

Development Management Sub Committee

Wednesday 17 April 2013

**Application for Planning Permission 13/00354/FUL
At 10, 12 Inglis Green Road, Edinburgh, EH14 2ER
Non-compliance with conditions on hours of deliveries and
collections on planning permission (refs: 10/02306/PPP and
11/04125/AMC) for a supermarket, petrol filling station and
car parking.**

Item number	4.5
Report number	
Wards	A07 - Sighthill/Gorgie

Links

Policies and guidance for this application	CITH8, LPC,
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Executive summary

**Application for Planning Permission 13/00354/FUL
At 10, 12 Inglis Green Road, Edinburgh, EH14 2ER
Non-compliance with conditions on hours of deliveries and
collections on planning permission (refs: 10/02306/PPP and
11/04125/AMC) for a supermarket, petrol filling station and
car parking.**

Summary

The proposed removal of the restriction on the hours of delivery, as specified under the terms of condition no 7 of planning consent ref: 11/04125/AMC, to allow for 24 hour deliveries and collections at the proposed supermarket, would not be detrimental to neighbouring, residential amenity or road safety.

The proposal is acceptable and there are no material considerations which outweigh this conclusion.

Recommendations

It is recommended that this application be Granted subject to the details below (in section 3 of the main report).

Financial impact

There are no financial implications to the Council.

Equalities impact

This application has no impact in terms of equalities or human rights.

Sustainability impact

This application is not subject to the Edinburgh Standards for Sustainable Building.

Consultation and engagement

Pre-Application Process

Pre-application discussions took place on this application.

Publicity summary of representations and Community Council comments

Pre- application Process

The Proposal of Application Notice (12/03473/PAN) outlined that a public exhibition would take place at Slateford-Longstone Church Hall in November. The results of the community consultation have been submitted with the application as part of the Report on Community Consultation and are available to view online.

The pre-application report was presented to the Development Management Sub Committee on 19 December 2012.

Publicity Summary of Representations and Community Council Comments

Neighbour notification was carried out on 12 February 2012.

One letter in support of the application was received from Longstone Community Council.

Background reading / external references

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

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1. Background

1.1 Site description

The application is on the site of the former B&Q superstore on the north west side of Inglis Green Road. The site is bounded by the Water of Leith to the north east and the category B listed railway viaduct to the south-east. Beyond this is the Union Canal Aqueduct (a Scheduled Monument and category B listed). To the south across the road are residential buildings and to the north-west is a large retail warehouse (Booker Cash and Carry), and car showrooms.

The site has been cleared and the supermarket is currently under construction.

1.2 Site History

June 1989 - Erection of non-food retail store approved (planning reference - 89/00936/FUL).

November 1995 - Extension of existing garden centre retail area into existing service yard (B&Q) - granted (planning reference - 95/01305/FUL).

24 January 2007 - Outline planning application for the extension of the existing B&Q unit, erection of garden centre and provision of additional parking and servicing facilities - Refused (planning reference - 05/01030/OUT).

31 May 2010 - Demolition of industrial premises, reconfiguration of existing car park, construction of additional car parking area for retail unit, provision of new stone entrance, recladding of retail building and ancillary facilities - granted (planning reference - 09/02136/FUL).

12 May 2010 - Application for a Certificate of Lawfulness of Proposed Use or Development at 12 Inglis Green Road. No specific condition was imposed on application ref 89/00936/FUL limiting the use of the premises to non food retail. Consequently there is no planning restriction to restrict the types of good sold from the existing premises - certificate issued (planning reference - 09/00092/CLP).

12 September 2011 - Planning permission in principle application for the demolition of all structures and development of food store, petrol filling station, car parking, servicing facilities and associated works - granted (planning reference - 10/02306/PPP).

19 April 2012 - Demolition of all structures and development of food store, petrol filling station, car parking, servicing facilities and associated works approved (planning reference:11/04125/AMC).

19 October 2012 - Pre-application notification submitted in respect of a proposed variation to application ref; 11/04125/AMC to allow for a variation of condition no. 7 in respect of the restriction of delivery hours at the proposed supermarket (ref; 12/03473/PAN).

2. Main report

2.1 Description Of The Proposal

The proposal is for a determination under section 42 of the Planning Act, for a variation to the restriction on hours for deliveries and collections, under condition no. 7 of planning consent ref: 11/04125/AMC, to allow for 24 hour deliveries and collections to the approved supermarket only, in order to meet servicing requirements. The proposal does not include a relaxation to the restriction on hours for deliveries and collections affecting the proposed petrol filling station.

Supporting Information

The following document has been submitted in support of this application and is available to view on the Planning and Building Standards Online Services:

Pre-application Consultation Report January 2013

Noise Impact Assessment 18 January 2013

2.2 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?

2.3 Assessment

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

- a) The amenity of neighbouring occupiers will be safeguarded;
- b) There will be any adverse impact on road safety;
- c) Equalities and Human Rights Impacts; and
- d) Public Comments have been addressed.

a) Amenity of neighbouring occupiers will be safeguarded.

The findings of the noise impact assessment submitted with this application, have demonstrated to a satisfactory extent that the proposed changes to the hours of delivery would result in no significant increase in noise disturbance to neighbouring occupiers, the closest of which are located approximately 200 metres away from the proposed service yard entrance. This is largely due to the considerable distance of the delivery yard from neighbouring premises, and the relatively secluded position of the yard, on the south east side of the building and next to the railway viaduct. The assessment has shown that the predicted noise levels will fall well within the acceptable levels at the nearest residential properties, with no further mitigation measures required. This conclusion is supported by Environmental Assessment.

The applicant has also indicated that they are considering the adoption of a scheme, as implemented successfully at other stores, to further reduce potential noise levels by careful management of delivery vehicles on site. Whilst good working practice, the protection of neighbouring amenity would not be dependant on such measures.

In summary, the proposal would result in no material loss of amenity to neighbouring residents.

b) Impact on road safety.

The proposal is supported in road safety terms, as it would allow greater scope for deliveries to be made outwith peak traffic times, thereby reducing the potential for conflict with other traffic.

The proposal therefore raises no concerns in terms of road safety.

c) Equalities and Human Rights Impacts

The proposal has no impacts on Equalities or Human Rights. An Equalities and Rights Impact Assessment has been completed and is available to view on line.

d) Public Comments

Community Council Comments - Longstone Community Council supports the application.

Conclusions

In conclusion, the removal of the restriction on the hours of delivery, as specified under the terms of planning consent ref: 11/04125/AMC, to allow for 24 hour deliveries and collections at the proposed supermarket, would not be detrimental to neighbouring, residential amenity or road safety. The proposal is acceptable and there are no material considerations which outweigh this conclusion.

It is recommended that this application be granted.

3. Recommendations

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

Statutory Development

Plan Provision

The site is allocated as part of the Urban Area in the Edinburgh City Local Plan.

Date registered

6 February 2013

Drawing numbers/Scheme

01 - 03

Scheme 1

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Links - Policies

Relevant Policies:

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Relevant policies of the Edinburgh City Local Plan.

Appendix 1

Consultations

Transport

No objections to the application.

INFORMATIVE

The variation to allow 24 deliveries to store only is supported by transport as this gives greater scope for deliveries to be made to avoid the network peak time vehicle volumes.

Environmental Assessment

The applicant has applied to have condition 7 (restriction on delivery hours) from current consent (10/02306/PPP) removed in order to permit unrestricted hours for deliveries. The closest identified residential properties to the consented development are on Inglis Green Gait and Inglis Green Rigg on the south side of Inglis Green Road. On Inglis Green Rigg, there is an intervening building between Inglis Green Road and the dwellings. Both sets of dwellings comprise of four storey flats and are at a distance of approximately 200 metres from the service yard location.

The service yard is accessed from Inglis Green Road and is located to the south east of the consented store, adjacent to the existing railway line. This is a good location for the service yard acoustically in that its location and layout in relation to the nearest residential dwellings and intervening structures will provide a significant degree of acoustic protection.

The applicant has submitted a noise impact assessment in support of this application and it has been carried out in accordance with the relevant planning noise guidance. The assessment has shown that the levels of noise likely to be produced will fall well within the acceptable levels within the nearest residential properties with no further mitigation. The applicant has also advised that further management measures will be put in place to manage noise from deliveries. Environmental Assessment can concur with the findings of this report and will recommend that any noise management measures are included within an informative.

Therefore Environmental Assessment has no objections to this proposed development. However the following informative is recommended:

Informative

It is recommend that the noise management measures are fully implemented, they are specified in the Noise Impact Assessment Technical Report 7522SAE section 8.18, Dated 18 January 2013.

