

Development Management Sub Committee

Wednesday 3 June 2015

**Application for Planning Permission 15/00923/FUL
At Car Park, 39 High Street, South Queensferry
To continue to allow the use of a public parking area as a
community market with the erection of gazebos on selected
days in July, September and December 2015 and monthly on
the last Sunday of the month from April to September 2015.**

Item number	5.4
Report number	
Wards	A01 - Almond

Summary

The proposals comply with the development plan and non-statutory policies, have no adverse effect on the character or appearance of the conservation area and have no detrimental impact on residential amenity. There are no equalities or human rights concerns and no material planning considerations that outweigh this conclusion and approval is recommended.

Links

Policies and guidance for this application	LPRW, RWTRA2, RWR5, RWE35, RWH6, NSG, NSLBCA, CRPQUE,
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Report

Application for Planning Permission 15/00923/FUL At Car Park, 39 High Street, South Queensferry To continue to allow the use of a public parking area as a community market with the erection of gazebos on selected days in July, September and December 2015 and monthly on the last Sunday of the month from April to September 2015.

Recommendations

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

Background

2.1 Site description

The application relates to an area of car parking located on the north side of South Queensferry High Street opposite the shopping parade at 42-50 High Street. The site is positioned between South Queensferry Local Office on the east side and a solicitors/estate agents to the west and contains 12 parking spaces. The site has an open outlook to the north over the Firth of Forth and towards the Forth Bridges.

South Queensferry High Street is mixed use in character with residences above shops and other commercial uses.

This application site is located within the Queensferry Conservation Area.

2.2 Site History

25.10.2013 - planning permission granted to allow the use of a public parking area as a community market with the erection of twelve gazebos on selected days in August, September and December 2013 and monthly through May to September 2014, as amended (13/02603/FUL).

04.03.2015 - enforcement enquiry received regarding unauthorised open air market (15/00113/ECOU).

Main report

3.1 Description Of The Proposal

The application is to continue to use the public parking area for a community market comprising ten stalls on selected days in July, September and December 2015 and monthly on the last Sunday of the month from April to September 2015.

No alternative car parking provision has been made for the days on which the market will operate.

3.2 Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

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?

3.3 Assessment

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

- a) the proposal is acceptable in principle in this location;
- b) the proposals will preserve or enhance the character or appearance of the conservation area;
- c) the proposals will result in an unreasonable loss of neighbouring amenity;
- d) the proposals will adversely affect road safety;
- e) any impacts on equalities or human rights are acceptable; and
- f) comments raised have been addressed.

a) Principle

The application site is located within the local centre of South Queensferry in the Rural West Edinburgh Local Plan where policy R5 (In-centre Retail Development) applies.

Policy R5 states that proposals for retail development will be supported on suitable sites in the defined local centre provided they are appropriate in scale and character.

The Second Proposed Local Development Plan supports new retail development within local centres where it is compatible in terms of scale and type with the centre's character and function and makes a positive contribution to the shopping environment.

The proposal is for the use of a car parking area on the main street in South Queensferry as a market with ten stalls. This will not result in a permanent increase in retail floorspace and, due to the small number of stalls and frequency, will not have a significant retail impact on the local centre. The market will potentially attract more people to the area and enliven the street scene.

The proposal is for the use of a car parking area on the main street in South Queensferry as a market with ten stalls. This will not result in a permanent increase in retail floorspace and, due to the small number of stalls and frequency, will not have a significant retail impact on the local centre.

The proposal is therefore acceptable in principle.

b) Character and Appearance of Conservation Area

The Queensferry Conservation Area Character Appraisal identifies the key characteristics of the High Street as:

- *a dense medieval core with a linear settlement pattern of Scots vernacular stone built houses with riggs running north and south and a sculptural, multi-level townscape;*
- *its unique shoreline setting with views of the Firth of Forth and Forth Bridges; and*
- *its retail function with people carrying out daily regular activities and a further layer added by tourists and day-trippers.*

The proposed market is in keeping with the retail character of South Queensferry High Street and this character will be enhanced by the lively nature of the market, providing a focal point for local residents and visitors alike.

The market which comprises 10 stalls will be restricted to an area currently occupied by a public car park and will have no adverse effect on the appearance of the conservation area when in operation.

The proposals will therefore preserve the character and appearance of the conservation area.

c) Residential Amenity

The previous planning permission for a market (ref. 13/02603/FUL) was granted for one year to judge whether it was appropriate in terms of residential amenity. During the one year trial period, no complaints of noise or odour were received by Environmental Assessment from any surrounding residents in relation to the market.

The market may be an inconvenience for the nearest residents whilst in operation. However, it will benefit the wider local community and this will outweigh any negative short term impact on residential amenity. In addition, informatives have been applied to safeguard residential amenity from operations noise and cooking odours from the market. The details of these informatives can be controlled through the management of the market.

The proposal will not therefore have an adverse effect on neighbouring residential amenity.

d) Road Safety

The previously approved market had an operator's licence. The matter of road safety was addressed in the consideration of the licence application and, on that basis, Transport had no objections. Transport was consulted on the current application and has raised no objections to the proposals as there were no recorded road/public safety issues when the market took place previously.

e) Impact on Equalities and Human Rights

There are no concerns regarding equalities or human rights.

f) Representations

The material concerns raised are as follows:

- the site for the market is inappropriate - this has been addressed in sections 3.3 a) and b). The site is a public car park within the local centre of South Queensferry.
- noise and disturbance - this has been addressed in section 3.3 c). The benefits of the market will outweigh any inconvenience on days of operation. Informatives have been applied to protect residential amenity from noise and disturbance on market operation days.
- cooking odours - this has been addressed in section 3.3 c). An informative has been applied to ensure cooking odours from the market are kept as far from nearby residences as possible.
- road/public safety due to barriers reducing road width - this has been addressed in section 3.3 d). Transport received no complaints regarding road/public safety whilst the market was in operation previously.
- loss of parking spaces - this has been addressed in section 3.3 d). Transport has raised no objections to the proposals on these grounds. The market will only operate once a month until September and on other specific days in July, September and December and this temporary loss of parking is acceptable.
- road closures - this has been addressed in section 3.3 d). Transport has raised no objections to the proposals and any road closures will be sporadic and temporary.

The other comments relating to the impact on existing shops, litter and loading facilities are non-material in planning terms.

Conclusion

The proposals comply with the development plan and non-statutory policies, have no adverse effect on the character or appearance of the conservation area and have no detrimental impact on residential amenity. There are no equalities or human rights concerns and no material planning considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. The hours of the market, including the setting up and dismantling of stalls and equipment, shall be restricted to between the hours of 0900-2000 hours.
2. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
3. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment.
4. Food stalls shall be set up in a location on the site so as to ensure that cooking odours are kept as far away as possible from any nearby residential properties.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

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 is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 20 March 2015. 14 letters of objection were received. The following issues have been raised:

Material objections

- inappropriate site;
- noise and disturbance;
- cooking odours;
- road/public safety due to barriers reducing road width;
- loss of parking spaces;
- road closures; and
- traffic disruption in High Street when market being set up.

Non-material comments

- impact on existing shops;
- litter; and
- loading facilities.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The application site is within the Settlement Boundary of South Queensferry.

Date registered

10 March 2015

Drawing numbers/Scheme

01,

Scheme 1

David R. Leslie

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Links - Policies

Relevant Policies:

Relevant policies of the Rural West Edinburgh Local Plan.

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.

Policy R5 says that proposals for retail development will be supported on suitable sites in the defined local centres and frontages identified in Policy R1.

Policy E35 states that developments in Conservation Areas will only be permitted where all features which contribute to the special character and appearance of the areas are retained.

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

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

The Queensferry Conservation Area Character Appraisal emphasises the importance of the medieval core, the settlement pattern of stone built houses with their lang riggs, and the strong Scots vernacular character of the architecture.

Appendix 1

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Consultations

Environmental Assessment

The application proposes to operate a market within a parking area situated at High Street, South Queensferry. Residential properties situated to the north overlook the site.

Application 13/02603/FUL previously sought consent for the operation of a market which was granted subject to a one year trial at the site. That consent has now expired and this application proposes to make the market operations permanent. During the one year trial period, no complaints of noise or odour were received by the Council from any surrounding residents in relation to the market operations.

Therefore, Environmental Assessment has no objections to this proposed development. However it is recommended that the same informatives designed to protect amenity, which were attached to the previous consent, are also attached to this consent. Those informatives are listed below:

- 1. Food stalls shall be set up in a location on the site so as to ensure that cooking odours are kept as far away as possible from any nearby residential properties.*
- 2. The hours of the market, including the setting up and dismantling of stalls and equipment, shall be restricted to between the hours of 0900-2000 hours.*
- 3. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.*
- 4. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment.*

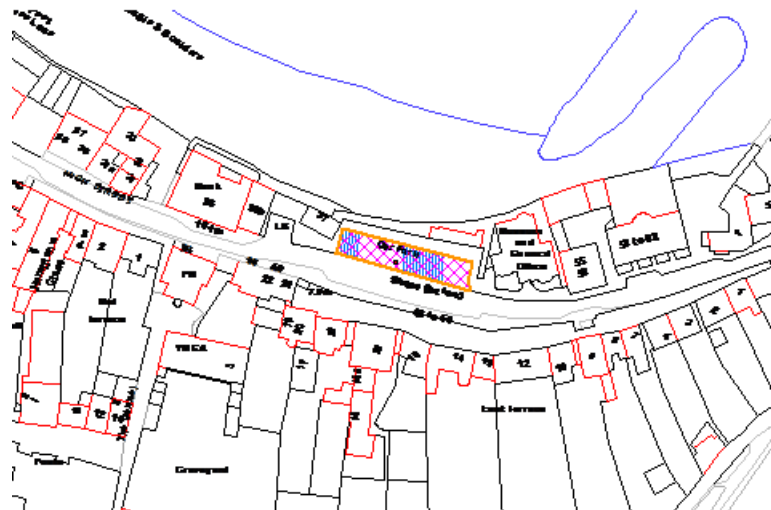
Transport Planning

No objections to the application.

Note:

As the Market already takes place at this location and there have been no recorded issues there is no objection for further markets to take place.

Location Plan



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