieve around 10 dB(A) noise reduction. A canopy will be installed too although this will have limited acoustic benefit. All external plant such as jet wash pumps should be in acoustic enclosures. No radios or amplified music shall be used on site. While stationary all vehicles using the car wash should be switched off and not left idling.

Any changes to supermarket car parking should consider the installation of electric vehicle charging point when works are taking place.

Therefore, Environmental Protection offer no objection subject to the following conditions;

1. Hours of operation shall be restricted to 09:00 to 18:00 Monday to Saturday and 10:00 to 16:00 on Sundays

2. As per the Healthy Abode Noise Impact Assessment (ref HA/AD943/V1.1) dated 5 January 2022 the following noise mitigation measures shall be fully implemented prior to operation - to the car wash must include the enclosure of the pressure washers, vacuum cleaners' and compressor within an acoustic enclosure. A composite 2.6m high fence/site office shall be erected to the south and west of the site then wrap around to the east to limit flanking noise, this barrier will be comprised of a solid structure, with no air gaps. This shall be carried out in full and completed prior to the development being occupied.

Informative

No radios or amplified music shall be used on site. While stationary all vehicles using the car wash should be switched off and not left idling.

The applicant should consider the installation of electric vehicle charging points whilst conducting works in the car parking area.

DATE: 18 May 2022

NAME: Scottish Water

COMMENT: No objection

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

There is currently sufficient capacity in the Glencorse Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

There is currently sufficient capacity for a foul only connection in the Edinburgh PFI Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

DATE: 10 May 2022

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

Location Plan



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