

**Planning Permission 12/01810/FUL
at
57 Lanark Road West
Edinburgh
EH14 5JX**

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

1 Purpose of report

To consider application 12/01810/FUL, submitted by The Co-operative Group.. The application is for: **Proposed variation to condition 6 of planning permission 08/01328/FUL (amend opening hours from Monday to Saturday 0700 - 2200 and Sunday 0900 - 2100 to Monday to Sunday 0500 - 0000) and erection of fence.**

It is recommended that this application be **Granted** by Committee.

2 The Site and the Proposal

Site description

The site is an existing petrol filling station with shop, car wash and jet wash on the south side of Lanark Road West. There are residential properties to the east, west and north of the site.

Site History

11th March 2008: planning permission was granted for the demolition of existing structures and construction of new forecourt (including pump islands

and canopy), new forecourt shop/sales building, new parking provision, new car wash, new ATM and new underground storage tanks (05/03606/FUL)

12th June 2008: planning permission was granted for an increase in external dimensions of building, alterations to elevations, relocation of offset full apparatus, reduction in roof pitch and canopy overhangs, installation of five air conditioning units and refrigeration units to the rear of the building (08/01328/FUL) Condition 6 of this consent limited the hours of operation as follows:- 'Hours of operation of the petrol station to be restricted to 0700-2200 hours Monday to Saturday and 0900-2100 hours Sunday'

Pre-Application Process

There is no pre-application process history

Description Of The Proposal

The proposal is to vary condition 6 of planning permission 08/01328/FUL by seeking an alteration of the opening hours to 05.00 to 00.00 Monday to Sunday. A new 1.8 metre high close boarded timber acoustic fence is also proposed to replace the existing fence on the eastern and southern boundaries of the site as part of the proposal.

Supporting Documents

Planning Statement; and

Noise impact assessment.

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

3. Officer's Assessment and Recommendation

Determining Issues

Do the proposals comply with the development plan?

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

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

ASSESSMENT

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

- a) there would be any adverse impact upon residential amenity; and
- b) the design of the proposal is acceptable.

a) The submitted Noise Impact Assessment demonstrates that there would be a slight excess in decibel levels within the nearest habitable rooms with a partially open window. It is noted that the dominant road noise traffic would diminish at later hours but the operation of the filling station would not generate a significant impact upon residential amenity. Residential amenity can be protected by the construction of the acoustic fence and operationally as specified in the submitted Noise Impact Assessment. Other conditions relating to the operation of the carwash, any other noise producing car maintenance facilities, deliveries and collections which were attached to previous consents at this site still apply and are recommended for this proposal.

There is no change to the current daylight, sunlight or privacy of neighbouring residents.

The proposal will not adversely affect residential amenity.

b) The proposed physical alterations are a change in the design of the existing fence along the eastern and southern boundary of the site. The fence is being replaced to improve its acoustic qualities. The new fence is visually similar to the existing one and there will no adverse impact upon the character of the area.

In conclusion, the proposal will not adversely affect residential amenity, the character of the area or road safety. There are no material considerations which outweigh this conclusion.

It is recommended that Committee approves this application subject to conditions relating to the implementation of the stated noise mitigation measures and conditions relating to the hours of operation of noise producing equipment, deliveries and collections.

REASON FOR DECISION

The proposal will not adversely affect residential amenity, the character of the area or road safety.

John Bury
Head of Planning & Building Standards

Contact/tel	David McFarlane on 0131 529 3512
Ward affected	A02 - Pentland Hills
Local Plan	Rural West
Statutory Development Plan Provision	Within the settlement boundary
Date registered	24 May 2012
Drawing numbers/ Scheme	1-4 Scheme 1

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Standards Portal : www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner, Helen Martin, helen.martin@edinburgh.gov.uk, 0131 529 3517

If this application is not identified on the agenda for presentation and you wish to request one at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting. Contact details can be found in the Committee agenda papers.

Application Type Planning Permission
Application Address: 57 Lanark Road West
Edinburgh
EH14 5JX

Proposal: Proposed variation to condition 6 of planning permission 08/01328/FUL (amend opening hours from Monday to Saturday 0700 - 2200 and Sunday 0900 - 2100 to Monday to Sunday 0500 - 0000) and erection of fence.

Reference No: 12/01810/FUL

Consultations, Representations and Planning Policy

Consultations

Transport Planning (Development Control)

I have no objections to the application

- a) *No objection to variation of Condition 6 (Extension of opening times to filling station only)*
- b) *No objections to replacement fence*

Environmental Assessment

The application proposes variation of the operating hours of the petrol filling station which are currently 0700 – 2200 Monday to Saturday & 0900 – 2100 hours Sunday. These stated hours attached to planning consent (08/01328/FUL) are to be changed to 0500 – 0000 hours daily. The conditions controlling the hours of operation of the car wash and other noise producing car maintenance facilities and deliveries/collections will remain unchanged.

The petrol filling station and kiosk are bounded to the north by Lanark Road West and approximately 15-20 metres to the east by a residential development on Provost Haugh.

An acoustic assessment was undertaken in support of the application in accordance with British Standard BS8233 (Sound Insulation and Noise Reduction For Buildings) and the relevant World Health Organisation Code Of Practice guidance.

There were measurements taken at the petrol station whilst in operation showing customer use of the facilities at approximately 1 metre from the source. These were taken with a partially open bedroom window at the nearest noise sensitive receptors.

The results showed a slight excess in WHO recommendation of 45 dB a reasonable target for resting and sleeping conditions inside habitable rooms on Provost Haugh.

A mitigation measure suggested to meet this recommendation is to upgrade the boundary fence between the petrol station forecourt and the nearest dwellings on Provost Haugh to a height of approximately 1.6- 1.8 metres. Generally road traffic noise is dominant on Lanark Road West, from 0500 - 0700 there would be a quieter traffic flow but the operation of the filling station would not be considered as a significant impact.

Therefore, Environmental Assessment has no objections to this proposed variation of operational hours at the petrol filling station. The conditions on previous application (08/01328/FUL) are still applicable. There will be an inclusion of a mitigation measure for upgrading of boundary fence.

6.. The hours of operation of the petrol station to be restricted to 0500 – 0000 hours Monday to Sunday.

Mitigation Measure

The operation of the petrol station shall be completed in accordance with the acoustic requirement specified in the RPS Noise Impact Assessment No SAE7294 (dated 20 April 2012). Requirements are detailed in Paragraph 5.1.

Representations

The proposal was advertised on 01.06.2012 and again on 10.7.2012 and 9 letters of representation has been received, one from the Provost Haugh Residents' Association. The material points raised are :-

- increase in noise and disturbance.
- the proposed acoustic fence will be ineffective for upstairs bedroom windows
- increase in pollution
- light pollution

Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.

Planning Policy

The proposal lies within an area mainly allocated for residential purposes on the Rural West Edinburgh Local Plan.

Relevant Policies:

Relevant policies of the Rural West Edinburgh Local Plan.

Policy E43 says that alterations and extensions to existing buildings, where acceptable in principle, should be subservient and relate carefully to the original building.

Policy H6 says that development which would significantly damage residential amenity will not be permitted in residential areas within the defined settlement boundary.

Policy TRA2 states that proposals will not be permitted where it would have an unacceptable impact on the existing road network; public transport operations; air quality; road safety, residential amenity and walking and cycling

Relevant Non-Statutory Guidelines

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

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

Appendix B



Application Type Planning Permission
Application Address: 57 Lanark Road West
Edinburgh
EH14 5JX

Proposal: Proposed variation to condition 6 of planning permission 08/01328/FUL (amend opening hours from Monday to Saturday 0700 - 2200 and Sunday 0900 - 2100 to Monday to Sunday 0500 - 0000) and erection of fence.

Reference No: 12/01810/FUL

Conditions/Reasons associated with the Recommendation

It is recommended that this application be Granted by Committee, subject to the conditions, reasons and informatives stated below.

Conditions:-

1. The hours of operation of the petrol station to be restricted to 05.00 to 00.00 hours daily
2. Prior to the implementation of the extended hours of operation, the acoustic requirements specified in the RPS Noise Impact Assessment No SAE7294 (dated 20 April 2012) shall be fully implemented.