

Development Management Sub Committee

Wednesday 9 February 2022

Application for Planning Permission in Principle

21/04016/PPP

at land 288 metres southwest of, 10 Builyeon Road, South Queensferry.

Construction of Retail Foodstore (Class 1), Drive-Thru Food and Drink (Class 1+3/Sui Generis) and Petrol Filling-Station/Retail Kiosk/Carwash (Class 1/ Sui Generis) together with access, landscaping, parking and associated works.

Item number

Report number

Wards

B01 - Almond

Summary

The application site is within Edinburgh Local Development (LDP) Site HSG32 and complies with LDP Policies Ret 1 (Town Centres First Policy) and Ret 6 (Out-of-Centre Development) in principle. Details such as scale, design, amenity, transport and landscaping will be considered at the Approval of Matters Specified in Conditions (AMC) application stage.

The proposal complies with the Edinburgh Local Development Plan and most of the policy principles of sustainable development set out in Scottish Planning Policy (SPP). The drive-thru element of the proposal presents an infringement to the SPP policy principle which seeks to support climate change mitigation. Overall, the proposal is considered acceptable in principle and there are no other material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LTRA01, LRET01, LRET06, NSG, NSGD02,

Report

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Recommendations

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

Background

2.1 Site description

The application site is 1.79 ha in size and lies directly to the east of the M90 and is bound by Builyeon Road to the north, and the southern approach road to the Queensferry Crossing to the south. The site is agricultural land and contains historic stone walls.

The application forms part of the wider development for this site, LDP site HSG 32. Planning Permission in Principle (16/01797/PPP) has been granted for the wider site, and a further AMC application (21/4019/AMC) is currently being considered for the wider development site of up to 980 houses.

The site is well served by the existing public transport network with an existing path network directly to the north.

2.2 Site History

16 January 2015 - Proposal of Application Notice (PAN) submitted for proposed mixed use development including residential, employment and primary school uses this relating to the extents of the current application. This PAN was considered by the Council's Development Management Sub-Committee on 22 April 2015 (Application reference: 15/00276/PAN).

15 June 2021 - Application approved for Planning Permission in Principle (PPP) for mixed use development to provide residential, employment, primary school and associated uses - acknowledging BP Pipeline (Edinburgh LDP Site HSG32) (Scheme 3) (Application reference: 16/01797/PPP).

6 August 2021 - Application for Approval of Matters in Conditions (AMC) being considered to discharge conditions 1 including the masterplan for 980x new homes, 6, 7, 9, 10 and the approval of associated infrastructure to facilitate Masterplan Planning Consent (16/01797/PPP) (as amended) (Application reference: 21/04019/AMC).

6 August 2021 - Application for Planning Permission in Principle (PPP) being considered for the construction of residential care home (Class 8) with access, landscaping, amenity area, parking and associated works (Application reference: 21/04018/PPP).

Main report

3.1 Description of the Proposal

The proposal seeks planning permission in principle for a commercial area located in the north western corner of LDP Site HSG32. The area would consist of four commercial units in total, details of which are set out below:

- Unit 1: Drive-thru food and drink (Class 1 and 3/ Sui Generis); area = 215 sqm;
- Unit 2: Drive-thru (Class 1 and 3/ Sui Generis); area = 335 sqm;
- Unit 3: Petrol filling station with retail kiosk and car wash (Class 1/ Sui Generis); area = 507 sqm;
- Unit 4: Retail food store (Class 1); area = 1866 sqm.

The proposal includes landscaping on the north, west and east boundaries, with a retaining acoustic wall on a section of the northern boundary, adjacent to Builyeon Road. A small area of public realm is also proposed outside Unit 4 in the south west corner.

A pedestrian access is proposed in the north eastern corner, connecting in to the re-aligned Builyeon Road and adjacent footpath. A further active travel link will link into the residential development to the east of the application site.

An indicative 177 parking bays are proposed with the application. The final quantity and location of these will be confirmed through a future AMC application.

Whilst the commercial proposal is a standalone application, it integrates and relates to the wider Builyeon Road Masterplan currently being advanced by CALA Management Ltd and subject to an AMC application (21/04019/AMC).

The following documents were submitted in support of the proposal and are available to view on the Planning and Building Standards Online Services:

- Air Quality Impact Assessment;
- Bird Hazard Management Plan;
- Drainage Strategy Report;
- Economic Impact Assessment;
- Environmental Assessment;
- Historic Pond Report;
- Landscape and Visual Impact Assessment;
- Lighting Assessment;

- Masterplan Consultation Report;
- Noise Impact Assessment;
- Odour Impact Assessment;
- Planning Statement;
- Preliminary Ecological Appraisal Report;
- Site Investigation Report;
- Transport Assessment;
- Tree Survey and
- Urban Design Framework.

3.2 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?

3.3 Assessment

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

- a) the principle of development is acceptable;
- b) the design, scale and layout is acceptable;
- c) there is an acceptable level of amenity;
- d) there are any road safety or active travel issues;
- e) any other material considerations;
- f) any impacts on equalities or human rights are acceptable and
- g) any comments raised have been addressed.

a) Principle

The site is located within LDP site HSG 32 in the north west corner. The LDP Site Brief for HSG32 states that there is 'opportunity for commercial and community uses within the site, possibly in the north west'.

The existing planning permission in principle (16/01797/PPP) for the wider site noted that other employment-based uses including commercial, retail or community uses would need to be considered as part of a further planning permission in principle application. Condition 3 of the PPP consent states that "this grant of permission only permits residential use, a primary school and employment (Class 4 'business uses only). Any proposal for any other planning land uses shall be the subject of a further planning application(s). Condition 11 also indicates that the development shall not exceed 4,000 sqm GFA of employment use.

Although the LDP supports a commercial development in this location, the site is not within a designated centre. Therefore, any proposal for retail development must be assessed against the requirements of LDP Policy Ret 1 (Town Centres First Policy) and Ret 6 (Out-of-Centre-Development).

With regards to LDP Policy Ret 1, despite being just under 2500sq m, it is required to be subject to a Retail Impact Assessment (RIA) and must be subject to the sequential approach in order to demonstrate that there is no significant adverse effect on the vitality and viability of existing town centres.

LDP Policy Ret 6 states that retail proposals in such locations will only be permitted subject to various criterion. In particular: that the proposal will address a quantitative or qualitative deficiency, or will meet the needs of an expanding population, all potential sites within or on the edge of an identified centre have been assessed, the proposal will not have an adverse effect on the vitality or viability of an existing centre, and the site is easily accessible and will reduce the number of shopping trips made by car.

The supporting text in paragraph 251 recognises that in exceptional circumstances, there may be retail proposals that can justify an out-of-centre location, for example smaller units to meet the needs of a growing population or where a gap in provision can be demonstrated.

Addressing criterion, a) of Ret 6, any proposals are required to meet either a qualitative or quantitative deficiency, or will meet the needs of an expanding residential population. The applicant has submitted a Retail Impact Assessment and Planning Statement and it is considered that there is a qualitative deficiency, assuming the proposal is for a discount retailer, as there is a lack of such a retailer in this part of the Council's area.

With regards to a quantitative deficiency, the RIA identifies a gap between the projected population expenditure for the defined catchment area and the current floorspace turnover. The data in the RIA shows that the projected convenience expenditure in 2024 will be £42.75 million and the existing convenience floorspace within the defined catchment area generates a turnover of £35.84 million. This suggests a shortfall in convenience turnover of £6.91 million - i.e., a lack of floorspace to meet the needs of the projected population, and therefore a quantitative deficiency. The turnover from the new development from one retail unit is £8.1 million.

In addition, the RIA also includes calculations for all the units being in retail use, which generates an even higher figure of £11.2 million, although this is not part of the proposal. The analysis suggests that the proposal for the single store is slightly larger than that required to meet the needs of the projected population. However, given the qualitative deficiency and potential for margin of error in the figures, on balance the proposal can be viewed as being consistent with criterion a).

Criterion b) adopts a sequential approach to site selection. In assessing sequential sites for the discount foodstore, the RIA focusses on three key considerations: availability, suitability and viability. It concludes that due to the physical and historic constrained layout of South Queensferry Local Centre, there were minimal sites worthy of review due to size and conformation constraints. Two units, within and adjacent to the local centre, were assessed but neither were suitable as they do not meet the size requirements.

The RIA concludes that there are no sequentially preferable sites which is considered to be acceptable and therefore the proposal meets the requirements of this part of the policy.

Criterion c) ensures the proposals will not have an adverse impact on the vitality or viability of an existing centre. The RIA shows that the proposal will have a significant impact on the turnover at Tesco Ferrymuir and to a lesser extent the Queensferry Scotmid. As both of these stores are in an out of centre location they are not protected by this policy and therefore the proposal meets the requirements of criterion c) as the impact on the nearest local centre is minimal.

In assessing the application against criterion d), the proposal will be easily accessible by many transport modes and its location adjacent to a new large scale residential development will ensure it contributes to the creation of a new sustainable community, whilst contributing to a neighbourhood centre.

The proposed site is located within an area of significant population expansion through allocated residential developments. The retail proposals will support the expansion of this area of Queensferry and comply with LDP Policies Ret 1 and Ret 6.

b) Design, scale and layout

The submitted drawings provide an illustration of the commercial development and how this would work on the site, with finer details to be assessed through a future AMC application. LDP Policies Des 1 (Design Quality and Context) to Des 8 (Public Realm and Landscape Design) provide the policy context for the design of new development, alongside the Edinburgh Design Guidance.

Detailed design matters and landscaping would be assessed through any subsequent AMC application. The proposed development design and landscape are reserved matters specified in conditions.

c) Amenity

LDP Policy Des 5 (Development Design - Amenity) seeks to ensure that new development appropriately considers neighbouring properties to ensure no unreasonable noise impact, or loss of daylight or privacy.

The indicative layout shows that neighbouring privacy, daylight and sunlight should not be adversely affected subject to a final layout being confirmed. The detailed design of all proposed units is to be deferred to the AMC stage where the applicant will be required to demonstrate any potential effect on neighbouring amenity.

Representations raise concerns about noise impact and general disruption from the commercial units. The Noise Impact Assessment has demonstrated noise can be mitigated by careful building layout and design, and appropriate insulation being incorporated to provide a good level of amenity. There are many potential sources of noise complaints from the proposed commercial area, and these will need to be further assessed at the AMC stage. Environmental Protection is satisfied that noise can be mitigated. However, the exact specifications should come forward in a detailed Noise Impact Assessment with any future AMC application.

The applicants lighting impact assessment has assessed the potential for spillage and deemed that it would not adversely impact neighbouring residential amenity. When developing detailed plans reference should be made to this report when designing the final lighting system.

The applicant has assessed the potential for cooking odours/ eluvia impacting residential amenity. Commercial ventilation shall be provided and supported with a flue terminating at high level. The applicant will need to confirm the exact location and specification of the ventilation systems being proposed. The supporting Odour Impact Assessment demonstrates that any proposed flues will likely be in excess of 30m for any sensitive receptors. This distance should be maintained to ensure cooking odours do not adversely impact residential amenity.

With reference to operating hours and any potential for noise impact, this can be managed through environmental health enforcement if necessary. The Council's Environmental Protection service has requested further details at the AMC application stage(s) in relation to the use of any industrial flues, ventilation and heating energy systems, whilst a scheme for floodlighting mitigation from illumination and/or glare has also been recommended.

Subject to further detailed assessment(s) relating to site layout and noise the proposal has demonstrated that it could comply in principle with LDP policy Des 5.

d) Road Safety and Active Travel

The LDP and relevant transport policies requires new development to cater for a variety of transport modes and to demonstrate sustainable travel to new development. The layout of sites should be suitably designed for pedestrians, cyclists and motorists.

A Transport Assessment was submitted in support of the application which assesses the cumulative impacts of the overall development. The indicative site layout shows that the commercial site would be accessed in the north from the re-aligned Builyeon Road.

Given the nature of the Drive-thru developments and the petrol filling station it is assumed that these elements will have a 100% car mode share. However, there is potential for active and sustainable trips associated with the foodstore. The foodstore is proposed to have a relatively high walking mode share (38%) due to the location in close proximity to a significant residential development and existing residential areas.

Overall, in terms of the impact on climate change, pollution and encouraging vehicle movements, the proposed development will be accessible by sustainable transport modes. The proposal does provide for sustainable access and is within walking distance of large proposed and existing residential developments.

An indicative 177 parking bays are proposed with the application for the whole commercial area. This is considerably in excess of the maximum permitted under the Council's parking standards and is not approved. Current standards would permit a maximum of 109 spaces.

However, it is encouraged that provision is below the maximum figure. Full details of car parking would come forward with future AMC application(s) and must comply with the Council's Parking Standards.

Environmental Protection strongly recommend that careful consideration is given to the proposed electric vehicle charging network on this site and how it interacts with the proposed fuelling station to ensure it is future-proofed. The site will require a mixture of EV charging facilities across the site. An EV Infrastructure Plan will be required to be submitted with any future AMC application.

Cycle parking numbers, locations, specifications and design should comply with standards set out in the Edinburgh Street Design Guidance. Provision for customers should be convenient for property access points and provision for staff should be safe, secure and undercover. Details of cycle parking will come forward with future AMC application(s).

Public comments have raised concerns over the development being car dominated and it is agreed that the overall layout of the proposed car park does not fully consider pedestrian and cyclist movement throughout the site and will require to be re-designed. This will be a reserved matter for any future AMC application and the proposed indicative layout is not agreed at this stage.

The Roads Authority has no objections, subject to appropriate conditions, informatives and reserved matters.

The proposal will be required to comply with LDP Policies Tra 1 (Location of Major Travel Generating Development), Tra 2 (Private Car Parking), Tra 3 (Private Cycle Parking), Tra 4 (Design of Off Street car and Cycle Parking) and the Edinburgh Design Guidance in any subsequent AMC applications.

d) Material considerations

Emerging Policy Context

NPF 4 - Draft National Planning Framework 4 is being consulted on at present. As such, it has not yet been adopted. Therefore, little weight can be attached to it as a material consideration in the determination of this application.

City Plan 2030 - While the proposed City Plan is the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

SPP - The SPP introduces a presumption in favour of development that contributes to sustainable development and sets out 13 principles to guide policy and decisions:

This development site is allocated in the adopted Edinburgh Local Development Plan. The proposal is in an area that will form a new part of the city, in a sustainable location with good access to an evolving active travel and path network and public transport. The development will provide a mixed development and supporting studies in relation to drainage and water management demonstrate risk of flooding has been considered in the context of future climate predictions. The applicant will be required to include sustainable building measures through the Scottish building standards process.

The scale of development is appropriate and the landscape design and contribution to green infrastructure are positive features of this proposal in the context of the qualities that SPP outlines for new development and sustainability.

However, it is considered that the drive-thru element of this proposal does not support the SPP principle of 'supporting climate change mitigation and adaptation' as it considered to rely on car use. The development complies with the remaining 12 principles of SPP.

Economic Impact

The supporting Economic Impact Report summarises the related benefits of the commercial proposals within the masterplan. Most notably the commercial proposals would generate £9.8 million GVA and support 240 jobs in Edinburgh.

Archaeology

The site occurs within an area of archaeological significance, most notably the stone boundary walls. The conservation of these are subject to condition 1(a)(v) of the PPP consent. An application (21/04019/AMC) has been submitted to discharge this condition and is addressed within the assessment.

Local Air Quality

The applicant has submitted a detailed Air Quality Impact Assessment which is acceptable. However further information will be required with future AMC applications, as per Condition 4 of the PPP consent. Since the PPP application was consented there has been significant changes in local air quality and technological advances which future AMC applications should fully consider. All heat and energy demand should be met via onsite renewable and without the need for any fossil fuels being used onsite.

Contaminated Land

The applicant has submitted a Ground Investigation Report covering the whole of HSG32 which is currently being assessed by Environmental Protection. Until this has been completed, a condition is recommended to ensure contaminated land is fully addressed.

Water Management

Details have been included in the Environmental Statement and a surface water management plan is required as a further matter.

e) Equalities and human rights

The application has been assessed and has no impact in terms of equalities or human rights. Disabled parking spaces will be provided and the ability to use the drive thru facility to buy a coffee rather than enter the coffee shop, will give equal opportunity for those with mobility or other impairments to use the facility.

f) Representations

Objections:

- concerns over flooding and drainage - this has been addressed in 3.3d);
- not enough tree planting on northern boundary - the details of tree planting will be covered in subsequent AMC applications;
- no regard for amenity of existing neighbours - addressed in section 3.3c);
- poor design with no character - the final design will come forward in future AMC application;
- proposals are car dominated and do not put pedestrians at top of movement hierarchy - addressed in section 3.3d);
- will increase traffic volume - addressed in section 3.3d);
- increased noise and pollution - addressed in section 3.3c) and d);
- environmental impact - addressed in section 3.3c) and d);
- impact on health and wellbeing of nearby existing residents - addressed in section 3.3c) and d);
- concerns over location of petrol filling station - exact location will come forward in AMC applications;
- concerns over cooking odours from drive-thru - addressed in section 3.3c);
- concerns over stone wall removal - details are considered in 21/04019/AMC and further detail will be assessed in subsequent AMC applications;
- parking provision too low - addressed in section 3.3d);
- lack of detail on timing of works - a phasing plan has been submitted and commencement will depend on the progress of planning applications;
- not enough demand for proposed retail uses - addressed in section 3.3a);
- against the principle of development on this agricultural land - addressed in section 3.3a);
- petrol filling station is not sustainable use - addressed in section 3.3d).

Support:

- support for proposals;
- support for discount food retail store.

Non-material comments:

- car lights will shine right into garden - not a material planning consideration;
- increased litter from retail park - not a material planning consideration;
- will devalue local property prices - not a material planning consideration;
- loss of view from Echline Farm Cottages - not a material planning consideration;
- concerns over the timing of some studies - not a material planning consideration;
- Echline Farm Cottages should not be listed once development goes ahead - not a material planning consideration;
- retail area will attract anti-social behaviour - not a material planning consideration;
- concerns over construction disruption - not a material planning consideration;

- against the re-routing of Builyeon Road through the development site - this is not a material consideration for this application as this development has already been approved;
- disruption to existing services - not a material planning consideration.

Queensferry and District Community Council (QDCC)

- Welcomes the proposal of a discounted food store and improved retail facilities;
- Support for the employment opportunities this will bring for the area;
- Welcomes the location of petrol station and drive-thru outlets on the western edge of the development to eliminate heavy vehicles travelling through Builyeon Road to reach similar services;
- Potential concerns over location of businesses - exact location will come forward in AMC applications;
- Potential concerns over lighting of the area - this will be addressed in any future AMC application;
- Potential concerns over odour levels - addressed in section 3.3e);
- Potential concerns over noise - addressed in section 3.3e);
- Concerns over perceived inaccuracies in the submitted Planning Statement and Environmental Statement in relation to local bus provision and classification of retail centres.

Conclusion

The application site is located within HSG32 and complies with the relevant LDP policies. Details such as design, scale, layout, landscaping, amenity and transport will be considered fully within any future AMC application. The application has demonstrated indicatively that the proposal is capable of delivering a development compliant with the LDP and the Council's non-statutory guidance. The proposal complies with the majority of the principles of sustainable development as set out in SPP, whilst there is an infringement on the climate change principle in relation to the drive-thru elements. Overall, the proposal is acceptable in principle and there are no other material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. Notwithstanding the submitted drawings and for the avoidance of doubt, the indicative proposal plans submitted as part of this PPP application, and represented on planning drawing references 01, 02A do not represent an approved scheme and all site layout and design matters are reserved.

Before any work on the site is commenced, details of the undernoted reserved matters shall be submitted to and approved in writing by the Planning Authority; the submission(s) shall be in the form of a fully detailed layout and shall include detailed plans, sections and elevations of the buildings and all other structure, including detailed street elevations. Approval of reserved matters:

- a) A detailed site layout plan including reference to above ordnance datum (AOD) ground levels;
 - b) Height, massing and siting of all buildings, external features and structures including reference to above ordnance datum (AOD) for all floor, eaves and ridge heights;
 - c) A detailed specification of all proposed materials, including hard landscaping;
 - d) Design and external appearance of all buildings, roof form, open space, bicycle parking and other structures;
 - e) Existing and finished site and floor levels in relation to Ordnance Datum;
 - f) Layout and design of car parking and cycle parking provision, including the provision of electric vehicle charging outlets and ducting;
 - g) Submission of a Safety Audit for the proposed access;
 - h) Swept path analysis for all access points to the site and development layout, and details of all internal road and path layout(s) for vehicles, cyclists and pedestrians;
 - i) Submission of a Travel Plan;
 - j) Daylight, sunlight, privacy and overshadowing assessments to ensure there are no adverse impacts on neighbouring amenity;
 - k) Surface water management plan, drainage arrangements, SUDS proposals and SUDS maintenance plan;
 - l) Noise Impact Assessment;
 - m) Landscaping:
 - (i) Detailed soft and hard landscaping plan and above ordnance datum (AOD) levels;
 - (ii) A schedule of all plants and trees to comprise species, plant size and proposed number and density;
 - (iii) Any boundary treatments, including noise barriers;
 - (iv) Tree survey and any subsequent tree removal and tree protection measures;
 - (v) Programme of completion and subsequent maintenance.
 - n) Full details of sustainability measures and onsite renewable energy;
 - o) A scheme for lighting;
 - p) Delivery strategy for each of the units including any requiring vehicle tracking and frequency of delivery;
 - q) Ventilation details for all commercial cooking.
2. For the avoidance of doubt the maximum gross floor area of each unit shall not exceed the following:

Unit 1: Drive Thru - 215 square metres;
Unit 2: Drive Thru - 335 square metres;
Unit 3: Petrol Filling Station / ancillary Convenience - 507 square metres;
Unit 4: Foodstore - 1,900 square metres.

In addition, the provision of units across the site shall be limited to four.

3. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Planning Authority.

4. A Noise Impact Assessment will be required with any future AMC application and must provide specific details on noise mitigation for all of the proposed uses within the site.
5. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:
 - monitoring of any standing water within the site temporary or permanent
 - sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).
 - maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

6. Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 3 'Wildlife Hazards'. The submitted Plan shall include details of: (specify whatever is relevant to the particular development)
 - Attenuation times
 - Profiles & dimensions of water bodies
 - Details of marginal planting

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

7. No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Planning Authority, details must comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at <http://www.aoa.org.uk/operations-safety/>). These details shall include:
 - grassed areas
 - the species, number and spacing of trees and shrubs
 - details of any water features
 - drainage details including SUDS - Such schemes must comply with Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

Reasons: -

1. In order to secure a satisfactory design.
2. In order to retain the viability and vitality of the local centre.
3. In order to ensure that the site is suitable for redevelopment, given the nature of the previous uses/ processes on the site.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.
6. To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).
7. To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.

2. Charging outlet(s) within the petrol filling station shall be of the following minimum standard. AC Input voltages 233 A, 160kW @ 150kW and DC output power 150kW max 500A. DC charge shall be delivered via a 62196 DC connection standard socket.
3. It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.
4. Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest (existing/proposed) residential property (with window partially open for ventilation purposes) shall be submitted for written approval by the Planning Authority.
5. The Urban Design Framework and Design Code submitted in support of the 21/04019/AMC application should be fully considered when progressing the design of any future AMC application.
6. Cycle parking locations, specifications and design to be to Council standards set out in the Edinburgh Street Design Guide. Provision for customers should be convenient for property access points and that for staff should be secure and undercover.
7. The proposed car park layout is not approved at this stage. The applicant should note that the proposed layout is not considered to sufficiently support and promote non-car trips as set out in the City Mobility Plan. In particular, high-quality foot and wheel access should be provided from the north and west, as well as from the south and east.
8. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) and timetables for local public transport.
9. The developer should submit a maintenance schedule for any adoptable SUDS infrastructure in support of detailed applications.
10. All forthcoming AMC applications must conform with the principles set out in the Urban Design Framework and Design Code submitted with 21/04019/AMC.
11. Cooking odour ventilation details should confirm that the ventilation will meet the following criteria:
 - (i) The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and cooking effluvia shall be ducted to roof level to ensure that no cooking odours escape or are exhausted into any neighbouring premises.

- (ii) The ventilation system being designed and installed so that gases are expelled with a minimum upwards velocity of 15 metres per second.
- (iii) The ventilation system shall be installed, tested and operational prior to the use hereby approved being taken up.

Financial impact

4.1 The financial impact has been assessed as follows:

A legal agreement is concluded on the wider site in association with 16/01797/PPP.

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:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

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

A total of 17 representations were received: 15 objections and two in support of the proposals.

Background reading/external references

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

**Statutory Development
Plan Provision**

Edinburgh Local Development Plan.

Date registered

6 August 2021

Drawing numbers/Scheme

01, 02A,

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Nicola Orr, Planning Officer

E-mail: nicola.orr@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

LDP Policy Ret 1 (Town Centres First Policy) sets criteria for retail and other town centre uses following a town centre first sequential approach.

LDP Policy Ret 6 (Out-of-Centre Development) identifies the circumstances in which out-of-centre retail development will be permitted.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Appendix 1

Application for Planning Permission in Principle 21/04016/PPP

at land 288 metres southwest of , 10 Builyeon Road, South Queensferry.

Construction of Retail Foodstore (Class 1), Drive-Thru Food and Drink (Class 1+3/Sui Generis) and Petrol Filling-Station/Retail Kiosk/Carwash (Class 1/ Sui Generis) together with access, landscaping, parking and associated works.

Consultations

Queensferry and District Community Council response

QDCC welcomes the proposal of a discounted food store in the development (as mentioned in the Masterplan Consultation Report). Many of our residents have voiced the need for improved retail facilities and with our population expanding due to numerous housing developments proposing a discounted food store gives the community more choice as we know that many of our present residents travel out with Queensferry to Fife and West Lothian for food shopping. This store will also bring much needed employment to the ar- ea. We do have concerns that the delivery area arrangement shown in the plans doesn't seem adequate for turning big vehicles.

QDCC understands the approach by petrol station operators to have a petrol station located on this development which is nearer to the the M90 and the Queensferry Crossing slip roads. QDCC sees that by locating a petrol station and by having the proposed drive thru food outlets to the west of the development that this will hopefully eliminate some of the heavy traffic which use the existing Builyeon Road especially to reach petrol stations to pur- chase fuel.

Although no residents have contacted QDCC directly with their concerns/objections it is thought there will be nearby residents who have concerns regarding the location of the businesses, lighting of the area, odour levels and noise from vehicles accessing these businesses.

Finally we wish to raise that unfortunately we did find misleading and inaccurate information in the Planning Statement and the Ferguson Plan-ning Environmental Statement 2021 for example:

Planning Statement

Bus services there is no 16 service to Colinton and Silverknowes every 15 minutes Lothian Bus is not a service provider here. We do not know why the Ferrymuir location is not mentioned as a local cen- tre this area is more prominent than the Scotsoun Grove shopping area, this location has the Tesco supermarket, petrol station, Burger King and

the Dakota hotel plus NHS24. To say that both Scotmid supermarkets are of a similar size is inaccurate.

Ferguson Planning Environmental Statement

States there is a pharmacy in the town centre which is located in the same development as the Scotmid supermarket but Scotmid was classed as out with the town centre in a report.

Bus provision - mentions there are 14 services an hour that provide a connection to and from the Edinburgh City Centre throughout the day and within a 5 minute walk of the development - using the Builyeon Road corri-dor the Lothian Country Bus 43 service provides a direct route and this is 6 per hour which becomes 2 at the latter part of the evening.

Any decision that arises from the reports cannot serve the best interests of the residents of Queensferry as in parts it is incorrect.

Flood Prevention response

I have reviewed the documents on the portal and have the following comments to be addressed by the applicant:

Please provide a signed copy of the declaration certificate A1 covering the Flood Risk Assessment. As this is a major development, an independent consultant is required to check the Flood Risk Assessment. The independent consultant should provide a signed copy of certificate B1.

Additional details are required for the Surface Water Management Plan (SWMP). Have the surface water management proposals developed since preparation of the 'Builyeon Road - Proposed Drainage Strategy' (July 2021)? The SWMP should be prepared in line with the self-certification scheme.

This should include completion of the declaration certificates A1 and B1 and completion of the SWMP checklist. Once received, we will be able to provide a more comprehensive consultation response.

Edinburgh Airport response

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below:

Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:

- o monitoring of any standing water within the site temporary or permanent
- o sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).
- o maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances, it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof. Consideration should also be given to installing bird deterrent netting on the flat roofs to prevent loafing/roosting.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.

Submission of SUDS Details

Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 3 'Wildlife Hazards'. The submitted Plan shall include details of (specify whatever is relevant to the particular development):

- o Attenuation times
- o Profiles & dimensions of water bodies
- o Details of marginal planting

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

Submission of Landscaping Scheme

No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Planning Authority, details must comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at <http://www.aoa.org.uk/operations-safety/>). These details shall include:

- o grassed areas*
- o the species, number and spacing of trees and shrubs*
- o details of any water features*
- o drainage details including SUDS - Such schemes must comply with Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).*

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of birds and an increase in the bird hazard risk of the application site. Edinburgh Airport Limited, incorporated in Scotland (Company number: SC096623). Registered office is at Edinburgh Airport, Edinburgh EH12 9DN. VAT registration number 123 4230 62.

We would also make the following observations:

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 requirement 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 Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).

It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.

Coal Authority response

The Coal Authority Response: Material Consideration

I can confirm that the above planning application has been sent to us incorrectly for consultation.

The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Archaeology response

As stated in my response to the PPP 2016 masterplan application 16/01797/PPP regarding the wider development at Builyeon, which this forms part of CALA's proposed Phase 1, the site occurs within an area of archaeological significance. Of significance in this case is the location of one of the areas important 19th century stone field boundary which bisects the site.

The conservation of which is subject to condition 1(a)(v) of permission 16/01769/PPP granted in June 2021. Outwith this wall the site was evaluated by AOC archaeology as part of an agreed programme of works. These excavations work unearthed the remains of two long cist graves (Late Iron Age/Early Medieval c. 1st millennium AD) and the remains of part of the medieval and latter settlement of Echline out with the boundaries of this site immediately to the north.

Accordingly, this application must be considered principally under conditions attached to CEC planning decision 16/01797/PPP (15th June 2021) and under terms of Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies DES 3 & ENV9.

Buried Archaeology

As the results of AOC's excavations in this area the remains of a well, buildings and associated features relating to the historic settlement of Echline dating back to the medieval period. With the exception of the small area beneath the historic walls between Areas A & B (See plan below) which was left unexcavated due to preservation requirements (see Historic boundary wall section below), no further work is recommended within this PPP site as no significant remains were recovered.

Should the wall have to be removed within this area, given that it overlies the remains of possible medieval buildings, a programme of archaeological work will be required to be undertaken in this area to fully excavate, record and analyse any remains affected. It would be recommended that this is secured by either under condition 7 of 16/01697/PPP which remains to be fully discharged or by attaching a new condition as follows;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis, reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

Historic Stone Boundary Walls

16/01797/PPP Condition 1(a) (v): Plan for retention, preservation and enhancement of stone boundary walling to the north west corner and centre of the site;

As the above plan shows this PPP application will require the removal of a large section of a surviving 19th century field boundary. This would appear to be contra to the above stated aims of this condition attached to the overarching granted PPP permission, which clearly seeks to retain, preserve and enhance these historic walls.

CALA homes have currently submitted a planning application 21/04019/AMC which seeks approval for the master planning of the wider Builyeon Road site, which includes this site within Phase 1. The submitted documents for 21/04019/AMC, in particular the proposed Urban Design Framework by CALA indicate that they propose to remove these stone boundary walls and potentially rebuild them on similar axis within the site. Although this may be permitted, we have raised concerns regarding this in my response to the Planning Authority dated 14th September 2021, based around the lack of detail in terms of actual scale of proposed removal of such walls reasoning/justification for removals and proposed new locations.

Accordingly, until this issue has been addressed in terms of the wider master planning layout, it is not possible to recommend approval of this PPP application at this time.

Scottish Water response

Audit of Proposal

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 and 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 BALMORE 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

This proposed development will be serviced by S QUEENSFERRY Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via our Customer Portal or contact Development Operations.

Please Note

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Scottish Water records also appear to show abandoned water infrastructure within your site. Please note that Scottish Water records are indicative only and your attention is drawn to the disclaimer at the bottom of this letter. If the infrastructure requires to be removed to allow your works to proceed please contact the Scottish Water Asset Impact Team using the email address below for guidance prior to commencing the works.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.

If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Please find information on how to submit application to Scottish Water at our Customer Portal.

Next Steps:

All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

Trade Effluent Discharge from Non Dom Property:

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management

and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com.

Waste Services response

As this is to be a Trade Waste development, a private trade waste contractor would be the service provider for the waste collections, however we are still responsible for CEC buildings. Should there be any at this site we will require the swept path for access to the bin stores.

I have looked at the drawings available in the planning portal file, we would require further input to the points raised below in conjunction with our current instruction for architects and developers guidance, available at <https://www.edinburgh.gov.uk/wasteplanning> to ensure waste and recycling requirements have been fully considered.

In view of these factors I would ask that the Architect/developer contact myself directly claire.bolton@edinburgh.gov.uk or waste@edinburgh.gov.uk at the earliest point to agree their options so that all aspects of the waste & recycling service are considered.

Waste Services further response

The City of Edinburgh Council do not provide a waste collection service for commercial properties the developer will need to source a private waste collection provider. More information on this is available here: http://www.edinburgh.gov.uk/info/20001/bins_and_recycling/1518/trade_waste

Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This would require separate storage space (off street) for the segregation of the different waste streams arising from their commercial activities. This area would be required has to be separate from any domestic waste storage for the area.

Active Travel response

I don't think there is much for active travel to comment on really given the location. Perhaps some cycle racks in the area?

NatureScot response

It's noted that the ES addendum and other documents apply to the whole site and therefore our comments relate to the site as a whole, rather than individual applications.

We are content that our comments at EIA scoping stage have largely been addressed and therefore we have relatively few comments to make at this stage.

Appraisal

Landscape and blue-green infrastructure

The proposal contains a detailed landscape framework of connecting open spaces, woodland and blue-green infrastructure, with further detail of the different open space areas, SUDs and planting plans. This has been informed by the airport requirements, with the additional bird hazard management plan, so presents realistic, well considered landscape mitigation and biodiversity 2 enhancements.

We advise that the council secures this detail for the landscape framework, including the intention for these spaces to be multifunctional useable spaces.

We note the woodland edge will be less dense and more open, in line with airport requirements, and together with the proposed parkland and paths in this southern area, the council should be confident that the issue of noise has been addressed satisfactorily for people's enjoyment of this outdoor space.

The detailed planting plans for each area include maintenance schedules for the first year but it is unclear what maintenance and management thereafter will be. We recommend that details of this are forthcoming, if they aren't already agreed, as this will be crucial to the success of the landscape mitigation and quality of place achieved. We advise that the council is satisfied that this aspect is being addressed going forward.

We note the proposed active travel connections within and outwith site, connecting to South Queensferry, local school and to the wider national cycle routes, as well as the more informal path networks within the site. These routes and networks will help integrate the proposal into the wider area and help support sustainable lifestyles, and we recommend that the council secures the detail of these various paths and connections.

Protected species

Our protected species advice is on our website as standing advice notes and these should be referred to for further advice in relation to survey requirements, mitigation and licensing:

<https://www.nature.scot/professional-advice/planning-and-development/advice-planners-and-developers/planning-and-development-protected-animals>.

Environmental Protection response

The proposed development relates to a residential led Masterplan that includes this site for and includes retail, food and drink, drive-thru kiosks, petrol filling station, care home, primary school and wider employment type uses which is subject to approval. This specific PPP application is for a retail food store (Class 1), Drive-Thru Food and Drink

(Class 1+3/Sui Generis) and Petrol Filling-Station/Retail Kiosk/Carwash (Class 1/ Sui Generis) together with access, landscaping, parking and associated works. The plans do show the indicative layout of these proposed units in relation to not only existing residential properties but also in relation to committed developments.

The applicant has submitted various supporting documents such as noise, air quality odour and lighting assessments as well as site investigation reports.

The wider area including this plot has consent under planning reference 16/01797/PPP for a mixed-use development to provide residential, employment, primary school plus associates uses. The area is currently agricultural land and is located with Builyeon Road to the north which is currently a major east-west route. There are a number of commercial uses at the eastern end of Builyeon Road including a hotel, a drive-through fast food restaurant and a service station. The remainder of the properties which border Builyeon Road are residential. Across the A90 to the east is a business park with a Tesco superstore, The Dakota Hotel and various other commercial and retail uses, including a new residential development. It is noted that the proposed level of development was within the level set out in the Local Development Plan and associated Transport Appraisal.

Environmental Protection would highlight concerns regarding this development including the impacts the development may have on local air quality and noise impacts on the existing and proposed neighbouring residential (Including potential care home) receptors. As this is a PPP application further details of the development will be submitted later and be controlled by condition.

Local Air Quality

The applicant has submitted a more detailed air quality impact assessment with this application which has been assessed by Environmental Protection. Generally, the assessment is acceptable however further specific information will be required as more detailed applications are submitted. It should be noted that since the previous application was consented there has been significant changes in regards local air quality. Edinburgh has declared a Climate Emergency and nationally Zero Carbon targets have been set. There have also been technological advances in renewable heat and energy and with the electrification of the transport network. As this application includes a fuelling station this increases the relevance of reducing impacts from combustion engine vehicles.

Environmental Protection had previously stated that we would require the developer to work with this department to produce a Green Travel Plan which should incorporate the following measures to help mitigate traffic related air quality impact;

- 1. Keep Car Parking levels to minimum.*
- 2. Car Club facilities incorporated (electric and/or low emission vehicles).*
- 3. Provision of electric vehicle charging facilities (specific details provided below).*
- 4. Public transport incentives for residents.*
- 5. Improved cycle/pedestrian facilities and links.*

What we would now add is that all the heat and energy demand for the proposed buildings will need to be met via onsite renewable and without the need for any fossil fuels including gas being used onsite. The applicant will need to provide further information on how this will be achieved at the detailed planning stage. The applicant will

need to consider the uptake of air/ground sourced heat pumps and Photo Voltaic/solar Panels linked to energy storage.

As stated above the priority is to keep car parking numbers down to a minimum. The Edinburgh Design Standards state that 1 in 6 spaces for a car park of this size. This is the minimum requirement; Environmental Protection would strongly recommend that careful consideration is given to the proposed electric vehicle charging network on this site and how it interacts with the proposed fuel filling station. We would recommend that the applicant investigates some of the great modern examples of fuelling stations with electric chargers. There are many great examples in Holland and even in Dundee. We would envisage mix of charger types across the whole site.

It's worth highlighting that we have a current application for the introduction of 'Hyper Chargers' (150Kw) at an existing BP petrol filling station on Slateford Road (21/05145/FUL). Again, the applicant should research what is being retrofitted to this fuel station and ensure that their 'Petrol Filling Station' is future proofed and has adequate power supplied to meet the electric demand that is going to be produced with a growing electric fleet. We would also recommend that the term Petrol Filling Station is reviewed to reflect the fact that EV chargers are hopefully going to be a major fuel provider on the forecourt.

Slower chargers should be provided in the car parking areas serving the other commercial uses. We would recommend that these should have a minimum 7KW (32AMP) power output with a Type 2 plug.

The applicant will need to provide much more detailed information including drawings showing exactly where and what type of chargers and substations are going to be located. Similarly, further detailed information will be required highlighting what is being proposed for meeting the heating and energy demand for the buildings. Any plans and drawings shall clearly demonstrate where and what associated plant is being proposed. The location some plant serving air source heat pumps will also need to be carefully located as they can be a source of noise.

Environmental Protection do not object to this application regarding local air quality subject to conditions on the provision of an air quality impact assessment being submitted and an EV Infrastructure being included as a condition or legal agreement.

Contaminated Land

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.

Noise

Noise impacts from the proposed commercial uses will need to be further assessed at the detailed planning stage. The applicant will need to ensure the final design and layouts of the proposed uses take into consideration the submitted noise impact assessment. For example, Deliveries and unloading within the food store service yard, in the open air, during the daytime. This should be located away from sensitive receptors, may require

acoustic barriers and could have the hours conditioned to ensure no night-time deliveries and collections are permitted. Refrigeration plant and air conditioning serving the food store, and the two drive-through restaurants will need to be carefully considered at the detailed stage. Low speed traffic movements and vehicle idling at the drive-through restaurants can also be a source of noise complaints and will need to be considered further at the detailed stage. Car Park noise, mainly at the food store could be a source of noise complaints from general use and/or late at night these car parks can be a source of antisocial behaviour. The noise impact assessment at the detailed stage will need to consider all these points further and provide specific details on noise mitigation including detailed information provided on any supporting drawings. Petrol Filling Station (PFS), including the car wash, vacuum and forecourt noise is often a source of noise complaints. Therefore, the final layout of the proposed petrol filling station is going to be very important to ensure that it does not impact neighbours of existing/committed properties.

The noise impact assessment has demonstrated noise can be mitigated by careful building layout and design and appropriate insulation being incorporated to provide a good level of protection for amenity. Environmental Protection is satisfied that noise can be mitigated however the exact specifications of the mitigation measures will need to be required in the form of a noise impact assessment when more details of the proposed development are available. It is likely that a large acoustic barrier and or bund will be required between the proposed development and sensitive receptors. During the detailed stage we would need to know the location, height, materials, design and density of any acoustic barrier.

Environmental Protection would require conditions attached to any consent to ensure commercial/retail (existing and proposed) noise is adequately addressed to ensure amenity is protected.

Floodlighting

The applicants lighting impact assessment has assessed the potential for spillage and deemed that it would not adversely impact neighbouring residential amenity. When developing detailed plans reference should be made to this report when designing the final lighting system.

Odours

The applicant has assessed the potential for cooking odours/eluvia impacting residential amenity. Commercial ventilation shall be provided and supported with a flue terminating at a high level. The applicant will need to confirm the exact location and specifications of the commercial ventilation systems being proposed. The supporting odour impact assessment demonstrates that any proposed flues will likely be in excess of 30m from any sensitive receptors. This separation distance should be maintained to ensure that cooking odours don't adversely impact neighbouring amenity.

Therefore, on balance Environmental Protection offers no objections subject to the development car parking density remaining under that identified in the local development plan and the following conditions and informative being attached;

- 1. Detailed site plans highlighting where the electric vehicle charging outlets and ducting will be located shall be submitted. The parking spaces must be highlighted on*

any drawing and shall be served by as a minimum 7Kw (32amp) Type 2 electric vehicle charging sockets. They shall be installed and operational in full prior to the development being occupied. The number of chargers installed shall be above the levels specified in the Edinburgh Design Standards.

2. Charging outlet(s) within the petrol filling station shall be of the following minimum standard. AC Input voltages 233 A, 160kW @ 150kW and DC output power 150kW max 500A. DC charge shall be delivered via a 62196 DC connection standard socket.

3. Prior to the use being taken up, the applicant shall demonstrate how all heat and energy demand will be met onsite, the system shall be capable of meeting all demand with no fossil fuels. Details must be included in any drawings.

4. Prior to the commencement of construction works on site:

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

(b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Planning Authority.

5. Development shall not commence until a scheme for protecting the occupiers of the consented/committed residential units and existing from the proposed commercial/retail and petrol filling station has been submitted to and approved in writing by the Planning Authority; all works which form part of the approved scheme shall be completed to the satisfaction of the Head of Planning, before any part of the development is occupied.

6. Deliveries and collections, including waste collections, to be restricted to 0700 - 2100 hours Monday to Saturday.

7. The Petrol Filling Station - Mechanical car washing including lance sprays and vacuum cleaning, to be restricted to 0700 - 2100 hours daily

8. Cooking odour ventilation details should be provided at the approval of matters in conditions (AMC) stage. In this regard, details should be provided which confirm that the ventilation will meet the following criteria:

(i) The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and cooking effluvia shall be ducted to roof level to ensure that no cooking odours escape or are exhausted into any neighbouring premises.

(ii) The ventilation system being designed and installed so that gases are expelled with a minimum upwards velocity of 15 metres per second.

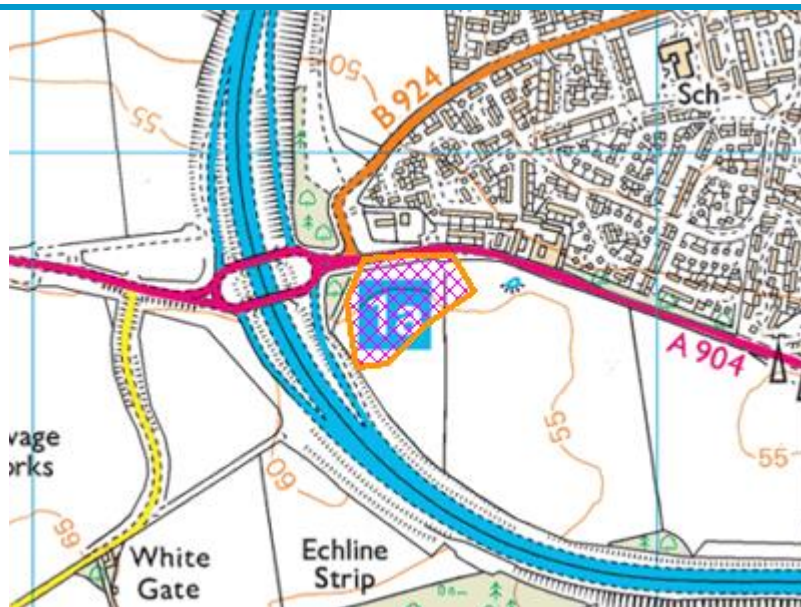
(iii) The ventilation system shall be installed, tested and operational prior to the use hereby approved being taken up.

Informative

It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.

Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest (existing/proposed) residential property (with window partially open for ventilation purposes) shall be submitted for written approval by the Planning Authority.

Location Plan



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