

Development Management Sub Committee

Wednesday 9 February 2022

**Application for Planning Permission 21/04116/FUL
at 6 Hugh Russell Place, South Queensferry, EH30 9NB.
Proposed change of access to provide pedestrian and
cycle access at Russell Place and change house type (as
amended).**

Item number

Report number

Wards

B01 - Almond

Summary

The proposal to amend access arrangements and three house types at this housing development is acceptable. The retention of National Cycle Network Route 1 at the site's interface with Hugh Russell Place is appropriate for this development. Adopted road access to the wider housing development via Henry Ross Place is available and capable of providing appropriate access for a variety of travel modes. A supplementary private access to the wider housing development at Ferrymuir Gait may be available; this is a civil matter and out with the control of the planning authority.

The proposed site layout and amended house types are suitable and there is no unacceptable impact on neighbouring amenity. Amenity for future residents complies with the Edinburgh Design Guidance. It is recommended that details of landscaping, tree protection and boundary treatments be secured by condition.

The proposal complies with the Edinburgh Local Development Plan and the relevant Scottish Planning Policy sustainable development principles. There are no material considerations which would outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDES01, LDES02, LDES03, LDES04, LDES05, LDES07, LDES08, LEN12, LHOU01, LHOU02, LTRA02, LTRA03, LTRA09, NSG, NSGD02,

Report

Application for Planning Permission 21/04116/FUL at 6 Hugh Russell Place, South Queensferry, EH30 9NB. Proposed change of access to provide pedestrian and cycle access at Russell Place and change house type (as amended).

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 located in South Queensferry on part of the former site of the Corus Hotel and is currently under development for a residential scheme following a period of vacancy in recent years. The site is bounded to the east by Canmore Street and Hugh Russell Place, to the south by an area of green space and play area, and land to the west and north boundaries are under construction as part of a redevelopment of this site and surrounding land.

Features within the site include trees at the eastern boundary and National Cycle Network Route 1 which traverses the southern part of the site in an east-west direction. There are residential properties located to the east and southeast of the site which are set within a suburban environment.

2.2 Site History

The below site history applies in full and/or in part to the application site.

8 October 2015 - planning permission in principle was granted for residential development with associated accesses, roads and landscaping (application reference 14/01509/PPP);

4 September 2019 - An application under Section 42 of the Town and Country Planning (Scotland) Act 1997 for removal of condition 2 (relating to design principles and site layout) of planning permission in principle 14/01509/PPP was withdrawn (application reference 18/05713/FUL);

2 October 2020 - an application for the approval of matters specified in conditions for residential development comprising 124 dwellings (Approval of Matters Specified in Conditions of consent 14/01509/PPP) at site north of Ferrymuir Gait South Queensferry was approved (application reference: 18/08266/AMC).

Main report

3.1 Description of the Proposal

The purpose of this further application is to amend access to this housing development and house types for three plots approved through planning approval reference 18/08266/AMC. The application site forms a small part of land which is currently under development for housing and ancillary works.

The proposal would retain access to the application site from Hugh Russell Place for pedestrians and cyclists only. Vehicular access would not be available, in contrast to the site layout as approved in planning reference 18/08266/AMC.

Proposed house types at plots 70-72 of the housing development are detached, semi-detached and two-storey with pitch roofs. Materials would include dry dash render walls, brick feature walls, cast stone and base course features, dark grey uPVC windows and doors, and grey concrete roof tiles. The accommodation schedule confirms two x 3-bedroom houses and one x 4-bedroom house.

The applicant has included the following information in support of the application including:

- Site layout plan;
- House type details and
- Transport Assessment Addendum.

The above information is available to view on the Planning & Building Standards Online Services.

Scheme 1

The applicant submitted a revised site plan to accurately reflect the approved site layout. Proposed house types were updated during the assessment. No other amendments to the proposal were made during the assessment stage.

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 proposal is acceptable in principle;
- b) the proposed design and layout are acceptable;
- c) there are any transportation or road safety considerations;
- d) the proposals are detrimental to the amenity of future residents or neighbours;
- e) there are any impacts on equalities or human rights;
- f) there are any other material considerations;
- g) representations have been addressed.

a) Principle

The application site is located in the urban area as defined in the Local Development Plan (LDP). Policy Hou 1 of the LDP supports housing in the urban area, subject to compliance with other LDP policies. The principle of housing at the application site is still acceptable at this location.

The principle of establishing a point of access to the application site from Hugh Russell Place for vehicles, pedestrians and active travel was approved through application 18/08266/AMC. The principle of changing this access to cater only for pedestrians and active travel at this location with no access for motor vehicles is acceptable and reflects the long-standing arrangement in the local area. The details of the proposed access arrangements are further considered below in this report in Section 3.3 c).

The proposal is acceptable in principle subject to compliance with other relevant LDP policies.

b) Design and layout

The proposal is a material variation of a development that was approved by the Development Management Sub-committee on 23 September 2020.

The design and layout of the proposal was considered in detail in the assessment report for planning approval 18/08266/AMC. The general site layout, with pedestrian and cycle access including the National Cycle Network Route 1 (NCNR1) retained at the south of the site, was determined to comply with applicable LDP design policies. The proposal continues to retain the NCNR1 that provides an east-west connection across the site's southern boundary between Hugh Russell Place and Ferrymuir Gait, which links to the Forth Road Bridge. The layout is compliant with LDP policy Des 7 (Layout Design) which supports development where a comprehensive and integrated approach is taken to the layout of buildings, streets and cycle paths, and where the layout will encourage walking and cycling. Additionally, in the context of LDP policy Des 2 (Co-ordinated Development) the proposal forms a coherent part of a wider development site.

The three proposed house types and plot dimensions at plots 70-72 are of a similar scale and design to those previously approved and are acceptable in the context of LDP policies Des 1 (Design Quality and Context) and Des 4 (Development Design - Impact on Setting). The accommodation schedule is acceptable in the context of the wider housing development. The proposal remains consistent with the aims of LDP policy Hou 2 (Housing Mix) which seeks to ensure a good mix of accommodation at new housing developments.

Design details in relation to boundary treatments, landscape planting and tree protection for the housing development were considered and approved as part of planning approval 18/08266/AMC and planning permission in principle 14/01509/PPP. Such details have not been provided by the applicant as part of this further application. As the effect of this further application, if permission is granted, would be to create a new planning permission it is recommended that details relating to these matters be secured by condition(s).

The design and layout of the proposal is acceptable subject to recommended conditions.

c) Roads and transport

Transport policies in the LDP and Council guidance support development that promotes travel by modes other than the car, where car parking standards are compliant with Council guidance and where the design of car and bicycle parking is acceptable.

The effect of this application would be to reduce the number of adopted road accesses to the housing development capable of accommodating vehicles at the east of the housing site from two to one. It is noted that Ferrymuir Gait, which is a private access and identified as an available access to the housing development in the supporting Transport Assessment Addendum, may accommodate vehicular access from the west of the wider housing development. Should it not be possible for the applicant to establish a right of access via Ferrymuir Gait for future residents, the Roads Authority is satisfied that the remaining access via Henry Ross Place at the east of the housing development would provide suitable access for vehicles.

The Roads Authority does not object to the proposal and is satisfied that the amended access layout is appropriate in the context of this housing development. The proposal would prioritise pedestrian and active travel modes at the point where the development interfaces with Hugh Russell Place and complies with the aspirations of the LDP to deliver safe and well-designed active travel connections as part of new development. The NCNR1 is retained and will continue to be off-road through the site using a three-metre-wide shared path from the west of the site to Hugh Russell Place. Retention of this east-west route, which is also a Core Path, complies with criterion b) of LDP policy Tra 9 (Cycle and Footpath Network).

Representations query whether access will continue to be allowed to the housing development from Henry Ross Place. The scope of this specific application relates to amending access at Hugh Russell Place only, and existing planning approval 18/08266/AMC grants access to the housing development via Henry Ross Place to which no change is proposed.

Comments also express concern in relation to the impact of traffic on the surrounding road network at Viewforth Place. This matter was addressed in the report for planning approval 18/08266/AMC; there would be negligible change in vehicle movements in the local road network as a result of this proposal.

Planning approval 18/08266/AMC determined that the housing development accords with Tra 1 (Location of Major Travel Generating Development), Tra 2 (Private Car Parking), Tra 3 (Private Cycle Parking) and Des 7 (Layout Design) and the material variation continues to demonstrate compliance with these policies.

Transport Scotland comments

Comments from Transport Scotland, submitted in its capacity as a statutory consultee, recommend a condition which would make it clear that Ferrymuir Gait may not be used by the developer or future residents to access the housing development without the written approval of the planning authority or Transport Scotland. The stated reason for the proposed condition refers to an assertion that the applicant has no rights to use Ferrymuir Gait to access this housing development.

As the red line boundary for this application does not extend to or include any part of Ferrymuir Gait, it is not possible to add the condition as advised by Transport Scotland.

Ferrymuir Gait was identified in the assessment report for planning approval 18/08266/AMC as a supplementary private access to this housing development site. Ferrymuir Gait's status as an unadopted private access and its potential use as a supplementary access was considered in the assessment report to be acceptable and this remains the case. Furthermore, whether the applicant has a legal right of access to the development site via Ferrymuir Gait is a civil matter and is not a planning consideration. It should also be noted that the comment from Transport Scotland does not raise matters of adverse impact on the Trunk Road Network and is limited to access concerns relating to a depot that is used to maintain the Forth Road Bridge and Queensferry Crossing.

If the Council is minded to grant planning permission without a condition recommended by Transport Scotland, it must refer the application to Scottish Ministers prior to the determination of the application.

d) Amenity

The LDP lends support to well-designed developments that are appropriate in their surrounding context and ensure good levels of amenity for neighbours and future residents. Requirements relating to amenity are set out LDP policy Des 5 (Development Design - Amenity) and the Edinburgh Design Guidance (EDG).

The proposed plot layouts and design of the three houses closely reflect the details that were approved in application 18/08266/AMC. Principal elevations face the street and there would be no adverse effect(s) on the amenity or privacy of existing homes at Canmore Street or at neighbouring plots in the approved masterplan for the wider housing development.

The proposed house designs are dual aspect and provide a suitable amount and standard of internal amenity.

The proposal complies with the requirements LDP policy Des 5 and the EDG.

e) Equalities and human rights

There are no implications for equalities or human rights as a result of this proposal. The applicant will be required to comply with the provisions of the Equality Act 2010 and Scottish Building Regulation requirements.

f) Other matters

Scottish Planning Policy

Scottish Planning Policy (SPP) presumption in favour of sustainable development is a significant material consideration due to the Edinburgh LDP being over 5 years old. The SPP introduces a presumption in favour of development that contributes to sustainable development and sets out 13 principles to guide policy and decisions. The development continues to propose an appropriate and sustainable land use at a brownfield site which will provide local housing and provide for active travel integration with the surrounding street and path network.

The proposed variation to this housing development is acceptable in the context of SPP.

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.

g) Representations

Material comments - support:

- Support for change to pedestrian and active travel access to the site at Hugh Russell Place - addressed in paragraphs 3.3 a) and 3.3 c).

Material comments - neutral

- Support for changes to access arrangements - addressed in Section 3.3 a) and c).
- Request a condition to ensure vehicles cannot enter the cycle path at Hugh Russell Place - this matter can be managed by the Roads Authority through the road construction consent process.

- Concern regarding continued access to the wider development via Henry Ross Place and impact on surrounding road network - addressed in Section 3.3 c).
- Request for clarification on house elevations and floor plans which appear inaccurate - the applicant submitted updated plans to resolve this matter.

Conclusion

The proposal to amend access arrangements and three house types within this wider housing development is acceptable. The retention of National Cycle Network Route 1 at the site's interface with Hugh Russell Place is appropriate for this development. Adopted road access to the wider housing development via Henry Ross Place is available and capable of providing appropriate access for a variety of travel modes. A supplementary private access to the housing development at Ferrymuir Gait may be available; this is a civil matter and outwith the control of the planning authority.

The proposed site layout and amended house types are suitable and there is no unacceptable impact on neighbouring amenity. Amenity for future residents complies with the Edinburgh Design Guidance. It is recommended that details of landscaping, tree protection and boundary treatments be secured by condition.

The proposal complies with the Edinburgh Local Development Plan and the relevant Scottish Planning Policy sustainable development principles. There are no material considerations which would outweigh this conclusion.

Should the Council intend to grant planning permission this application must be referred to Scottish Ministers prior to its determination.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. The application shall be notified to the Scottish Ministers prior to determination.
2. A fully detailed landscape plan, including details of all hard and soft surfaces, boundary treatments, all planting numbers and species and a maintenance scheme, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. Thereafter, the approved landscaping scheme shall be fully implemented within six months of the completion of the development.
3. Prior to the commencement of development, a tree protection plan shall be submitted to and approved in writing by the planning authority. All subsequent trees that are retained on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction".

Reasons:-

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
3. In order to safeguard existing trees at the site.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The applicant should note the following transport matters:
 - All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. The applicant will be required to ensure continuity of cycle and pedestrian access at the junction of Hugh Russell Place and Canmore Street;
 - Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;

- A Quality Audit, including Road Safety Audit will be required in relation to applications for road construction consent.

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 meets 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

Neighbours were notified on 16 August 2021. Three representations were received comprising two neutral comments and one comment in support.

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](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The application site is shown to be in the Urban Area in the adopted Edinburgh Local Development Plan (LDP).

Date registered

2 August 2021

Drawing numbers/Scheme

01,02,03,04A-07A,

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Sean Fallon, Planning Officer

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Links - Policies

Relevant Policies:

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 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 Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

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 21/04116/FUL At 6 Hugh Russell Place, South Queensferry, EH30 9NB Proposed change of access to provide pedestrian and cycle access at Russell Place and change house type (as amended).

Consultations

Roads Authority response

Summary response:

No objections subject to appropriate conditions and informatives.

Full response:

No objections to the application.

It is noted that a number of conditions or informatives were applied to the wider site (Ref.18/08266/AMC). For the avoidance of doubt, the following are particularly relevant to the proposed amendment to the layout:

- 1. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. The applicant will be required to ensure continuity of cycle and pedestrian access at the junction of Hugh Russell Place and Canmore Street;*
- 2. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;*
- 3. A Quality Audit, including Road Safety Audit will be required in relation to applications for road construction consent.*

Transport Scotland response

The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

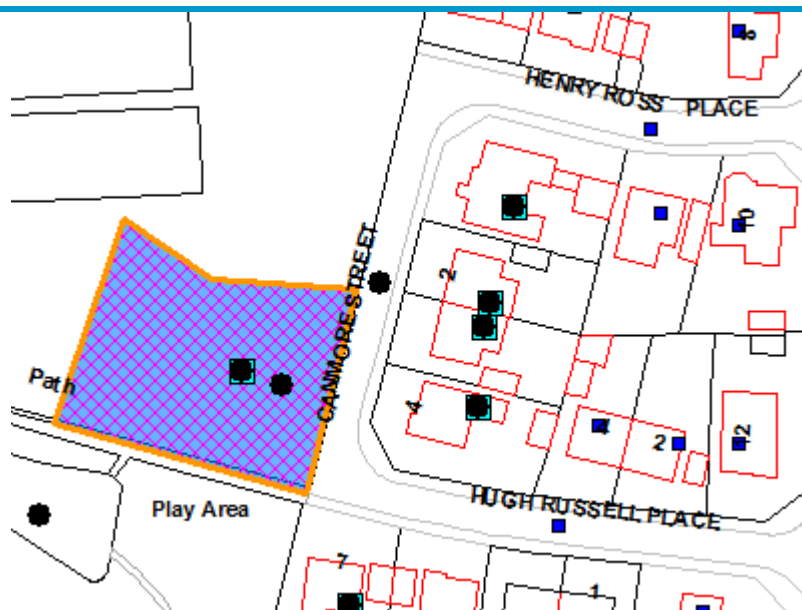
CONDITIONS to be attached to any permission the council may give:-

No vehicular access to the entire development site as approved under planning permission 14/01509/PPP and as subsequently amended by planning permission 18/08266/AMC is to be permitted via Ferrymuir Gait without the written approval of the Planning Authority and Transport Scotland.

REASON(S) for Conditions

Transport Scotland does not consider the applicant currently has access rights to use Ferrymuir Gait as a means of accessing the development, therefore written approval will be required to ensure Transport Scotland maintains control over the Ferrymuir Gait access to provide safe and uninterrupted access to the operational depot used to maintain the Forth Road Bridge and Queensferry Crossing.

Location Plan



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