

**Full Planning Application
at
10 Bullyeon Road
South Queensferry
EH30 9YJ**

**Development Quality Sub-Committee
of the Planning Committee**

7 January 2004

Proposal: Demolish existing filling station shop, erect new filling station shop, alterations to canopy, alterations to HGV lane
Applicant: BP Oil (UK) Ltd.
Reference No: 03/03259/FUL

1 Purpose of report

To recommend that the application be **GRANTED** subject to;

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
3. The approved landscaping scheme shall be fully implemented within six months of the completion of the development, and thereafter shall be maintained by the applicants and/or their successors to the entire satisfaction of the planning authority; maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.

4. Prior to the commencement of construction Works on site:
 - a) The levels of gas within the site shall be monitored to the satisfaction of the Head of Planning;
 - b) A detailed scheme of measures, in the form of gas barriers and/or dispersal to the atmosphere, for protecting the development from gas shall be submitted to and approved in writing by the Head of Planning; This scheme shall make provision for long term monitoring of gas and for maintenance of the protective measures;
 - c) The approved protective measures shall be implemented fully to the satisfaction of, and in accordance with any schedule of works or maintenance required by the Head of Planning.
5. That before the development hereby permitted is brought into use, details of noise attenuation measures for all static plant on the site including the refrigeration condensers, the car wash, the air conditioning units, the air tower and the car vacuum unit, shall be submitted to and approved in writing by the Head of Planning and Strategy, following which those approved measures shall be implemented to the satisfaction of the Head of Planning and Strategy.
6. The development shall not commence until a scheme for protecting the existing residential accommodation from excessive additional illumination and / or glare has been submitted and approved in writing by the Head of Planning and Strategy. The scheme should show that the design, installation and operation of the floodlighting system shall be such that no floodlighting bulb or floodlighting bulb reflecting surface shall be visible from within any residential premises. All works which form a part of the approved scheme shall be completed to the satisfaction of the Head of Planning and Strategy prior to the floodlighting system coming into full use.
7. The floodlighting system shall be controlled so that there is no direct illumination of neighbouring land, and so that any light spillage onto neighbouring land shall not exceed 25 lux.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to ensure that the approved landscaping works are properly established on site.
4. In order to protect the development from landfill gas.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.

7. In order to safeguard the amenity of neighbouring residents and other occupiers.

2 Main report

Site description

The site is an existing petrol filling station which lies to the east of the Echline Roundabout on the A904, (Builyeon Road) and to the south of the Echline residential area. The access to the site is shared with the entrance to the Travel Lodge and Macdonalds hot food facility next to the Echline Roundabout. There is an existing bund on top of which there is a good screen of trees to the north and west of the site. The boundary with the houses to the north of the site is a 1.8 metre high close-boarded fence. The houses are set lower down than the petrol filling station.

Site history

8th January 1992 planning permission was granted for restaurant, petrol filling station and hotel 2408/92

April 1997 planning permission was granted for an auto teller and sign 2911/96

4th June 1997 planning permission was granted for the construction of 2 jet wash bays A 02852/96

Development

Scheme 3

Extra signage including a yellow box to stop parking on the HGV turning lane is proposed. The surface of the HGV lane is to be heavy duty tarmac. The floodlighting is designed to minimise light overspill. Details of refrigeration condenser screening is to be submitted.

Scheme 2

The proposal is to demolish the existing shop, erect a new shop, alterations to canopy and alterations to the existing HGV lane. The new sales building would be larger than the present building and would measure 12 metres wide by 24 metres long by 3.7 metres in height. The new shop would have a footprint of 300 square metres as opposed to 180 square metres with the existing shop.

The vacuum bay and service bay would be located mostly in an area where the access road from the jet wash is at present. The existing HGV turning lane would be widened to the north by 1.68 metres and the existing flood lights would be relocated. The jet wash facility is to be removed and replaced with a refuse enclosure and a new plant room. The existing car wash building would be refurbished. The linking canopy to the existing canopy would be removed and the existing canopy refurbished.

Scheme 1

The initial proposal had relocated the vacuum bay, air bay and service bay further to the west into an existing landscaped area. The existing HGV turning lane was also increased in size to the west.

Consultations

Transport

No objections

BAA

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We, therefore, have no objection to this proposal.

We would, however, make the following observation:

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 requirements 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 the attached Advice Note 4, 'Cranes and Other Construction Issues'.

Environmental and Consumer Services

This Department has no objections to the above-proposed development subject to the following condition:

1. prior to the commencement of work on site:
 - a) the levels of gas within the site shall be monitored to the satisfaction of the Head of Planning
 - b) a detailed scheme of measures, in the form of gas barriers and/or dispersal to the atmosphere, for protecting the development from gas shall be submitted to and approved in Writing by the head of Planning; this scheme shall make provision for long term monitoring of gas, and for maintenance of the protective measures;
 - c) the approved protective measures shall be implemented fully to the satisfaction of and in accordance with any schedule of works or maintenance required by the Head of Planning.

Additional Remarks from the Environmental and Consumer Services Department

This Department has now had an opportunity to review the information, submitted by the applicant, in response to the concerns raised by the Development Quality Sub-Committee.

KDM Architects, on behalf of the applicant, have stated that they will make sure all static plant and machinery, associated with the filling station, will be appropriately attenuated to ensure the associated noise will comply with NR25 when measured from any nearby living apartment, as required by recommended condition 2 on the report presented to the committee on 7 January 2004. It should be noted the combined noise from all plant and machinery that may be running at the same time should not exceed NR25.

No detail has been given as to the method of attenuation, however it is not necessary for a detailed specification of works at this stage, as there are a number of engineering solutions available. For example localised plant enclosures may negate the requirement for an acoustic barrier between the site and the residential accommodation on Stoneyflatts Park and Long Crook.

With regard to the noise from condenser units associated with refrigerated vehicles parked in the exit road, this matter will be resolved by the applicant prohibiting parking in the exit road.

Further, the applicant has changed the specification of the finish of the exit road from concrete to heavy duty asphalt as requested. It should be noted that this change will make no difference to levels of noise at any nearby dwelling. At the speeds the vehicles will be travelling along this road the predominant noise will be from the engine of the vehicle not from the road/tyre interface. The type of road surface only becomes a noise issue at high speeds.

The information provided by the architect in relation to the illumination of the site suggests they would be able to comply with the standard conditions which relate to this issue. This matter was discussed at the committee, it was stated that attaching the standard lighting conditions would address this. The standard conditions are as follows.

* The development shall not commence until a scheme for protecting the existing residential accommodation from excessive additional illumination and/or glare has been submitted and approved in writing by the Head of Planning. The scheme should show that the design, installation and operation of the floodlighting system shall be such that no floodlighting bulb or floodlighting bulb reflecting surface shall be visible from within any residential premises. All works which form a part of the approved scheme shall be completed to the satisfaction of the Head of Planning prior to the floodlighting system coming into full use.

* The floodlighting system shall be controlled so there is no direct illumination of neighbouring land, and so that any light spillage onto neighbouring land shall not exceed 25 lux.

Representations

The proposal was advertised on 17.10.2003 and 12 letters of objection have been received including a letter from Councillor Grubb. The issues raised are as follows:

- noise concerns in relation to the adjacent houses
- overnight parking of HGV lorries with refrigeration units causing a noise nuisance
- loss of existing screening trees
- loss of existing bund will increase noise nuisance
- the existing facility is a focus for loitering youths and associated damage combined with litter production, the proposal increases these problems
- increase in traffic

- pedestrian safety
- wildlife will be adversely affected by the loss of planting
- increased light pollution

Policy

The proposal lies within an area mainly allocated for housing/industrial on the Queensferry Local Plan area. The site is allocated for housing and compatible uses on the Finalised Rural West Edinburgh Local Plan.

Relevant Policies:

Queensferry Local Plan

Policy QU231 seeks to maintain the residential character of existing housing areas by not permitting changes of use or new developments which would result in loss of amenity or of residential accommodation.

Policy QU263 seeks to control and influence the design of development, including alterations and extensions to existing buildings to ensure that the appearance of existing buildings is not impaired and the amenity of their surroundings is not adversely affected.

Finalised Rural West Edinburgh Local Plan

Policy H6 protects the residential amenity within areas defined as "Housing and Compatible Uses" on the proposals map.

Policy ED3 supports the expansion of existing business provided they are located in a built up area, there would be no detrimental impact on neighbouring uses and local residential amenity and the scale of the development would be appropriate in terms of the site and its surroundings.

Policy ED4 encourages best practice in terms of air quality control, biodiversity, energy consumption and waste management for business and industry.

Non-Statutory Guidelines

Non-Statutory guidelines on 'QUALITY OF LANDSCAPES IN DEVELOPMENT' sets detailed design principles for hard and soft landscaping, including the retention of existing features, and relates these principles to different types of development.

Policy R2 seeks to protect single convenience shopping units which serve a clear neighbourhood need in areas outwith those defined in policy R1.

Non-statutory guidelines 'DAYLIGHTING, PRIVACY AND SUNLIGHT' set criteria for assessing proposals in relation to these issues.

Non-statutory guidelines on 'LIGHT INTRUSION' provide guidance for minimising the effects of sky glow, light trespass and glare in lighting proposals.

3 Conclusions and Recommendations

DETERMINING ISSUES

The determining issues are:

- 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 the determining issues, the Committee needs to consider:

- a) Is the principle of the development acceptable?
- b) Whether the increase in retail floor space will adversely affect the existing retail market
- c) Whether the proposal will have any unacceptable transportation implications
- d) Whether the proposal will adversely affect the amenity of the neighbours
- e) Whether the proposal is in keeping with the character of the area.

a) The use of the site as a petrol filling station and its associated functions has been previously established. Policy ED3 of the Finalised Rural West Edinburgh Local Plan supports the expansion of existing business providing they are within the built up area, do not impact on residential amenity and are in scale with their surroundings.

b) The Finalised Rural West Edinburgh Local Plan also encourages improvements in the quality of businesses (Policy ED4). This proposal upgrades an existing business by creating a larger shop with increased facilities and reinforces the existing buffering landscaping for surrounding uses. The future viability of the facility for the wider community is reinforced. The proposal will not undermine the vitality or viability of other retail operations in the area.

c) The revised layout will improve the internal layout for vehicles in the site. Any transport implications generated by the development are acceptable.

d) There are residential properties to the north and west of the site. The changes in the layout will bring it 1.68 metres closer to the north. However a landscaped buffer of 9 metres to the rear boundary of the houses and the existing bund will ensure that there is no loss of amenity. The extension of the layout to the west is minimal and over 22 metres of landscaping between the nearest house and the nearest active part of the site will be retained.

No loss of privacy will occur and no overshadowing will occur beyond the boundaries of the site.

The applicants have provided supporting information on the floodlighting of the site and no overspill will occur in compliance with the Council's Non Statutory Guidelines on Light Intrusion.

The size of the HGV lane on the site has been increased to accommodate the turning requirements of larger vehicles. The lane is not intended to be used for the overnight parking of vehicles. Environmental and Consumer Services have no objections to the proposal subject to appropriate conditions being imposed.

The proposal will not adversely affect the amenity of neighbours.

e) The design of the proposal will upgrade the existing facility and is considered acceptable.

The landscaping on the site has become well established since the petrol filling station was originally built. However poor maintenance and vandalism have reduced the effectiveness of areas of it. The proposals involve upgrading and reinforcing those areas with both planting and fencing. Some areas of landscaping will be lost but the improvements being made and the fact that there is sufficient well-established landscaping being retained, mean that the loss of these areas are acceptable.

The character of the area will not be adversely affected.

It is recommended that the Committee approves this application, subject to the conditions stated.

ADDITIONAL REMARKS

The application was continued on 7th January 04 for measures to be considered to mitigate effects on neighbouring residents in relation to sources of noise at the site. The applicants have confirmed in writing their willingness to comply with Condition 2 which requires plant and machinery to comply with NR25 when measured within a nearby living apartment. Environmental Services consider that there are various engineering solutions to enable compliance with NR25 and an additional condition requiring details to be submitted for noise screening static plant on the site is recommended.

With regard to possible noise from vehicles, the applicants have added a yellow box and no parking signage to the HGV turning lane. The surface material has been changed to heavy-duty tarmac, although the low speeds of the vehicles within the site mean that tyre noise is minimal, irrespective of the type of hard surface used.

Environmental and Consumer Services consider that if the above measures are implemented to the satisfaction of the Head of Planning and Strategy, there may be no need for any additional fencing at the site.

Details have been supplied with regard to lighting at the site and these suggest that no light overspill will occur. However to ensure that the existing residential properties are protected from excessive additional illumination and or glare, additional information is required. Conditions are therefore recommended which require the submission of additional details and which control the implementation and running of the lighting.

It is recommended that the Committee approves this application, subject to the conditions stated.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel David McFarlane on 0131 529 3512 (FAX 529 3716)

Ward affected 04 -Queensferry

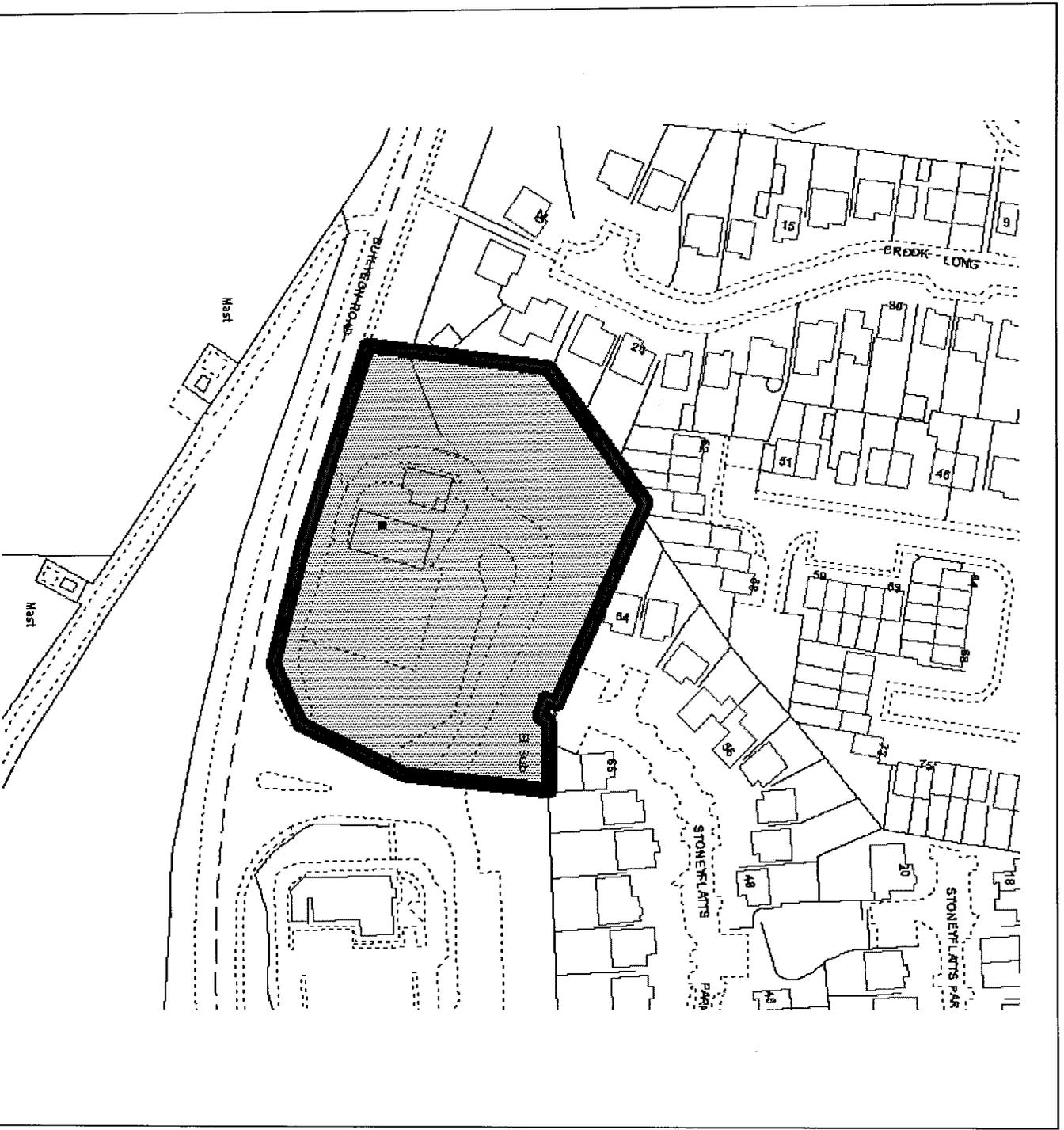
Local Plan Queensferry Local Plan

**Statutory Development
Plan Provision** Housing/Industrial

File

Date registered 26 September 2003

**Drawing numbers/
Scheme** 2,3,7,8
Scheme 3



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PLANNING APPLICATION

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THE CITY OF EDINBURGH COUNCIL THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			