

Currie Properties Ltd.
FAO: Jane Gilbert
Old Dairy House
Dundas Home Farm
Edinburgh
EH30 9SS

Decision date: 25 January 2022

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Erection of 4-5 bedroom house. The erection of a detached 2 car garage.
At Land 20 Metres East Of The Old Dairy House Dundas Home Farm South
Queensferry

Application No: 21/04768/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 13 September 2021, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

Reasons:-

1. The proposal is contrary to policy Env 10 of the Edinburgh Local Development Plan (LDP) in that it does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal does not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building. It would introduce a further dwelling house into the garden of the Old Dairy House without any justification of exceptional circumstances, and would harm the rural character of the site.
2. The proposal is contrary to non-statutory Guidance for Development in the Countryside and Green Belt as no functional need for such a dwelling has been established; it does not relate to meeting the needs of one or more workers employed

in agriculture; it is not related to a rural activity or business, and it is not a brownfield site or a gap site.

3. The proposal is contrary to LDP policy Des 1 as the proposal would be damaging to the character and appearance of the area around it.
4. The application site is not sustainable and the proposal is overdevelopment of the existing garden grounds. It does not comply with the 13 SPP principles.
5. Inadequate information has been submitted to prove that the development will not increase a flood risk or be at risk of flooding itself. The proposal does not comply with LDP Policy Env 21.
6. The proposal is contrary to LDP policy Des 4 as the proposal would not have a positive impact on its surroundings.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01, 02a, 03a, 04a, 05, 06, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal does not comply with LDP policy Env 10 (Development in the Greenbelt and Countryside) and there are no exceptional planning reasons to justify its approval. The proposal will not contribute towards a sense of place or have a positive impact upon its surroundings and does not comply with LDP policy Des 1 or Des 4. Insufficient information has been provided to show that the proposal will not increase a flood risk or be at risk of flooding itself.

The proposal does not comply with the 13 policy principles of sustainable development set out in Scottish Planning Policy (SPP) and there are no other material considerations which outweigh this conclusion.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Robert McIntosh directly at robert.mcintosh@edinburgh.gov.uk.

A handwritten signature in black ink, appearing to read 'D. G. ...', with a long horizontal flourish extending to the right.

Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Report of Handling

Application for Planning Permission

Land 20 Metres East Of The Old Dairy House, Dundas Home Farm,
South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Item – Local Delegated Decision

Application Number – 21/04768/FUL

Ward – B01 - Almond

Recommendation

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

Summary

The proposal does not comply with LDP policy Env 10 (Development in the Greenbelt and Countryside) and there are no exceptional planning reasons to justify its approval. The proposal will not contribute towards a sense of place or have a positive impact upon its surroundings and does not comply with LDP policy Des 1 or Des 4. Insufficient information has been provided to show that the proposal will not increase a flood risk or be at risk of flooding itself.

The proposal does not comply with the 13 policy principles of sustainable development set out in Scottish Planning Policy (SPP) and there are no other material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site lies to the east of The Old Dairy House and to the south of Dundas Home Farm. There are a number of mature trees associated with the Dundas Castle estate which bound the site to the south. A low stone wall and large hedge forms the site's northern boundary, beyond which is an unnamed access road.

The surrounding area is rural in nature and predominantly comprises a mix of agricultural and residential uses. To the north is Dundas Home Farm (formerly Newbigging Steading) which was converted into residential use around 2005.

There are two listed building to the north / north west of the site: category C listed Dundas Home Farm (former Newbigging Farmhouse) (listed on 30 January 1981, ref: 5521) and the category B listed Dundas Home Farm (former Newbigging steading) (listed on 30 January 1981, ref: 5520).

To the east of the site planning permission was granted for the erection of a house under 19/05483/FUL.

The centre of South Queensferry is located approximately 1.4 km from the site.

The site is located within the Edinburgh Green Belt, a Site of Importance for Nature Conservation and the Dundas Castle Designed Landscape.

Description Of The Proposal

This application is for the erection of a new dwelling house on land to the east of the Old Dairy House. This would be sited between the Old Dairy House and the site of the new house granted in 2019.

The new house would be 1 and half storeys in height with a total floor area of 205 square metres. The proposed building is relatively traditional in style and materials.

Relevant Site History

20/05686/FUL

Erection of a 4-5 bed house with detached 2 car garage with new access from Dundas Home Farm.

withdrawn

1 March 2021

Consultation Engagement

Edinburgh Airport Ltd

Archaeologist

Environmental Protection

East Of Scotland Water

Transportation Planning

Publicity and Public Engagement

Date of Neighbour Notification: 23 September 2021

Date of Advertisement: 1 October 2021

Date of Site Notice: Not Applicable

Number of Contributors: 15

Section B - Assessment

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.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Do the proposals comply with the development plan?

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

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

Assessment

To address these determining issues, it needs to be considered whether:

- a) The proposal will have a negative impact on the setting of a listed building;
- b) The principle of the development is acceptable;
- c) The landscape impacts are acceptable;
- d) The proposed scale, form and design are acceptable;
- e) The proposal will have a detrimental impact on the amenity of neighbouring residents;
- f) The proposal raises any issues in respect of archaeology;
- g) The proposal raises any concerns in respect of parking or road safety;
- h) The proposal raises any concerns in respect of flood prevention;
- i) Other material considerations have been addressed; and
- j) Any public comments received have been addressed.

a) Impact on Setting of Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Setting states that setting can be important to the way in which historic

structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.

Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes.

LDP policy Env 3 (Listed Buildings - Setting) states that development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building or to its setting.

The Farmhouse to the west of the application site is C listed and the former Steading to the north of the site is B listed (ref: LB 5520, date listed: 30/01/1981).

Given the boundary treatments demonstrated in the site plan it is concluded that the boundary treatments and vehicle access arrangements are acceptable in protecting the setting of the listed buildings.

The proposal complies with LDP Policy Env 3 (Listed Buildings - Setting) and the HES Managing Change guidance.

b) Principle of Development

The site is designated as being within the Green Belt in the adopted Edinburgh Local Development Plan (LDP). Policy Env 10 of the LDP states that within the green belt and countryside shown on the proposals map, development will only be permitted where it is for the purposes of agriculture, woodland and forestry, horticulture or countryside recreation, or where a countryside location is essential and provided any buildings, structures or hard standing areas are of a scale and quality of design appropriate to the use; and the proposal would not detract from the rural character and landscape quality of the area.

The proposal does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation purposes, and a countryside location is not an essential location for the construction of a dwelling house. The proposed development of a dwelling house would create a new planning unit which is unrelated to the existing use or any other buildings within the site. In addition, the proposal does not involve the replacement of an existing building with a new building of the same use.

The proposal therefore does not comply with LDP policy Env 10.

The Edinburgh Guidance for Development in the Countryside and Greenbelt states that *New houses not associated with countryside use will not be acceptable unless there are exceptional planning reasons for approving them. These reasons include the reuse of brownfield land and gap sites within existing clusters of dwellings.*

The site is not brownfield land. The proposal is not a gap site as it is currently part of a fully enclosed residential garden.

Having regard to the above, there are no exceptional planning reasons for approving a new house in this location. Although the development of a new house would contribute to housing targets, the sporadic development of the greenbelt is not acceptable. The proposal does not comply with LDP policy Env 10 or the Council's Guidance for Development in the Countryside and Green Belt. The proposal has not been identified as an area for strategic housing development in the Local Development Plan and as such the principle of the development is unacceptable.

In addition, the proposals fail to comply with LDP Policy Hou 1 as the site is not allocated, is not in the urban area and there is no housing land supply deficit.

There are no material considerations that justify approval.

c) Impact on Landscape, Wildlife and Trees

Landscape - The Dundas Special Landscape Area skirts the northern boundary of Home Farm and Steading to the south of the A90. The SLA encompasses to the south the extensive, wooded, designed landscape, centred around the low rise of Dundas Hill and country house of Dundas Castle. Dundas Castle is recorded within the Inventory of Gardens and Designed Landscapes in Scotland.

From the wider landscape, the site is screened to the south, east and west by mature, deciduous woodland and to the north by the A90 embankments. This cluster of former agricultural buildings and dwellings are briefly visible from the B800 on the A90 overbridge. The Old Dairy House appears to have been established on the estate woodland and is shown as an open area in 1940s aerial imagery. The main Ancient Woodland of Long Established Plantation Origin lines the drive from North Lodge to Dundas Castle further to the south.

Whilst the proposed development will alter the character of existing garden associated with the Old Dairy house, it is not likely to affect the land cover or core area of the Special Landscape Area (SLA) in terms of the balance of ornamental gardens, parkland or woodlands, nor the wider rural character of the area. Due to the enclosed nature of the site, visibility from the wider surroundings, core areas of the designed landscape and setting of adjacent listed buildings would be limited. It is not considered that residential development on this site at this scale would have an adverse impact on the special characteristics of the SLA.

The proposal complies with LDP policy Env 11.

Trees - The site does not lie within a conservation area nor are any trees nearby covered by a TPO. It is apparent that the site has been cleared of trees. There is only the large hedge now present to the front of the site. It is noted, however, that there is a domestic treatment plant proposed to the rear of the site that would be within 12 metres of the trees to the south. If the application was to be approved, it is recommended that further details relating to the positioning of this tank be conditioned for the approval of the Council and the tank be repositioned further away from the trees to ensure that it will do them no harm.

Wildlife - The application site has been identified as a location of notable wildlife species. A preliminary Ecological Assessment (PET) was submitted with the application. This states that the development will not harm any protected species.

The proposal complies with LDP policy Env 16.

d) Scale, Form and Design

Policy Des 1 states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based upon an overall design concept that draws upon the positive characteristics of the area. Policy Des 4 - Development Design states development should have a positive impact on its surroundings, having regard to height and form; scale and proportions, including the spaces between buildings; position of buildings and other features on the site; and materials and detailing.

The site is characterised by an agricultural feel. Despite the redevelopment of the farmhouse and the old steadings for mixed business and residential use, the buildings have retained a sense of their former use as agricultural buildings and the rural character of the area is generally preserved

The proposed development would be very similar in scale and design to that which was granted planning permission on the neighbouring site under 17/00681/AMC. It is also acknowledged that a larger dwelling has now been approved at the adjacent site under 19/05483/FUL.

It is noted, however, that the dwelling granted consent under 19/05483/FUL will be located a greater distance away from the Dairy House building and does not read as over development of the overall garden. However, the traditional relationships of farmhouse to steading and other ancillary buildings will be lost with the introduction of another house into the grounds of the Dairy House. This will create a mini housing estate with suburban characteristics when read with the existing building and the new house approved to the east. The proposal does not draw on the positive open rural character of the green belt and does not have regard to the open green character and spacing of the site. It represents an overdevelopment of the garden ground of the Old Dairy House and is contrary to policies Des 1 and Des 4.

It is further noted that the scale of the elevation drawings submitted in relation to the proposed garage does not match that of the garage floor plans.

e) Amenity

Policy Des 5 Development Design - Amenity states that permission will be granted for development where it is demonstrated that the amenity of neighbouring properties is not adversely affected and that future occupiers have acceptable amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

The proposed dwelling would meet the requirements of the Edinburgh Design Guidance in terms of the provision of adequate floorspace, and internal living

environment for future occupiers. Likewise, the proposal will have sufficient garden ground for the amenity of occupiers.

The proposal will not result in the loss of daylight to neighbouring windows. Given the height of the proposal and its orientation in relation to neighbouring properties, it will not materially overshadow neighbouring amenity space. Guidance states that where windows will look on to neighbours that a minimum distance of 9 metres should be maintained from common boundaries. The proposed dwelling has one upper level window in its west facing elevation. This would, however, only overlook the applicants substantial garden ground at approximately 8 metres from the boundary. The proposal would not result in an unreasonable loss of neighbouring amenity and is acceptable in this regard.

Whilst the site plan does not show the neighbouring house approved to the east, the proposal is acceptable in terms of impact on its amenity.

The proposal complies with policy Des 5.

f) Archaeology

The Councils archaeologist was consulted as part of the assessment of the application. He stated that he had no comment to make on the application. Therefore, there are no known significant archaeological implications in regards to this application.

g) Parking and Road Safety

Policies Tra 2 - Private Car Parking and Tra 3 - Private Cycle Parking state permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels and cycle parking and storage complies with the standards.

The Roads Authority had no objections to the application as long as certain conditions or informatives were applied to the consent. If the application was to be approved it is recommended that these be applied.

Cycle parking can be adequately provided within the site.

The proposal complies with LDP policy Tra 2 and Tra 3.

h) Flooding

Policy Env 21 of the LDP states that planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself.

The SEPA flood maps do not identify this area as being at risk of flooding. However, the applicant has not provided a Surface Water Management Plan (SWMP). If the application was to be approved it is recommended that a condition requiring a suitable SWMP be attached to the consent.

i) Other Material Considerations

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

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

The application site is not sustainable and the proposal is overdevelopment of the existing garden grounds. It does not comply with the 13 SPP principles.

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.

j) Public Comments

Material Representations - Objection:

- Proposal does not comply with LDP policy Env 10. -This is addressed in section 3.3b
- Impact on the setting of listed buildings- This is addressed in section 3.3a
- Overdevelopment of the site- This is addressed in section 3.3d
- Impact on trees and protected species- This is addressed in section 3.3 c

- Road and pedestrian safety concerns- This is addressed in section 3.3 g
- Inappropriate design and scale- This is addressed in Section 3.3d
- Same application as before- The design is materially different to that previously refused.

Non Material Representations - Objection:

- Legal concerns over land ownership- This is a civil matter
- Construction and noise and disruption- This is not a material planning consideration

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons

1. The proposal is contrary to policy Env 10 of the Edinburgh Local Development Plan (LDP) in that it does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal does not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building. It would introduce a further dwelling house into the garden of the Old Dairy House without any justification of exceptional circumstances, and would harm the rural character of the site.
2. The proposal is contrary to non-statutory Guidance for Development in the Countryside and Green Belt as no functional need for such a dwelling has been established; it does not relate to meeting the needs of one or more workers employed in agriculture; it is not related to a rural activity or business, and it is not a brownfield site or a gap site.
3. The proposal is contrary to LDP policy Des 1 as the proposal would be damaging to the character and appearance of the area around it.
4. The application site is not sustainable and the proposal is overdevelopment of the existing garden grounds. It does not comply with the 13 SPP principles.
5. Inadequate information has been submitted to prove that the development will not increase a flood risk or be at risk of flooding itself. The proposal does not comply with LDP Policy Env 21.
6. The proposal is contrary to LDP policy Des 4 as the proposal would not have a positive impact on its surroundings.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 13 September 2021

Drawing Numbers/Scheme

01, 02a, 03a, 04a, 05, 06

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer
E-mail: robert.mcintosh@edinburgh.gov.uk

Appendix 1

Consultations

NAME: Edinburgh Airport

COMMENT: The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal, however have made the following observation:

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/>).

NAME: Archaeologist

COMMENT: Further to your consultation request I would like to make the following comments and recommendations concerning this application for the erection of 4-5, bedroom house. The erection of a detached 2 car garage.

An archaeological evaluation by ARCHUS, in relation to application 16/04410/PPP, indicated that the garden grounds to the east of the Dairy House had been significantly landscaped in the 19th/20th centuries. Accordingly, it has been concluded that the potential for disturbing significant insitu remains during this development is low. Therefore, there are no known archaeological implications regarding this application.

Please contact me if you require any further information.

NAME: Environmental Protection

COMMENT: I refer to the above and would advise that Environmental Protection has no objections to the proposed development.

NAME: Flood Planning

COMMENT: Thank you for the consultation request. Unfortunately, there is limited information on the portal for me to review.

As the online indicative SEPA flood maps identify no flood risk to the site, a Flood Risk Assessment will not be required.

However, a Surface Water Management Plan (SWMP) will be required to confirm how surface water runoff from the site will be managed. This should be prepared in line with the self-certification scheme guidance - details of which can be found at the link in my signature. As a minimum, the SWMP should confirm the following:

1. Confirmation of where surface water runoff from the site will discharge to.

2. Confirmation of how surface water is being attenuated and treated through SuDS. We recommend considering above ground surface water attenuation and treatment features. Above ground features that are integrated into the landscape, allow for easier maintenance and identification of potential reduction in storage capacity or blockages. SuDS features that encourage evapotranspiration and infiltration also have the potential to reduce the volume of surface water discharging from the site. We are also keen to see SuDS features that encourage wider benefits such as biodiversity and placemaking improvements.

3. Please identify existing and proposed ground level surface water flow paths on drawings. This can be achieved by taking the existing site survey and over-marking arrows to denote falls and then completing the same with the post-development arrangement. This should include runoff from outside of the site and from events which exceed the capacity of the drainage system. The purpose of these drawings is twofold. First, to understand if there is any significant re-direction of surface flows to surrounding land. Second, to identify if surface water will flow towards property entrances and sensitive receptors.

4. Please provide a SWMP checklist. A copy of the checklist can be found at the link below. The checklist provides a summary of the information provided to support this application.

o <https://www.edinburgh.gov.uk/downloads/file/22712/surface-water-management-checklist>

o

5. Please provide a signed copy of the declaration certificate A1, provided on page 13 of the link below:

o <https://www.edinburgh.gov.uk/downloads/file/22711/flood-risk-and-surface-water-management-plan-requirements>

NAME: Scottish Water

COMMENT: 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

Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

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.

NAME: Natural Environment

COMMENT: No formal response received.

NAME: Roads Authority

COMMENT: Summary Response

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. A maximum of one car parking space to be provided;
2. Access to the car parking area is to be by dropped kerb (i.e. not bell mouth);
3. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
4. Any gate or doors must open inwards onto the property;
5. Any hard-standing outside should be porous;
6. The works to form the footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits on the Councils website.
7. Passive provision should be made so that a charge point can be added for a future electric car charging point, i.e a 7 kw socket.

Full Response

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. A maximum of one car parking space to be provided;
2. Access to the car parking area is to be by dropped kerb (i.e. not bell mouth);
3. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
4. Any gate or doors must open inwards onto the property;
5. Any hard-standing outside should be porous;
6. The works to form the footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits on the Councils website.
7. Passive provision should be made so that a charge point can be added for a future electric car charging point, i.e a 7 kw socket.

Notes;

Car parking: To comply with the 2020 standards (Edinburgh Street Design Guidance), a maximum of one car parking space per dwelling is permitted. Measures such as planters should be in place to discourage parking in excess of this in large paved areas.

Cycle parking: Provision for cycle parking is available in the garage.

Comments for Planning Application 21/04768/FUL

Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

Customer Details

Name: Mr Craig Burnett

Address: 7 Dundas Home Farm South Queensferry

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Objection to planning application 21/04768/FUL (previously 20/05686/FUL and 19/05253/FUL)

The application is essentially the reapplication of a proposal, which has been previously reviewed and rejected in September 2020 (Application No: 19/05253/FUL). From a review of the previous application and associated decision notice (Ref LBR/6.2/BR), it is clear that none of the reasons for the correct refusal of the original planning application have been addressed in the most recent application. It is also not clear why the applicant is following a reapplication process and not the correct process of appeal to the original decision given it is the same parties involved.

The protection of green belt sites in the community is extremely important, and exploitation of this site for development serves no purpose outside of commercial gain for the applicants. There is an abundance of new housing being developed in the South Queensferry area for families and it is critical that we retain the remaining green areas for the enjoyment of the community. The community at large utilise Dundas Home Farm lane and access to the wider estate on a very regular basis, and they do so because of the rural setting and character, which would be significantly detracted from should planning permission be granted for this house.

In the application it details the development of the area, however what it fails to detail is that the conversion of the listed steading building was completed in line with listed building consent and that the development itself allowed for the retention of the rural aspect of the area, did not require any additional driveways onto the lane servicing Dundas Home Farm, and that the design of any additional structures meant that the rural character of the area was maintained. The proposed house within the application achieves none of these key points and is therefore in direct contradiction with Planning Des.4 Development and Design-Impact on setting.

The application does not comply with Policy Des 1; Design quality and context. In that there is no substantiated reason within the application as to why development on a green belt site should be permitted.

When considered with the existing approved application for development on the site by the applicants for a 5 bedroom house, the two additional driveways would all but remove any on street parking amenity. The parking is used extensively the by both residents and the general public when accessing Dundas Estate.

Within the documents attached, specifically the 'Road Access Proposals' it details the requirement for the vegetation / fence to be of a height lower than 1.09 meters to meet the visibility standard and that this is achievable as the land is within the control of the applicant. However, it is later documented within the covering letter that the land is 'not owned by or form any part of the garden of the Old Dairy House' and therefore there is no provision to ensure that visibility requirement is met and therefore this does not in fact meet the standards detailed within this report, nor could it be ensured on an ongoing basis as the two land areas are under separate ownership.

Also, there is a relatively meaningless environmental report given the site has been all but cleared of the existing trees. This point was detailed in previous objections to the development (and the subsequent appeal).

From: [Robert McIntosh](#)
To: [Planning Support](#)
Subject: Objection to Planning application 21/ 04768/ FUL
Date: 05 October 2021 08:59:34

Hi

Could the below please be registered as a neighbour objection to the above?

Kind Regards

Robert

Robert McIntosh
Planning Officer
Locals 2

Planning | Sustainable Development | Place Directortate | The City of Edinburgh Council | Waverley Court, 4 East Market Street, Edinburgh.

Have you signed up to the Planning Blog? We will be using the Planning Blog to communicate and consult on important changes and improvements to the Planning service in 2021. Please sign up to the Planning Blog to make sure you are up-to-date.

-----Original Message-----

From: [REDACTED]
Sent: 04 October 2021 19:07
To: Robert McIntosh <Robert.McIntosh@edinburgh.gov.uk>
Subject: Planning application 21/ 04768/ FUL

Robert Macintosh
Planning Officer
Edinburgh City Council
4, East Market Street
Edinburgh EH 8 BG

Ref. planning application 21/ 04768/ FUL

Dear Sir,

I sent an objection to this application on the planning portal, but after sending it received a 'timed out' message so now am uncertain if the message was received. Therefore I am writing it again by email .

I wish to object to the re-application for a 4/5 bedroom house to be constructed on land at Dundas Home Farm South Queensferry. The previous application was withdrawn, but the objections posted then still apply.

1. The house does not fulfil planning criteria as it will be a new development in a greenfield location - not one for agriculture, forestry or country pursuits.
2. The house will be located adjacent to a Steading of B and C listed properties within an area designated by Historic Scotland as Garden and Designed Landscape, and detracting as it does from the architectural appearance of the surroundings, will have a detrimental impact on the area.
3. There are concerns about access to the property, requiring as it will, an additional entrance onto Dundas Home Farm, with restricted visibility. This will also incur the loss of street parking for local residents and visitors (spaces currently used by the applicant). There are already concerns about parking and excess traffic along the single track road.

Ironically, this has been highlighted this week after work began to clear the site for the applicant's first project, a house some 20 metres further along the lane. Contractors' vehicles have been parked on the verges, reducing passing spaces and this morning caused a complete blockage of the lane while depositing materials. This site, which was once a wood, is now a gaping hole. So this is what we can expect if permission for the second house

is granted.

4. The loss of woodland has been a real cause for concern. For the purposes of his development plans, the applicant has felled much of the surrounding woodland, once home to protected species (e.g bats and badgers.)

5. The applicant's first application (ref. 19/05253/FUL) , was rejected on, among other things, the grounds of ' over development and suburbanisation' of the site. This current plan may be of a reduced size but nothing in this application alters those facts.

6. The applicant attests that Dundas Home Farm has already undergone 'development', but his comments are disingenuous and misleading. The steading was converted some 18 years ago and is built on the footprint of the original farm buildings to strict listed building conditions. Any work undertaken within residents' properties has had to comply with these conditions.

7. Queensferry is currently undergoing massive housing development by the major companies, resulting in the loss of green space. It is important to keep the Dundas estate free from development.

So for all these reasons we think the application should be rejected.

Regards,

Elizabeth Bloy.

15, Dundas Home Farm

Comments for Planning Application 21/04768/FUL

Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

Customer Details

Name: Mr Matthew Raftery

Address: The Farmhouse Dundas Home Farm South Queensferry

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sirs

We object to this application.

As a preliminary point we note the covering letter refers to 'Permission to erect a 4-bedroom house at Land 20mts West of The Old Dairy House': as the remainder of the application relates to land immediate to the East of the Old Dairy House, we assume this to be a typo but, if there are plans to construct further properties, these should be set out.

In short, this appears essentially the same application as 19/05253/FUL that was rejected at first instance and on review (20/00065/REVREF) and 20/05686/FUL that was withdrawn. Although there may be minor alterations, the principle of construction of a substantive dwelling at this location remains. It seems odd to us that such a similar application can be considered in light of the refusal on review a year ago.

Should consideration of this application be permitted, we maintain our objections to the applications (copied below) and ask that they be incorporated into this objection.

To reiterate, this is an application for the construction of a considerable dwelling in what was, until recently, a wooded domestic garden. It is in, and surrounded by, green belt land and no reason has been given as to what such should be permitted. The development would constitute urban creep and would, for the reasons below, alter the character of the area pulling it further away from the protected and regulated historic conversion for which permission was initially granted.

We note below a number of areas where we disagree with the applicant's 'characterisations'. We

also query the statement that the plot 'Is not owned by... the Old Dairy House'. Whilst we do not have visibility on all land ownership we assume the Old Dairy House is owned by Jane and/or Colin Gilbert (Jane Gilbert is listed as owner in previous applications). The applicant is Jane Gilbert of Currie Properties Ltd. Currie Properties is 100% owned by Jane Gilbert. If there is not direct ownership there appears to be a very close relationship and/or control.

We again request the application be refused.

Kind regards

Matthew and Claire Raftery
The Farmhouse, Dundas Home Farm

Customer Details

Name: Mr Matthew Raftery

Email: [REDACTED]m

Address: The Farmhouse Dundas Home Farm South Queensferry

Comments Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: Dear Sirs

We have not been consulted on this application but wish to object (the application is in the immediate vicinity of our property).

The application appears to be a re-run of a recent application that was rejected at first instance and on review (19/05253/FUL - 20/00065/REVREF), albeit with some minor alterations as to ownership and the change from a 5 bedroom detached house to a 4/5 bedroom detached house. We maintain our objections to that application, which we copy below (review only, the original objection can be provided if required).

We disagree with the applicant's characterisation of the area as being one of substantial development. Without wishing to repeat what we set out below, the area is a heavily protected (listed, special interest areas etc) residential development of converted farm buildings situated within Green belt and between farmland and the woodland of the Dundas estate. The application appears to us an example of urban creep and the area is clearly outwith the recent development in the South Queensferry area. The construction of a substantial residential dwelling is entirely out of character for the area and will have a detrimental effect on it. This is particularly the case where

permission has already been granted (on review and over objections) for a substantial dwelling in the previously wooded garden of the applicant's property. The other 'garden office' developments highlighted by the applicant are of a far different magnitude to the construction of an entirely new dwelling and permission for the 'stables complex' was granted for exceptional circumstances not relevant in this case (and is effectively still agricultural land, albeit for horses).

Finally, we note the applicant has recently cleared woodland to the west of its property and constructed buildings for the operation of a 'forest school'; this was done without permission, we understand enforcement action was taken and retrospective permission being applied for. Whilst that process will undoubtedly be separate, one of the applicant's arguments in support of the application is that a school would "ensure the forest remains and does not succumb to further suburban development, which is taking hold along Dundas Home Farm": this approach is hard to reconcile with its current application, where it seeks just that.

We request the application be refused

Matthew and Claire Raftery
The Farmhouse, Dundas Home Farm

From: Matt Raftery

Date: Tuesday, 14 July 2020 at 07:48

To: localreviewbody@edinburgh.gov.uk

Cc: Robert McIntosh

Subject: Review of 19/05253/FUL (20/00065/REVREF) - further representations (also relevant to 19/04583/FULL)

Dear Sirs

We would like to maintain our original objection to this planning application and make further representations as below.

Background

This review concerns what was, until recently, the wooded garden of the 'Old Dairy House'. In April 2016 permission in principle was granted, on appeal, for a single dwelling in the garden of the Dairy House. That permission has now lapsed.

New applications have been submitted to construct two separate properties in what is (/was) the garden of the Dairy House; this review and application 19/04583/FULL (the "Easterly Plot") which

is yet to be determined.

Whilst we cannot comment on the correct legal approach to considering multiple applications it would seem impossible to assess the effect of each application on the character of the area etc. without considering the other as well / their combined impact.

In-fill

Indeed, the applicant relies on both applications being considered together. Much is made of the concept of 'in-fill' and the desirability of that (discussed further below). At present, as we understand it, there is no permission to build a house on the Easterly Plot and, as such, there is no gap to in-fill.

Even if permission is granted for the Easterly Plot (which we do not believe should be the case) it is absurd to suggest a long-standing domestic (and previously wooded) garden, behind a thick hedge requires in-fill. Whether strictly relevant or not, we understand the landowner has recently purchased additional land to extend its garden on the west side of the property: garden space is clearly desirable. It seems similarly absurd to suggest this is a brown-field site, or akin to one. There does not appear to be anything to justify the need to 'in-fill' the space.

Improvement of surroundings etc

The suggestion that the granting of these applications would improve the character of the area is difficult to comprehend.

To briefly repeat a point that has made clearly before, the immediate area of these applications is a historic converted farm steading with farmland to the North and the woodland of the Dundas estate and the Dairy House to the South. The Steadings are effectively four inter-linked buildings; all are listed and anything visible from the road is presumably tightly controlled to maintain the character of the area. As a personal example we are required to maintain the precise frontage of our property, down the style of door, window, garden railings etc and we imagine the higher listed steadings will be the same. Both of these applications will be squarely within this setting, with the plots being a few meters away from the listed properties.

The construction of additional buildings will, in itself, alter the characteristic of the vicinity and change it from a traditional farm steading scenario to a general residential development. Further, the properties being proposed are not in keeping with the vicinity in terms of size (they are both substantial properties), layout (a closely packed row of detached houses with garages and hardstanding etc) or style (the appearance of the modern, wooden fronted, properties is entirely out of keeping with the listed sandstone appearance of the steading).

To again repeat the point it is hard to see how these substantive, modern and overtly domestic

properties could not significantly alter the characteristic of the tightly controlled historic farm steading into which they are being placed. The hedge surrounding the Dairy House garden would need to be substantively removed to allow access; any properties will be clearly visible from the road (something that was stated not to be the case when the permission in principle was being considered) and will evidently create a different impression to what is currently there.

Green-belt

This application is for the construction of a property in a domestic garden within the green belt, a conservation area and an area of special historic interest. It is not clear to us whether the Easterly plot has been sold or retains its domestic garden status; either way, there is no reason to grant either application or build there.

The Edinburgh Development Plan has made considerable provision for construction of a new housing in South Queensferry. Such development and associated infrastructure has been planned in detail and the new A90 road provides a clear demarcation of where the plan ends: to the North of the Road has been extensive construction, to the South remains greenbelt farmland.

The granting of either, or both, of these applications would represent a sustained erosion of the green-belt which, presumably, is something the legislation is keen to avoid. This would seem particularly the case where the erosion would take place near the line of demarcation and do nothing but serve to blur that.

In terms of infrastructure there may be public transport in the area but this is not close. It is roughly a 1.5 mile walk to the train station and a 1 mile walk to the bus stop to Edinburgh. In short, these properties are likely to be dependent on cars, as the ample provision for car parking suggests. The access ways to these properties would be problematic, leading onto a narrow lane and the use of increased volume of cars would have a detrimental effect on noise, specifically as a number of bedrooms (including children's) in the steading development face directly onto the road near where the new accessways would be situated.

Summary

Independently each of the applications will alter, and damage, the character of the area. We understand the original permission in principle highlighted the need to ensure any property constructed was in keeping with the area but that the final layout/style of the property was ultimately not determined/granted. The applicant's approach is effectively to use that lapsed permission in principle to justify the construction of two modern properties, something not contemplated, raised or considered at the time. Combined their effect on the immediate vicinity will be significant and highly detrimental.

The area is popular with walkers and cyclists and its appearance/character is tightly controlled.

That character is of interlinked buildings connected with a historic farm steading. The construction of substantive modern properties, in a completely different style and appearance, would clearly alter that environment. The properties and their outbuildings would be clearly visible from the road and in no way fit with the current, protected, character. The suggestion that in-filling the existing domestic garden with a further property would be beneficial to the area is laughable.

Further, granting the application would erode the green-belt with no good reason and bring additional traffic noise into the area.

We support the planning officer's original decision and request that this review be rejected.

Matthew and Claire Raftery

The Farmhouse, Dundas Home Farm.

Comments for Planning Application 21/04768/FUL

Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

Customer Details

Name: Dr Arlette Colley

Address: 17 Dundas Home Farm South Queensferry

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection to planning application 21/04768/FUL

This application is similar to application number 19/05253/FUL which was refused in September 2020. The applicants are the same, but using a different name. None of the reasons for refusal seem to have been addressed.

I object for the reasons below:

1. Further development of this site will detract from the peacefulness, rural nature and attractiveness of Dundas Home Farm.

Directly opposite are listed buildings, said to have been built by stone masons who worked on the Forth Rail Bridge, a World Heritage Site.

2. Parking will be reduced.

Dundas Home Farm is now part of an Inner Forth Landscapes walking and cycling route and many local people park here to enjoy this. Although the application states that parking will be on site, visitors and tradesmen will park here and the applicants themselves park between two and four cars here daily.

3. It will be difficult for cars to manoeuvre safely in and out of the site with cars parking in the vicinity.

Comments for Planning Application 21/04768/FUL

Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

Customer Details

Name: Mr Graham Lilley

Address: 12 Dundas Home Farm SOUTH QUEENSFERRY

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to record an objection to application 21_04768_FUL. The reasons are:

- 1) The same as those which led to the refusal of application 19_05253_FUL as it is to do material the same thing on the same land and from the same applicant;
- 2) That the proposal for a suburban house is not in keeping with the neighbouring listed buildings in a rural designated landscape; and
- 3) A concern about the disruption any construction would cause to residential access along this single track lane.

This objection is based on the documents downloaded from the City of Edinburgh's planning portal on 3 October 2021. It can also be emailed with the additional supporting material if required.

**Relevant previous applications for this site by the applicant

*Carry forward of previous objections and reasons for refusal

This application is shown as linked to only one other, 20_05686_FUL, which attracted over a dozen objections, most of which highlighted that that was itself a near duplication of 19_05253_FUL from the same applicant. The comments in various objections to 20_05686_FUL are no less relevant to this application.

The reasons why 19_05253_FUL was refused (over-development/suburbanisation and non-compliance with various policies relating to the local development plan and other non-statutory guidelines) appear to a layman to continue to be relevant to the current incarnation of this application. For reasons of brevity and to avoid the danger of misrepresenting any point I will not

repeat these but attach as appendix 1 the report on that refusal on appeal for ease of reference. Those reasons for refusal of permission, particularly the first three, are my principal objections to this current application.

***Transparency in respect of related applications**

It is not clear why all the applications made by members of the same family in respect of the same contiguous piece of land along the southern side of the single-track lane of Dundas Home Farm which it owns are not linked. I would like to deal with a possible fig leaf for this apparent lack of transparency, namely that the land in question is now said in this application to be owned by a company and not part of the garden of the Old Dairy House.

The sole director of the company indicated as the owner of this plot of land in the current application (Currie Properties Ltd) is the same person as the owner of the Old Dairy House. Further, it is not even clear if this left-pocket to right-pocket transfer has actually taken place or is merely a future possibility since title WLN46577 is shown by Registers of Scotland still to include both the Old Dairy House and the land subject to this application as part of its garden. Nor do the most recent accounts of the shell company itself show it as owner of any land.

Public documents supporting this are available for submission if required. At most this transfer is a recent device used solely to increase the chances of planning approval.

Is it the case that either (a) the transfer of ownership of the land to a shell company controlled by the applicant, or (b) the creation a separate title for part of a house's garden but which is still under the same ultimate ownership are legitimately helpful to this planning application? Also, is the use of different intermediates to make the applications for the same ultimate landowner, as has been the case here, helpful?

***Common purpose of the series of applications**

The property history section of the Old Dairy House (the applicant's address) accessible from application 19_05253_FUL on the City of Edinburgh Council's planning portal shows links to six other prior applications, two appeals and two enforcement actions for the same contiguous piece of land (including the plot subject to this application) along the south side of Dundas Home Farm all of which is owned by the applicant's family. One part, at the extreme west, was subsequently sold off after having been subject to several planning applications from the applicant's family. To that long list more recent applications 20_05686_FUL, 20_05152_FUL, 20_05255_CLE and 21_04768_FUL should now be added. Their linkage is shown in documentation submitted as part of the planning process and available for resubmission if required.

This substantial series of applications from the same family of connected persons for a contiguous piece of land are by far the most significant development proposals for the area next to the adopted, tarmac part of Dundas Home Farm since the steading was converted at the turn of the century (a decade or more before the applicant purchase the land in question). The City of Edinburgh Council's planning website records for the area seem impossible to reconcile with the

statement in the application that the steading to the north of Dundas Home Farm "continues to expand" - the only expansion proposals along the adopted, tarmac part of Dundas Home Farm come from the applicant's family for land it owned.

I submit that the large number of these applications is important to the consideration of this application as they show a concerted effort to develop this rural area. This is relevant to the suggestion in the current application that certain planning policies should not be applied, namely those in relation to the building of suburban houses on rural land and the green belt.

***Trees and associated wildlife**

This application refers to the absence of trees. That might now be the case, but only as they were cut down in advance of previous (refused) applications to build on this site. Several objections submitted to 20_05686_FUL (which was essentially the same as the current application) documented this tree felling. Photos of the felled tree trunks from 2019, ie just before application 19_05253_FUL for the same site was submitted, are available for submission if required for investigation.

****Proposal not in keeping with existing houses**

This proposed house would not be in keeping with the existing nearby houses. Most of which are stone-walled and listed. All of which are within Historic Environment Scotland's designated landscape of Dundas Castle, GDL00151, as is the land in question. In particular, the application refers to white rendering and plastic windows and doors on a house which is suburban rather than rural in appearance. It is hard to see how this proposed design is consistent with the statement in the application that "the design of the property will ensure the character of the existing settlement is maintained".

Further, with what appears to be a 12m by 12m footprint (the elevations available are hard to read) and with a separate double garage, the characterisation of the proposed house as "small" in the application appears odd to a lay reader as it represents a usable area many times that of the average house in the UK.

****Access and disruption during any construction**

It is not possible to gauge the additional traffic that this proposal would generate without knowing its occupation and use. However, it would be an additional load on a single-track lane currently used by residents along with farm and livery traffic.

More importantly, there is no discussion in this application of how the inevitable disruption to access along this single-track lane, which is the sole practical access for over a dozen residential houses and a livery business, would be minimised during any construction work.

I cannot be sure if binding conditions to ensure continuous access and considerate construction behaviour are usual, but I suggest that they would be essential here. The reason for this is illustrated by an action taken by the applicant's family in connection with application 20_5152_FUL. A large crane and a separate low loader operated by at least eight staff were hired. They completely blocked the lane for many hours starting at the time of the morning school run. While the contractor confirmed that the family had told him that neighbours were notified in advance of this blockage, we simply were not. Nor was any acknowledgment of the inconvenience caused made, much less an apology given, by any member of the applicant's family. Photos of the huge crane blocking the single-track lane and the email from the contractor indicating that the applicant's family had told him that neighbours had been notified of the blockage (contrary to what had happened) is available and can be provided if required.

**Conclusion

Notwithstanding the devices used to distinguish it from others and some hard-to-recognise characterisations of verifiable points, this application is clearly a near repetition of previous applications submitted by the same person for the same site to do materially the same unsuitable thing and to which the same objections and reasons for refusal continue to apply. These reasons are amplified as this application is demonstrably part of a series of applications by the same family to suburbanise Dundas Home Farm.

**Appendix 1

Decision notice 4715907 on application 19_05252_FUL taken from City of Edinburgh Council's planning portal at http://citydev-portal.edinburgh.gov.uk/idoxpa-web/files/23C02396561EFD56E46316C9F62309F3/pdf/19_05253_FUL-DECISION_NOTICE-4715907.pdf.

[NB Format slightly altered by extraction; the content is not. Reasons for refusal 1, 2 & 3 remain most relevant.]

Derek Scott Planning Date: 17 September 2020

(FAO Derek Scott)

21 Lansdowne Crescent

Edinburgh

EH12 5EH

Our Ref: LRB/6.2/BR

Dear Mr Scott,

THE CITY OF EDINBURGH PLANNING LOCAL REVIEW BODY REQUEST FOR REVIEW - APPLICATION NO 19/05253/FUL REQUEST FOR REVIEW - THE OLD DAIRY HOUSE, DUNDAS HOME FARM, SOUTH QUEENSFERRY TOWN AND PLANNING (SCOTLAND) ACT 1997 AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006

I refer to your request for a review submitted on behalf of Mrs Mayland for refusal of planning

permission for the erection of one-and-a-half storey, detached, 5 bedrooed family home at the Old Dairy House, Dundas Home Farm, South Queensferry, which was dealt with by the Chief Planning Officer under delegated powers.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 16 September 2020.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal is contrary to policy Env 10 of the Edinburgh Local Development Plan (LDP) in that it does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal does not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building. It would introduce a further dwelling house into the garden of the Old Dairy House without any justification of exceptional circumstances and would harm the rural character of the site.
2. The proposal is contrary to non-statutory Guidance for Development in the Countryside and Green Belt as no functional need for such a dwelling has been established; it does not relate to meeting the needs of one or more workers employed in agriculture; it is not related to a rural activity or business, and it is not a brownfield site or a gap site.
3. The proposal is contrary to design policies Des 1 and Des 4 of the LDP as the creation of another suburban style house into this rural setting adversely impacts on the rural character of the area.

Committee Services, Strategy and Insight, Chief Executive Waverley Court, Business Centre 2.1, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 200 2000

4. The proposal is contrary to policy Tra 2 as it exceeds the Council's parking standards which seek to limit private car parking and encourage active travel.
5. There is insufficient information provided to assess the impact on trees and protected species.

Assessment

At the meeting on 16 September 2020, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents and further written submissions on specific matters. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were numbered 01-09, Scheme 1, being the drawings shown under the application reference number 19/05253/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated.

The LRB in their deliberations on the matter, considered the following:

1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.

Edinburgh Local Development Plan Policy Des 1 (Design Quality and Context)

Edinburgh Local Development Plan Policy Des 4 (Development Design - Impact on Setting)

Edinburgh Local Development Plan Policy Des 5 (Development Design - Amenity)

Edinburgh Local Development Plan Policy Env 3 (Listed Buildings - Setting)

Edinburgh Local Development Plan Policy Env 10 (Development in the Green Belt and Countryside)

Edinburgh Local Development Plan Policy Env 12 (Trees)

Edinburgh Local Development Plan Policy Env 21 (Flood Protection)

Edinburgh Local Development Plan Policy Hou 1 (Housing Development)

2) Relevant Non-Statutory Guidelines.

'Listed Buildings and Conservation Areas'

'Development in the Countryside and Green Belt'

'Edinburgh Design Guidance'

Committee Services, Strategy and Insight, Chief Executive Waverley Court, Business Centre 2.1,
4 East Market Street, Edinburgh EH8 8BG, Tel 0131 200 2000

3) The procedure used to determine the application.

4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- Whether there had been any previous applications on this site, and confirmation that there had not.

- Confirmation that the site to the east had been granted consent for a single house in 2016 and 2019, and that there was a current live application for a larger house on this site.

- The applicant described the site as an infill site. Officers considered the proposal overdevelopment, creating a suburban feel to this rural location. . Although there was sympathy for the applicant, there was agreement with the officers that the proposals represented overdevelopment.

Having taken all the above matters into consideration, although there was sympathy for the proposal, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Contact

Please contact Blair Ritchie on 0131 529 4085 or e-mail blair.ritchie@edinburgh.gov.uk if you

have any queries about this letter.

Yours sincerely

Blair Ritchie

for the Clerk to the Review Body

Notes:

1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within six weeks of the date of the decision.

2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably

Committee Services, Strategy and Insight, Chief Executive Waverley Court, Business Centre 2.1,
4 East Market Street, Edinburgh EH8 8BG, Tel 0131 200 2000

beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Comments for Planning Application 21/04768/FUL

Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

Customer Details

Name: Mr Ramsay & Helen MacDonald

Address: 8 Dundas Home Farm South Queensferry Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This proposal is a rehash of another scheme by the landowners to develop this site with no regard to their neighbours. The scheme will represent a significant loss of amenity to us and will affect us negatively in several ways. Firstly it will generate extra traffic on what is a quiet lane. Having lived here for 18 years there is already too much traffic on the lane and recent construction developments have just exacerbated this problem. Cars and delivery vehicles of all kinds speed round the development and a further 3/4 car house will only lead to a greater risk of a child being run down. The visibility splay proposed looks like this is completely inadequate at a site of traffic conflict. Secondly further development here will again diminish our peace and quiet living as we do in the open countryside. There is no justification for intensification of development here and it is purely for commercial gain and sheer greed. The conduct of the landowners since moving in has been to despoil the neighbourhood, flouting planning regulations, destroying woodland, stopping rights of access and creating pest control issues with their constant plans to develop an area of woodland. We do hope common sense will prevail and these proposals will be rejected.

Comments for Planning Application 21/04768/FUL

Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

Customer Details

Name: Mr Stuart Preston

Address: 6 Dundas Home Farm South Queensferry

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I don't intend to labour my objections, for there have been numerous objections to a very similar development by the Gilburts in the past.

In the last few years, this family (in numerous different guises ... Mr, Mrs, son, connected companies) have tried to redevelop the land either side of Old Dairy House. They have, unsurprisingly, been met with objections at all stages. Why? Because these developments have not been in keeping with the surrounding area, they would have had significant impact and disruption on access roads, they would have significant impact on the trees and wildlife, etc, etc.

All of this still holds true:

- The plans for the house itself are certainly not in keeping with the surrounding area, and certainly not aligned to the title deed conditions imposed on other houses in the area. White rendering and plastic windows and doors? Really? I am honestly lost for words, but this tends to sum up the Gilburts approach to all applications.
- The disruption to traffic during construction concerns me greatly. The Gilburts have consistently shown a total disregard for neighbouring properties. I know others have flagged the crane debacle and I won't provide further detail here. But I also look to the development of the other house adjacent to the Gilburts' application: work has started here and, while they are being as considerate as possible, the disruption caused from time to time is notable
- My point about the trees and wildlife is included for completeness: of course, we all know that this is no longer a material point because Mr Gilbert has been particularly handy with a chainsaw in all plot the land either side of Old Dairy House. Trees felled without permission, and inevitably preservation of wildlife damaged as a consequence

I know others will have objected much more eloquently than me. However, my objection is very much aligned to them: the Gilburts have, over a period of time, sought to re-develop that entire side of Dundas Home Farm in a way that does no justice to the surrounding area, and they have done so with a total lack of transparency and a total lack of consideration to their neighbours and to the wildlife around them.

This is a beautiful part of the world, one that I and my family dearly love, let's not ruin that for the commercial gain of one man and his family.

From: [Robert McIntosh](#)
To: [Planning Support](#)
Subject: FW: Planning application 21/04768/FUL
Date: 18 October 2021 09:30:23

Hi

Can the below please be lodged as a neighbour objection to the above?

Kind Regards

Robert

Robert McIntosh
Planning Officer
Locals 2

Planning | Sustainable Development | Place Directortate | The City of Edinburgh Council | Waverley Court, 4 East Market Street, Edinburgh.

Have you signed up to the Planning Blog? We will be using the Planning Blog to communicate and consult on important changes and improvements to the Planning service in 2021. Please sign up to the Planning Blog to make sure you are up-to-date.

-----Original Message-----

From: [REDACTED]
Sent: 15 October 2021 22:07
To: Robert McIntosh <Robert.McIntosh@edinburgh.gov.uk>
Subject: Planning application 21/04768/FUL

Robert Macintosh
Planning Officer
Edinburgh City Council
4, East Market Street
Edinburgh EH 8BG

Dear Sir,

Having been made aware of the re- application for a 4/5 bedroom house to be constructed on land at Dundas Home Farm , South Queensferry, once again, I wish to make known my objections.

As this application is similar to the ones previously rejected, re- submitted then withdrawn, the same objections would apply.

This time however there seems to be some attempt at obfuscation as the application is made in the name of a company - even though the company's sole director is living at The Old Dairy House, home to the previous applicant.

My objections are as follows:-

1. This proposed house will be a new development on a greenfield site and not one that fulfils the requirement for agriculture use, forestry or rural pursuits.
2. The house will be situated adjacent to a converted farm steading, built in 1881 and awarded B listed status due to its local, historical interest. It was converted some 20 years ago, many years before the applicant bought an interest in the land, and was built according to the required strictures of listed buildings. The proposed house, using materials such as concrete and plastic fittings etc. will detract from the architectural appearance of its surroundings and have a detrimental impact given that it will be built in an area designated by Historic Scotland as Garden and Designed Landscape.
3. The applicant attests that through the building of the steading, the area was already

‘ developed’, therefore no hindrance should be accorded this application.

This is misleading and disingenuous given that the steading was already in situ and the development was restricted to the original footprint. This has not changed even though the applicant states that there has been continuing development.

The only development and change being made to Dundas Home Farm is being made by the applicant and family through the numerous building applications and the clearing of land to accommodate these plans.

4. There are continuing concerns about the access to the proposed development. As a new entrance will need to be created onto the single track road, with restricted visibility, it will mean the loss of street parking spaces for local residents and visitors (currently used mainly by the applicant and family). There are already concerns about parking as more and more local people are using the Dundas Castle estate for recreation and using Dundas Home Farm as their access point. Ironically, this has been highlighted recently when construction work began on the initial house granted planning consent for the applicant some time ago. Access has been difficult for the large vehicles entering and turning and there have been issues with the lane being blocked for periods. The contractors have been doing their best to be considerate but the road is just very narrow and their vehicles are having to park on the grass verges. This site was once woodland and is now a gaping hole! So we know what to expect with any further construction!
5. The first application (ref. 19/ 05253/FUL) was rejected on the grounds of, among other things, ‘over development and suburbanisation’ of the site. The current plan may be of a reduced size but is still considerably larger than most homes, and nothing in this application alters the reasons for the previous rejection.
6. Queensferry is currently losing its green spaces to the major house builders. Houses are being built on every available space so it is important to keep the area around Dundas Castle and Home Farm free from further development ‘ creep’ in order to preserve the woodland and the protected species living there.

Therefore, for these reasons, I think the application should be rejected.

Regards,

Dr. Albert Bloy

15, Dundas Home Farm,

South Queensferry EH309SS

Sent from my iPad

Comments for Planning Application 21/04768/FUL

Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

Customer Details

Name: Mr John Fraser

Address: 10 Dundas Home Farm South Queensferry Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We would like to record an objection to this planning application. This is very similar to the previous application which was rejected on appeal, given a number of reasons which we believe still apply.

We do not believe that the large suburban house is in keeping with the listed building neighbourhood, and further have concerns about the impact on access via our single track lane which already suffers from congestion.

Further, we observe that this application like previous ones over the same extended plots of land are all owned by the same family who have made clear their objectives to develop the area with disregard for the area and due process (and are still subject to enforcement action). We would highlight that despite the name of the applicant this time changing, the underlying ownership and beneficiary arrangements remains the same.

Comments for Planning Application 21/04768/FUL

Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

Customer Details

Name: Mr Tom Payne

Address: 13 Dundas Home Farm South Queensferry

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection to planning application 21/04768/FUL

The application is the reapplication of a proposal, which has been previously reviewed and rejected in September 2020 (Application No: 19/05253/FUL) then resubmitted and withdrawn earlier in 2021 ((Application No: 20/05686/FUL). From a review of the previous application and associated decision notice (Ref LBR/6.2/BR), it is clear than none of the reasons for the correct refusal of the original planning application have been addressed in the most recent application. We object to this application.

It is also important for CEC to appreciate that these applications as well as the following applications listed below all relate to the same family and the overdevelopment of the same piece of connected land at Dundas Home Farm. For the avoidance of doubt these applications are the only applications for development of new houses and commercial use of land at the listed steadings since the original farm buildings were converted. They have also had the greatest single impact on the look and feel of this rural development.

The cover letter details the "recent" development of the area, however in fact the original conversion of the listed steading buildings is now almost 20 years ago (and was completed in line with listed building consent maintaining the rural character of the area). The proposed house within the application achieves none of these key points and is therefore in direct contradiction with Planning Des.4 Development and Design-Impact on setting.

Furthermore, it is misleading to state that the "development continues to expand" with the building of garden rooms/ offices and a granny house within the gardens of those properties" as a means to justify the building of a brand new and substantial family house. There is no expansion of the development in terms of the addition of new properties or separate living quarters/granny houses as this is not permitted under planning control. There is some limited alteration of properties to provide for growing families in line with the strict requirements of listed building and planning

control. It is once again incorrect for the applicant to state that development in the area took the plot in question out of Green Belt use.

Previous applications by the same family on the same plot of land along the south side of Dundas Home Farm.

15_05159_PPP - house, permission refused

16_04410_FUL - house, now sold on

17_00681_AMC - house amendment to 16_04410, now sold on

19_05253_FUL - house on same site as current application, permission refused

20_05152_FUL - Business, a forest school - refused for multiple reasons

20_05255_CLE - Fencing - refused on appeal as incongruous

21_04768_FUL - house, current application

The above applications from one family represent significantly more than those recorded on the City of Edinburgh Council's website as submitted in the last five years by over 15 separate families of Dundas Home Farm for land and buildings along the country lane and next to the listed steadings.

Grounds for Objection

Failure to Address some of the Key Grounds for Rejection of the Previous Application

The applicant has not addressed the original reasons for rejection of a very similar application last year.

The proposal represents overdevelopment and would still create a mini housing estate with suburban characteristics when combined with the Old Dairy House immediately to the west and the additional substantial new house approved to the east (also being built on part of the original garden of the Old Dairy House). Nothing in the proposed plan changes this fact.

The protection of green belt sites in the community is extremely important, and exploitation of this site for development serves no purpose outside of commercial gain for the applicants. There is an abundance of new housing being developed in the South Queensferry area for families and it is critical that we retain the remaining green areas for the enjoyment of the community. The community at large utilise Dundas Home Farm lane and access to the wider estate on a very regular basis, and they do so because of the rural setting and character, which would be significantly detracted from should planning permission be granted for this house in addition to the already substantial new house being built on the same area of land. The need for a further access point and driveway on to the lane will all but remove the hedging along the lane and further negate any country feel to the lane. It also effectively removes any additional parking for visitors to the steading or the wider estate along that stretch of lane.

The cover letter states that the land is not part of the garden of the Old Dairy House presumably as an attempt to distinguish the features of this application from the previously rejected one which referenced the addition of yet another large house on the Old Dairy House plot. This plot was in fact part of the original garden of the Old Dairy House as can be clearly shown by the previous rejected application 19_05253_FUL. It appears now to have been "transferred" to Currie Properties, the sole director of which is the sole owner of the Old Dairy House. In any event, Registers of Scotland has indicated that the title deeds of the Old Dairy House do not show any such transfer having taken place and nor is a title amendment for such a transfer pending of any

sale of this part of its garden). It is also evident that the planning application made in the name of Currie Properties has a declaration signed by Mr Colin Gilbert who is not a director of Currie Properties (so not authorised to sign on its behalf) but is the husband of the owner of the Old Dairy House and a resident there.

This application makes much of the absence of trees and the lack of any protected wildlife to consider as part of the application. This may now be true but that is clearly as a result of the owners of the Old Dairy House having felled all of the trees within the site in advance of previous applications. Presumably no wildlife surveys were carried out at this time to safeguard the wildlife which continues to live in and around this area of land as a matter of fact (badger sets and bats included). The fact of tree felling in advance of other planning applications on this contiguous piece of land has already been discussed with Forestry Scotland. We would argue that this preparatory development work (ie extensive tree felling which effectively forms part of the proposed development) has had an unacceptable impact on trees contrary to LDP policy Env12. The fact that wildlife and tree surveys were carried out after this fact and no survey data can be provided prior to tree felling, does not provide conclusive evidence to the contrary.

The applicant in its cover letter describes the proposed development as a small family home. It is not. It is a very substantial sized house, 2.5 times bigger than the UK average house. Its dimensions, character and position are entirely at odds with the listed steadings and amounts to an overdevelopment and an incongruous build in the area.

Comments for Planning Application 21/04768/FUL

Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

Customer Details

Name: Mr Stuart Preston

Address: 6 Dundas Home Farm South Queensferry

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: With apologies, I have already objected, but never picked up on the fact that the Gilberts have, again, made reference to a "Granny house" as an example of other development within the Dundas Home Farm area. I assume that this was in reference to the annex that was built in our garden and, to that end, I set out below an extract from an email that I sent to your colleague (also Stuart Preston) in February 2021 in response to the Gilberts prior application for the same plot of land.

Extract of email as follows:

Planning application no: 20/05686/FUL: Mrs Jane Gilbert

Planning application no: 20/05152/FUL: Mr Lewis Gilbert

Dear Mr Preston,

Mrs Gilbert's additional supporting statement (ref: 20/05686)

In respect of the above planning consent, it has been brought to my attention that Mrs Gilbert submitted an additional supporting statement to you on 27 January 2021. Given this has been submitted by Mrs Gilbert as a last ditch attempt to secure planning consent, I thought it right to respond, setting out some facts rather than speculative nonsense, particularly given that in her statement she appears to make specific reference to the "granny house" that was built in our garden some 4-5 years ago.

If Mrs Gilbert thinks she is comparing like with like she appears to be somewhat deluded.

Let me touch on what she considers to be a "granny house". This suggests that it's a house that is

lived in on a regular basis. It is not. We initially made enquiries about an extension to our current house which, we were told, was not allowed because it would interfere with the linear nature of our property. Unlike some we accepted the Council's position in this respect, we did not challenge, we did not appeal, we did not re-submit an application that was essentially the same thing. We did, however, ask if it would be possible to build an annex at the end of our drive: this annex would consist of a spare room, a study and a bathroom. The Council was supportive, but clear that we should not have a kitchen area as this might allow the annex to be used as, and/or sold as, a separate dwelling. This was absolutely fine: we had not requested a kitchen in our plans, and had no intention of using this as a dwelling (again, unlike some). The annex was to support our living circumstances and our growing family.

Consent granted we built the annex. We used wood that was in keeping with our house. We used slate that was in keeping with our house. We used stone that was in keeping with our house. We used doors that were in keeping with our house (style and colour). In other words, our annex was 100% in keeping with the surrounding area.

For Mrs Gilbert to suggest otherwise is ridiculous. Let me be clear, when the Gilbert's applied for planning consent to extend/reconfigure their own house, we did not object. Why would we, it had nothing to do with us, and did not impact us. Like our annex, the works to their family home were to accommodate their family living. That said I would challenge some of the other building works that appear to have taken place on their land, all becoming visible since he felled a number of trees to make way for the proposed forest school (that is subject to planning application no 20/05152). I would question whether or not they had consent for such buildings/out houses, particularly the one that Mr & Mrs Gilbert's son lives in (as a dwelling?).

However, every other planning application that she, her husband and her son have submitted in the last number of months are not comparable to our work, or any other work that has taken place around the steadings. The works she refers to in her additional statement are to accommodate changing family circumstances. She is looking to build a new house (in addition to the one that already has consent) that she will inevitably sell. They have developed a forest school. All for financial gain. None in keeping with the local area.

I know the Gilbert's are facing a number of challenges just now for their mass redevelopment of the South side of Dundas Home Farm. And rightly so, perhaps that tells a story.

Comments for Planning Application 21/04768/FUL

Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

Customer Details

Name: Mr Philip Smythe

Address: 11 Dundas Home Farm South Queensferry Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Mr McIntosh,

WE WOULD LIKE TO FORMALLY OBJECT TO PLANNING APPLICATION: 21/04768/FUL /
Erection of a 4-bedroom house with detached 2 car garage with new access from Dundas Home
Farm Lane 20 Metres West Of The Old Dairy House Dundas Home Farm South Queensferry
EH30 9SS

We would first like the following to be noted:

- New application in the name of CURRIE PROPERTIES LTD. is the re-application of a proposal previously rejected by Planning and later withdrawn by the applicant (see Application Nos. 19/05253/FUL and 20/05686)
- All above-mentioned applications are represented by the same family (GILBERT) at the same address
- Contrary to the applicant's statement, there is a clear link between CURRIE PROPERTIES LTD., the Gilbert family and The Old Dairy House which is the family residence on the SAME plot of land (and part of the family garden). To clarify, the owner of both Currie Properties Ltd. and The Old Dairy House is the same.

The proposed development is for a slightly modified property than the one rejected (on the same plot of land) on September 17th 2020. (per APPLICATION Nos. 19/05253/FUL and 20/05686) - however we would argue that the new proposal violates the same rules that were cited in the previous rejection letter to the applicant (Gilbert) under decision notice ref. LBR/6.2/BR. To summarise some of these:

1. The proposed site is not a brownfield location that restores and improves what was there before. Nor can it legitimately be seen as a fill-in site (since both this location and its neighbouring site to the east were greenfield sites before being highlighted for development by the Gilbert family). Instead it is a new development proposed in a greenfield location. As such, the proposal is contrary to "Policy Des 1: Design quality and context" section of the Edinburgh LDP. the local development plan policies for green-belt development in that it does not involve development for agriculture, woodland and forestry horticulture or countryside recreation.

2. The LDP section "Planning Policy Env 10 - Development in the green belt and countryside", specifies that development will only be permitted in relation to rural businesses such as agriculture or horticulture. This proposal - which is for a new-build suburban residence, does not fit those criteria.

3. The proposed site is immediately adjacent to Dundas Home Farm steading - a site comprising B and C listed buildings and lying within a site listed by Historic Environment Scotland (GDL00151) as a designated Garden and Designed landscape. The design of modern, suburban residence of the type specified, violates the LDP sections "Planning Des 4: Development and Design - Impact on Setting" - which calls on new developments to fit with the characteristics of the surrounding buildings - and more specifically with "Planning Policy Env 3 - Listed building setting" which specifies that developments in a listed building setting should not be permitted if detrimental to the architectural appearance, character or historic interest of an environment.

Additionally, we find it most peculiar that the applicant refers to the proposed 4-bedroom/double garage development as a "small family home" when in fact it is substantially larger than some of the homes (3-bedroom) within the steading and the average family house!

4. We previously raised concern regarding destruction to the natural environment including trees and habitat for protected wildlife species. Whilst the applicant now makes reference to the absence of trees on the plot, this is due to considerable tree felling executed well in advance of original application 19/05253/FUL and subsequent 20/05686/FUL.

5. The entrance for the proposed development is not yet in place. Driveway access onto the Dundas Home Farm Lane would need to be created thus resulting in an additional junction with restricted visibility and the loss of one or more on-street car parking spaces on Dundas Home Farm access road. This would also result in the loss of amenity to local residents which is in violation of LDP plan "Policy Tra 2 - Private Car Parking"

6. An important concern is that of over-development which we believe this application would facilitate. We find it ironic that the applicant (Currie Properties Ltd. owned by Mrs Gilbert) refers to "recent development" and "expansion" of Dundas Home Farm by its residents. It is highly misleading and in fact incorrect to suggest such given that the only "expansion" here has been sought by the Gilbert family which is evidenced by their planning applications for

(a) a permanent forest nursery school to be built a mere 80 metres east of The Old Dairy House [20/05152/FUL - subject to planning enforcement action 20/00409/EOPDEV] since refused along with separate application for surrounding security fence also refused.

(b) one dwelling house to be built 40 metres west of the Dairy House [19/05483/FUL granted Nov.2019, construction ongoing], also part of the original Dairy House garden.

Whilst several Dundas Home Farm steading residents have made minor alterations and improvements to their homes since the conversion from original farm buildings in 2003, there has been no expansion whatsoever to the steading. It would appear that the only threat of over-development in the last decade comes directly from the applicants and, given their prolific history of planning applications within that time period, we cannot help but be suspicious of their future intentions for transforming an additional house in their garden into yet another commercial nursery business.

7. Finally, although we were not directly notified of this proposed development, nor is No.11 Dundas Home Farm shown on the applicant's map (MTS presentation omitted half of the steading properties and shared courtyard) we are nonetheless neighbours situated close enough to be directly impacted by any construction work carried out on behalf of the applicant. The principal concerns are:

(a) traffic and vehicle access on and around the single-track Dundas Home Farm Lane also affecting nearby Dundas Livery and farming community as well as visitors to the estate for outdoor walks.

(b) noise levels impacting an otherwise tranquil community where many residents, including ourselves, are working from home.

(c) on a more personal note (not material but relevant for us) we would not expect to receive consideration or honest communication from the applicant regarding any key works affecting us. Indeed, previous experience would indicate complete disregard for all residents of Dundas Home Farm, notably with reference to application 20/5152/FUL and the applicant's failure to notify us of the closure of Dundas Home Farm Lane for several hours in order to facilitate a large crane and supporting vehicles causing much disruption which could have otherwise been avoided had the applicant had the courtesy to advise residents in advance.

For the reasons mentioned above, we would strongly like to object to this proposal.

Yours sincerely,

Philip and Kerry Smythe
11 Dundas Home Farm

Comments for Planning Application 21/04768/FUL

Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

Customer Details

Name: Mrs Fiona Mclellan

Address: 16 Dundas Home Farm South Queensferry

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Councillor's Reference

Comment: Please note that we (my husband and I) strongly object to yet another application to build another large property on the land 20 meters east of the Old Dairy House.

We object for the same reasons as with all previous applications to build on the same site, namely:

1. Another large home would not be in keeping with this rural residential area
2. We have already lost enough trees and wildlife in the existing construction site bordering this one
3. Access is on a single track road and is simply not fit for another property
4. Planning permission is repeatedly requested and rejected for a reason - none of these reasons have changed so this is particularly frustrating and time wasting for all involved.

Comments for Planning Application 21/04768/FUL

Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

Customer Details

Name: Mr Iain Ryan

Address: ashley cottage dundas home farm south queensferry

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

- Councillor's Reference

Comment: I chose to live here primarily for the rural feel of the area. There is substantial building work currently going on at that site. We really don't need more. Another large house will detract further from the rural environment we enjoy.

Rather than building another house the woodland that was removed should be replaced to provide habitat for the displaced wildlife.

Comments for Planning Application 21/04768/FUL

Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

Customer Details

Name: Mrs Martina Bacon

Address: 9 Dundas Home Farm South Queensferry Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection to planning application 21/04768/FUL

We would like to highlight the history behind this application.

It is in essence a reapplication of a previous proposal which was reviewed and rejected in September 2020 (Application No: 19/05253/FUL) then resubmitted and withdrawn earlier in 2021 ((Application No: 20/05686/FUL). From a review of the previous application and associated decision notice (Ref LBR/6.2/BR), it is clear than none of the reasons for the correct refusal of the original planning application have been addressed in this application. We must therefore continue to object to the application.

We believe it is important for CEC to appreciate that these applications as well as the following applications listed below all relate to the same family and the overdevelopment of the same piece of connected land at Dundas Home Farm. For the avoidance of doubt these applications are the only applications for development of new houses and commercial use of land at the listed steadings since the original farm buildings were converted. They have also had the greatest single impact on the look and feel of this rural development.

The cover letter submitted with the application details the "recent" development of the area, however in fact the original conversion of the listed steading buildings is now almost 20 years ago, did not exceed the footprint of the original dairy farm dating back to 1881 and was completed in line with listed building consent maintaining the rural character of the area. The proposed house within the application achieves none of these key points and is therefore in direct contradiction with Planning Des.4 Development and Design-Impact on setting.

It is misleading to state that the "development continues to expand" with the building of garden rooms/ offices and a granny house within the gardens of those properties" as a means to justify the building of a brand new and substantial family house. There is no expansion of the development in terms of the addition of new properties or separate living quarters/granny houses as this is not permitted under planning control. There is some limited alteration of properties to

provide for growing families in line with the strict requirements of listed building and planning control. It is once again incorrect for the applicant to state that development in the area took the plot in question out of Green Belt use.

Previous applications by the same family on the same plot of land along the south side of Dundas Home Farm.

15_05159_PPP - house, permission refused

16_04410_FUL - house, now sold on

17_00681_AMC - house amendment to 16_04410, now sold on

19_05253_FUL - house on same site as current application, permission refused

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21_04768_FUL - house, current application

The above applications from one family represent significantly more than those recorded on the City of Edinburgh Council's website as submitted in the last five years by over 15 separate families of Dundas Home Farm for land and buildings along the country lane and next to the listed steadings.

Grounds for Objection

Failure to Address some of the Key Grounds for Rejection of the Previous Application

The applicant has not addressed the original reasons for rejection of a very similar application last year.

The proposal represents overdevelopment and would still create a mini housing estate with suburban characteristics when combined with the adjacent Old Dairy House and the additional substantial new house approved to the east (also being built on part of the original garden of the Old Dairy House). Nothing in the proposed plan changes this fact.

The protection of green belt sites in the community is extremely important, and exploitation of this site for development serves no purpose apart from commercial gain for the applicants. An abundance of new housing is being developed in the South Queensferry area just now and it is critical that the remaining green areas are being retained for the enjoyment of the community. The community at large utilise Dundas Home Farm lane and access to the wider estate on a very regular basis, and they do so because of the rural setting and character. If planning permission were granted for this house, it would significantly impact on the rural setting in addition to the already substantial new house being built on the same area of land. The need for a further access point and driveway on to the lane will remove most of the hedging along the lane and further negate any country feel to the lane. It also effectively removes any additional parking for visitors to the steading or the wider estate along that stretch of lane.

The cover letter states that the land is not part of the garden of the Old Dairy House presumably as an attempt to distinguish the features of this application from the previously rejected one which referenced the addition of yet another large house on the Old Dairy House plot. This plot was in fact part of the original garden of the Old Dairy House as can be clearly shown by the previous rejected application 19_05253_FUL. It appears now to have been "transferred" to Currie Properties, the sole director of which is the sole owner of the Old Dairy House. In any event, Registers of Scotland has indicated that the title deeds of the Old Dairy House do not show any

such transfer having taken place and nor is a title amendment for such a transfer pending of any sale of this part of its garden). It is also evident that the planning application made in the name of Currie Properties has a declaration signed by Mr Colin Gilbert who is not a director of Currie Properties (so not authorised to sign on its behalf) but is the husband of the owner of the Old Dairy House and a resident there.

This application points to the absence of trees and the lack of any protected wildlife to consider as part of the application. This may now be the case but that is clearly as a result of the owners of the Old Dairy House having felled all of the trees within the site in advance of previous applications. It is not clear if wildlife surveys were carried out at that time to safeguard the wildlife which continues to live in and around this area of land as a matter of fact (badger sets and bats included). We would argue that this preparatory development work (ie extensive tree felling which effectively forms part of the proposed development) has had an unacceptable impact on trees contrary to LDP policy Env12. The fact that wildlife and tree surveys were carried out after this fact and no survey data can be provided prior to tree felling, does not provide conclusive evidence to the contrary.

In the cover letter, the applicant describes the proposed development as a small family home. It is not. It is a very substantial sized house, 2.5 times bigger than the UK average house. Its dimensions, character and position are entirely at odds with the listed steadings and amounts to an overdevelopment and an incongruous build in the area.

Comments for Planning Application 21/04768/FUL

Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

Customer Details

Name: Dr Katherine Miller

Address: 14 Dundas Home Farm South Queensferry

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection to planning Application 21/04768 /FUL

This is a reapplication of a previously submitted planning request which was rejected in Sept 2020 (application no. 19/05253/FUL) and withdrawn in 2021(20/05686/FUL). The reasons for refusal have not been addressed in this new application. The size of the house has been minimally reduced but it still exceeds the average size of house in the UK by 2.5 times.

The land in which this dwelling is proposed (adjacent to the applicants own dwelling on the East boundary) is Greenbelt and within a conservation area. The current dwellings in the area are all original farm steading buildings dating from 1830 which were adapted to dwellings around 2004 by the original developers with listed building consent. Erection of a modern home within this small development is not in keeping with the original buildings and does not enhance or benefit the area but merely reduce greenbelt land and urbanise what is currently a very rural setting. The applicant has already successfully applied for planning consent (17/00681/AMC) for a new large (5 bed) modern house in an area directly beside this current planning application. This land was originally woodland but was felled by the applicant for purposes of development. The erection of another large modern house fundamentally changes the nature of the steading development by removing green area to erect a large modern dwelling.

Katherine and Mark Miller

14 Dundas Home Farm

South Queensferry

EH30 9SS

Local Review Further representations for Application No 21/04768/FUL

Ref Rep3 Redacted.PDF

Unfortunately, the photos were not attached in full and only a fuzzy edge of the photos accompanied your letter.

Para 1 The site is an infill site and is not part of the curtilage of the old dairy house.

There is a clear demarcation line on the East side on the site by the builders fencing which will be replaced by a timber fence. The West boundary is marked by a peg and string line.

Para 2 **Non Material**

Para 3 **Non Material** Relates to a different application and site. However, the single track has several passing places and the lane is accessible from both ends. Again, the builders were approached about parking and they moved their vehicles and parked further along the road where it opens out into a 2 lane road.

Ref Rep1 Redacted.PDF.

- 1) **Non Material.** The application is not the same as any previous application which was made by a third party. The design is completely different, smaller in scale and a design that was previously accepted on the adjacent site.
- 2) **Non Material.** The property referred to is a listed building. Far from being heavily protected many have been altered and had extensions or garages removed and turned into residential accommodation.
The Site is large and more than able to accommodate the proposed development. The proposed house is considerably smaller than the previous application made by a third party. The proposed property will be sheltered from the steading by a large laurel hedge which will shield it from the road. The design is in keeping with the Old Dairy house which will be its adjacent neighbour.
- 3) The site was not protected in any way. The timber that was felled was non indigenous. They were in the main in poor condition. There was only one tree that yielded any usable timber. This was sawn into planks on site, and set aside to be used once it had dried. The logs produced from the trees were placed outside and were offered to the residents of the steadings as fire wood. Many took advantage and made several trips to stock up for their fires. There is a further tree which needs to be removed due to its poor condition.
The site does not form part of the curtilage of the Old Dairy House. The land register map confirms this. It is a gap site and the building of a residential property would add to the character and amenity of the area.
- 4) Non Material. The site is a gap site.
- 5) Non Material. I have been in contact with the builders of the house that is currently being built and they have been more than curtest. They have been considerate and more than obliging. Only part of the road is single track and there are several passing places. I am not aware of any damage to any property or the police having been called.

Local Review Further representations for Application No 21/04768/FUL

Ref Rep2 Redacted.PDF

Para 1) **Non Material**

Para2) **Non Material**

Para 3) **Non Material** to current application. However, I have today spoken to the Builders of the property referred to and they inform me that the water being pumped out was in fact from a trench dug a few days before to allow the installation of electrical services. The trench had filled with water over a few days caused by the heavy rain we had experienced. The pump was running for between 1 and 1.5 hours. No more. This was to allow the electricity suppliers to install their cables etc. This has now been back filled.

There is some mud and water at the front of the building caused by the large forklift equipment used in the construction chewing up the ground. This area is to be flattened have several tons of type 1 installed and then a porous pebble driveway on top to allow free drainage. There is also a top soil spoil Bing at the back of the property with a substantial amount of top soil (many tons) to be laid to raise the ground around the house to its finished level and to form the garden. All this will solve the mud and puddle problem.

Para 4 **Non Material** Again they talk about the adjacent site. This has a sewage treatment plant that connects to a soak away are which is to the South Side of the site and is well away from the road way. I'm sure the review board will be aware that any water being sent to the soakaway is safe to treat in this manner. The system will have to be approved by SEPA and licenced.

Para 5 **Non Material** The site referred to is again the adjacent site.

Para 6 **Non Material** deals with the adjacent site

Sarah Forsyth

From: Matt Raftery [REDACTED]
Sent: 27 February 2022 14:19
To: Local Review Body
Subject: 22/00016/REVREF - 21/04768/FUL further representations (objection to application)

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sirs

With respect to the above, we wish to maintain our objection to the above application and to add the following points:

1. We are not clear why this application 21/04768/FUL has been considered at all; save the applicant changing from an individual to a company owned and controlled by that individual, the application is the same as one that has previously been rejected both at first instance and on review. It does not seem right that an applicant can simply change its name and then have another bite of the cherry when considerable time and resources have been incurred by the council, let alone the individuals involved, going through the prescribed process.
2. The points we have previously raised in the context of these applications remain and have not been addressed by the applicant. In brief terms, the cluster of houses in which the property is to be built are historic, listed, heavily protected farm buildings. The construction of a large, modern property (that will take up the vast majority of the site) is entirely out of keeping with this and will clearly change the nature of the area, particularly when constructed next to another, large, modern and out of keeping property that is in the process of being built. That property has already damaged the character of the area and permitting another will do so further: it also makes a nonsense of any suggestion that the properties will not be visible etc. Whilst a large, modern, house has been constructed some way down the road, that is not part of the steadings complex, is not visible from it and does not affect the area immediately in question: the proposed property would sit immediately adjacent to the centre of the steadings.
3. At the risk of repeating ourselves, this was a wooded garden, in a heavily protected area (green belt, special interest area, conservation area etc) in a historic context (surrounded by period, listed, buildings). The development would obviously detract from this and alter the character of the area. There is no good reason for the application to be granted. The land in question was a domestic garden and there is no reason why it should not remain so.
4. The site is only a gap site because of the actions of the application; i.e. selling another part of its garden for a development. That development was granted and has damaged the area. It is unjust for the application to now have this application considered in isolation (i.e. as a gap site) when, presumably, it intended to sell it at the outset. The effect on the character of the area must, as we see it, be considered cumulatively or make a mockery of a planning system that can simply be undermined by multiple applications for properties making multiple cuts to the area in question.
5. Finally, we are not clear whether the act of construction can be taken into account when determining these applications. However, it should be noted that the construction of the permitted application has caused considerable disruption for the last five months (and is not yet completed). There has been repeated access issues (access to the steadings is by a single, single-track, road that is repeatedly blocked), police attendance, property damage and the like. On a personal note, this often takes place within 3m of our child's nursery and home office – in short is hard for a toddler to nap or to hold any sort of telephone call with the incessant beeping of heavy machinery and general construction noise. Due to the nature and location of the site this is an unavoidable consequence of any development and will directly affect the quality of life of the residents.

Matthew and Claire Raftery
The Farmhouse,
Dundas Home Farm

From: Graham Lilley
Sent: Mon, 21 Feb 2022 18:09:19 +0000
To: Local Review Body
Subject: Re 21/04768/FUL review appeal - FAO Gina Bellhouse
Attachments: ufm12.pdf, IMG_2917.JPG, IMG_0138.JPG, IMG_0145.jpg, IMG_0146.jpg

Dear Gina Bellhouse,

I objected to the original application (21/04768/FUL) to build a substantial suburban-style house in the garden of the Old Diary House along the rural single track lane where I live. I understand from your letter of 17 February that an aspect of the decision to refuse this application is under review.

I am clearly less qualified than the council to consider whether the potential transfer of part of the garden of a house to a company owned and controlled by the same person as owns that house is relevant to the granting of planning permission and acknowledge that it is possible that the conclusion here may not necessarily be the same as those usually arising in response to actions apparently taken solely to circumvent aspects of regulations.

However, I would like to amplify a concern raised earlier in respect of this application. The attached photos taken at various times today by different people show flood water being pumped from the site of a house being built immediately adjoining the site subject to 21/04768/FUL. Part of the residual flooding, after several hours of pumping, can also be seen past the construction equipment at the entrance to the site. This actual evidence of flooding on this land, which is lower than the road and other land around it, is not consistent with the statement in the original application form that the site is not within an area of known risk of flooding. The possible drainage implications of the extensive tree felling on land in advance of a planning application as well as the additional hard surfaces included in this application also call into question the statement that the applicant does not think that the current application increases the risk of flooding. Possibly this flooding risk simply wasn't noticed by the applicant prior to the tree felling on that land; it will have been now since the pump clearing it has been running for most of the day.

The potential public health implications of this demonstrable flooding risk for the on-site sewage system proposed in 21/04768/FUL are prima facie very concerning.

It may be relevant that the site which is currently flooding relates to application 17/00681/AMC, which was made by the same family as 21/04768/FUL and contained the same statements with respect to flood risk.

In addition to this, if you are able to offer any comfort as to the measures taken to ensure the public safety of the sewage treatment associated with the current building work (ie in respect of application 17/00681/AMC), or indeed the appropriateness of pumping flood water up hill onto an adopted road and flooding it, I would be grateful. Please let me know if I should address these points to someone else in the council.

Thank you for your help. I look forward to both your advice and reading the result of your review.

Best Regards

Graham Lilley



Sarah Forsyth

From: lizandbert bloy [REDACTED] >
Sent: 26 February 2022 12:18
To: Local Review Body
Subject: Review of Application 21/04768/FUL

Follow Up Flag: Follow up
Flag Status: Flagged

Images showing traffic disruption at current building site on lane at Dundas Home Farm on land sold by current applicant.

1989

All Media

0:37

Sent from my iPad

Sarah Forsyth

From: Liz and Bert [REDACTED]
Sent: 26 February 2022 11:42
To: Local Review Body
Subject: Review of planning application 21/04768/FUL

Follow Up Flag: Follow up
Flag Status: Flagged

Gina Bellhouse
Planning Advisor
Local Review Body
Edinburgh City Council

Re: Planning Application Review 21/04768/FUL

Dear Gina Bellhouse,

It has been brought to my attention that a review of the application for the above property has been submitted. Nothing that has been provided in mitigation for the refusal of the application has in any way altered the facts. The insistence that the site is an "infill" site is stretching the truth given that it is still part of the Old Dairy House garden with no apparent demarcation lines. It would also necessitate the demolition of part of the stone wall along the lane were this the case.

All the objections stated in my previous letter sent to the planning office still stand. Nothing has changed regarding this application.

I would however, like to add one point. The applicant sold land previously, some 40 metres west of the Old Dairy House and construction started in the autumn on a 4/5 bedroom house. Since then, the residents of Dundas Home Farm (the listed steading adjacent) have been greatly inconvenienced by the construction vehicles blocking the single track lane. Some days trucks delivering supplies(not their fault!) have completely blocked the road to incoming and exiting vehicles. The passing place has been used to park vans making it even more difficult to access the properties. So to allow another house to be built would mean yet more months of traffic disruption.

I think this should be taken into account as the issue about the single track lane was raised previously.

I will send evidence of the problem.

Regards,

Elizabeth Bloy

15, Dundas Home Farm
South Queensferry

Sent from my iPad

Sarah Forsyth

From: lizandbert bloy [REDACTED]
Sent: 26 February 2022 12:15
To: Local Review Body
Subject: What happens when construction takes place on a single track road.

Follow Up Flag: Follow up
Flag Status: Flagged



Sent from my iPad

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100340728-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Old Dairy House
First Name: *	Jane	Building Number:	
Last Name: *	Gilburt	Address 1 (Street): *	The Old Dairy House, Dundas Home
Company/Organisation	Currie Properties Ltd	Address 2:	The Old Dairy House
Telephone Number: *	0 [REDACTED]	Town/City: *	SOUTH QUEENSFERRY
Extension Number:		Country: *	United Kingdom
Mobile Number:	0 [REDACTED]	Postcode: *	eh30 9ss
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

677047

Easting

312657

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of 4-5 bedroom house. The erection of a detached 2 car garage. At land 20metres East of The Old Dairy House Dundas Home Farm South Queensferry.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The Reasons for refusal listed on the Decision Notice do not apply to this isolated Gap Site. The planning department consider this part of the courtlage of the Old Dairy House. This property is not part of the Old Dairy House and is owned by a seperate company. The items raised in the Decision Letter -Reasons for Refusal are fully addressed in the annotated copy of the Decision Notice attached to the appeal.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Annotated Decision Notice dated 25 January 2022, Ecology Assessment, Access Statement, Habitat Heritage and Development note.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/04768/FUL

What date was the application submitted to the planning authority? *

13/09/2021

What date was the decision issued by the planning authority? *

25/01/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Colin Gilbert

Declaration Date: 16/02/2022

RESIDENTIAL PLOT, OLD DAIRY HOUSE, DUNDAS HOME FARM, SOUTH QUEENSFERRY

Access Statement

Project Ref: 21012

Issue Date: 30 July 2021


Revision: [01]



Client: Currie Properties Ltd

Address: Old Dairy House, Dundas Home Farm, South Queensferry, EH30 9SS

Site Address: Site adjacent to Old Dairy House, Dundas Home Farm, South Queensferry, EH30 9SS

Report Author	Myles McGregor BEng (Hons), CEng, CMILT, MCIHT Director
Signed	
Date	30 July 2021

Rev	Issue Description	Issue Date
00	Draft issue	28 July 2021
01	Issue for Submission	30 July 2021

Front cover image ©Google Earth

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Appendix A - Site Layout

1. ACCESS REVIEW

McGregor Traffic Solutions (MTS) were commissioned by Currie Properties Ltd to assess the feasibility of an access to a proposed residential property on a plot adjacent to the Old Dairy House, Dundas Home Farm, South Queensferry.

The following comments are in support of a planning application for a single dwelling.

1.1. RELEVANT POLICY AND GUIDANCE

The site is within City of Edinburgh boundaries so it is CEC guidance on accesses that have been referenced and national guidance is from Designing Streets (Transport Scotland).

1.2. PREVIOUS APPLICATIONS / SITE HISTORY

A review of the previous application for the neighbouring part of the garden (15/05159/PPP) did not indicate any objection from the Roads department. There was a comment about the need for an adoptable standard of road for more than 3 dwellings. As far as I am aware from the CEC GIS maps the Dundas Home Farm Road is adopted already. On site there is clear demarcation to the west of the Old Dairy House and the road is tarred, with appropriate passing places and street lighting.



Figure 1 - Dundas Home Farm Road limit of adoption

1.3. TRAFFIC GENERATION AND ACCESSIBILITY

The vehicular generation for a single dwelling will be minimal and is unlikely to have any perceptible impact on the surrounding network. There are foot / cycleways on the B800 which enables easy access to either Kirkliston to the south or South Queensferry to the north. There

are also bus stops at the end of the road providing access to public transport within a 400m walk. Destinations from this stop include Balerno, Dunfermline, Edinburgh Park, Livingston, Queensferry and Edinburgh city centre. The site is in a good location to access sustainable forms of travel.

1.4. PARKING

Parking provision is subject to the CEC guidelines which indicates a minimum of 2 spaces within the curtilage of the house for a 4 bedroom house plus an allowance for visitor parking. All parking will be anticipated to be contained within the curtilage with no allowance for on street parking.

1.5. REFUSE COLLECTION AND SERVICING

Refuse collection will be from the roadside as is the case currently for the existing residences at this location. As a private residence it is anticipated that deliveries will generally be from the likes of Amazon, Currys, DPD, Hermes, Tesco's, Waitrose and other retailers. It is expected that delivery vehicles will generally be large panel vans, such as a Mercedes Sprinter style van.

1.6. ACCESS LAYOUT

An indicative access plan has been prepared at the location as shown on Drawing No 21012-MTS-00-XX-DR-TP-06001-A3-1to200-P01 included in Appendix A. Alternative locations were considered but in terms of the land ownership and location of septic tanks / soakaways it is sensible to utilise the existing 6.3m width of land adjacent to the road.

Drainage will be designed to fit with the existing gullies.



Figure 2 - Existing frontage showing vegetation that will need trimmed to improve visibility

Visibility for a 20mph road is 2.4m by 25m which is taken from the figures in Designing Streets. This visibility envelope must have nothing higher than 1.09m within it. This will mean some trimming of adjacent vegetation which can be seen on Drawing No 21012-MTS-00-XX-DR-TP-06002-A3-1to200-P01 Included in Appendix A. This vegetation / fencing is all within land under the control of the applicant.

The requirements for emergency vehicles are generally dictated by the fire service requirements. Providing access for large fire appliances (including the need to be able to work around them where appropriate) which, by design, will also provide suitable access for police vehicles and ambulances. This shown on Drawing No 21012-MTS-00-XX-DR-TP-06003-A3-1to500-P01 included in Appendix A which shows the extent of reach from a fire tender stopped on Dundas Home Farm road.

1.7. ACCIDENT HISTORY

A check of the Crashmap accident records reveals 1 slight incident in the area which occurred in 2017 at the entrance to Dundas Castle. There are no indications of historical road safety issues with Dundas Home Farm road.

1.8. SUMMARY AND CONCLUSION

In summary the proposed access can comply with the relevant standards in terms of geometry and visibility, the site is connected to foot and cycleways and has public transport provision within 400m.

MTS has reviewed the access location proposed and concludes that a suitable access to comply with relevant standards can be achieved.

Appendix A

Drawing No 21012-MTS-00-XX-DR-TP-06001-A3-1to200-P01 – Access Layout

Drawing No 21012-MTS-00-XX-DR-TP-06002-A3-1to200-P01 - Visibility

Drawing No 21012-MTS-00-XX-DR-TP-06002-A3-1to500-P01 – Fire extents (45m)



The Old Dairy House



Verge Crossing to match existing roadway construction

Flush kerb line to demarcate adopted road

3.5m

3.5m width gravel driveway

Plot Boundary

Revision notes:

Rev:	Date:	Notes:
01	28Jul2021	Update Client details

Drawn by:
MMcG

Client:
Currie Properties Ltd

Project:
21012
Dundas Farm Dairy

Drawing Title:
21012-MTS-00-XX-DR-TP-06001
Access Junction

Date:
16 Jul 2021

Scale @ A3:
1:200

Revision:
01



McGregor Traffic Solutions Ltd
Geddes House,
Kirkton North Road,
Livingston
EH54 6GU
mcgregortraffic@outlook.com



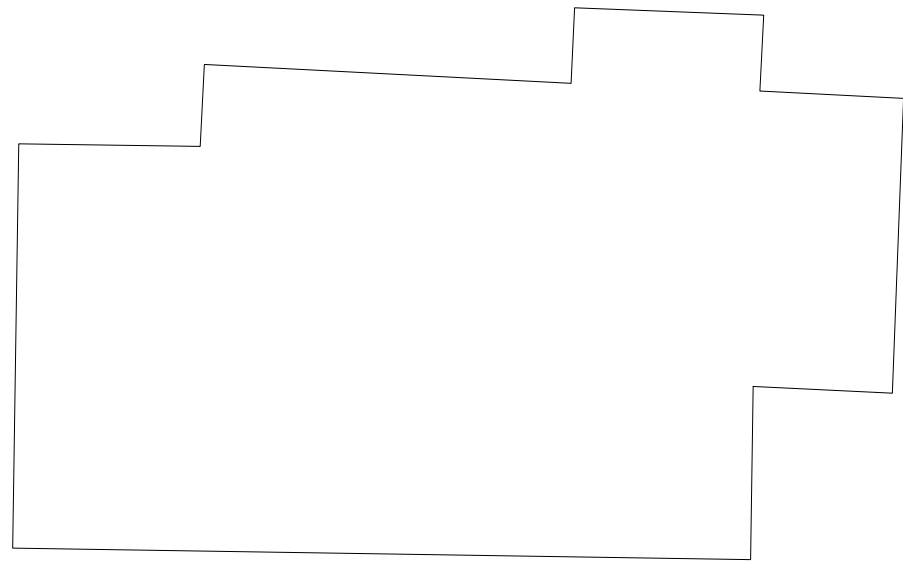
25m

25m

2.4m

3.5m

The Old Dairy House



Revision notes:

Rev:	Date:	Notes:
01	28Jul2021	Update Client details

Drawn by:
MMcG

Client:
Currie Properties Ltd

Project:
21012
Dundas Farm Dairy

Drawing Title:
21012-MTS-00-XX-DR-TP-06002
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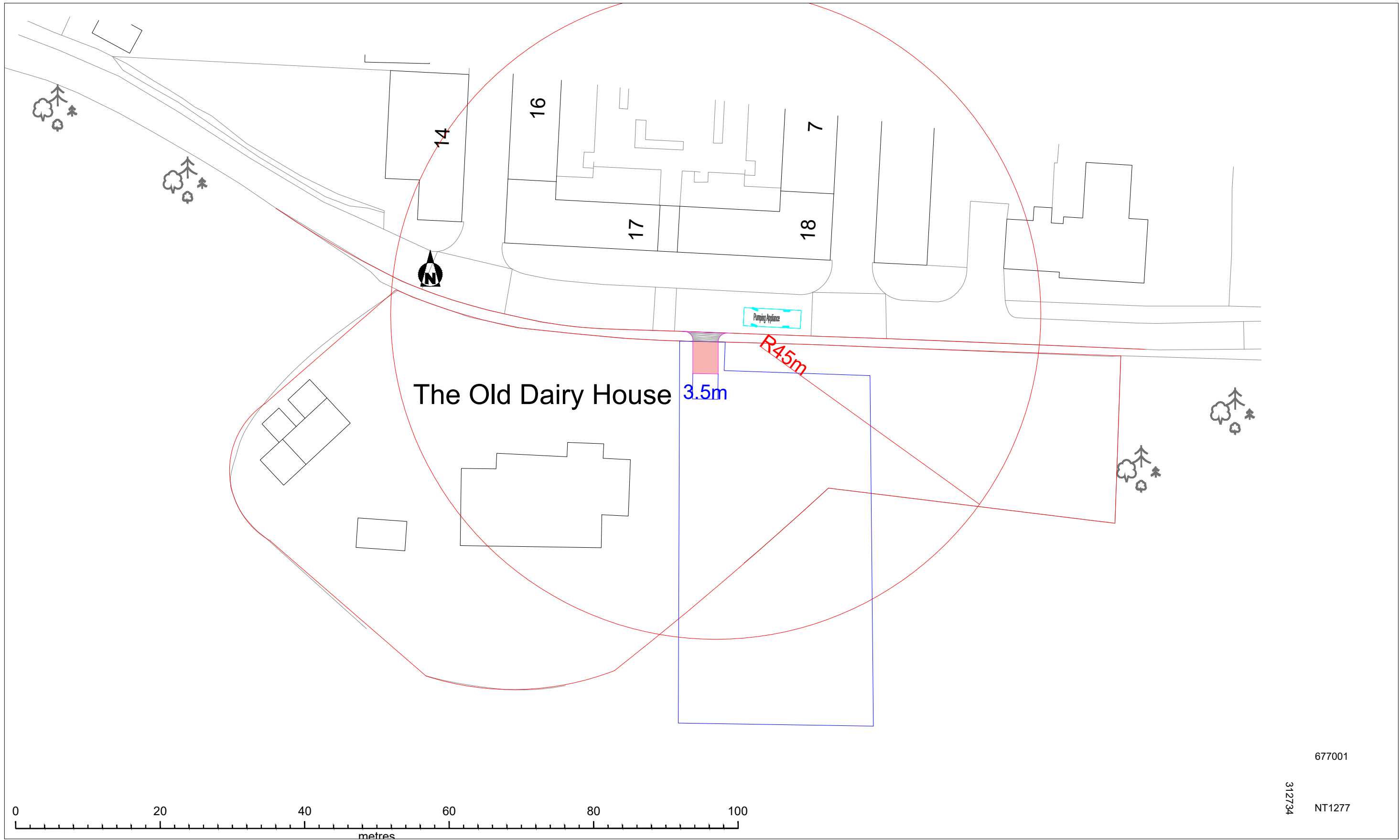
Date:
19 Jul 2021

Scale @ A3:
1:200

Revision:
01



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NT1277

Revision notes:		
Rev:	Date:	Notes:
01	28Jul2021	Update Client details

Drawn by:
MMcG

Client:
Currie Properties Ltd

Project:
21012
Dundas Farm Dairy

Drawing Title:
21012-MTS-00-XX-DR-TP-06003
Fire extents - 45m

Date:
19 Jul 2021

Scale @ A3:
1:500

Revision:
01



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FAO: Jane Gilbert
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Decision date: 25 January 2022

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Erection of 4-5 bedroom house. The erection of a detached 2 car garage.
At Land 20 Metres East Of The Old Dairy House Dundas Home Farm South
Queensferry

Application No: 21/04768/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 13 September 2021, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

Reasons:-

1. The proposal is contrary to policy Env 10 of the Edinburgh Local Development Plan (LDP) in that it does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal does not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building. It would introduce a further dwelling house into the garden of the Old Dairy House without any justification of exceptional circumstances, and would harm the rural character of the site.

The site is not part of the curtilage of the Old Dairy House. It is owned by Currie Properties Ltd a company registered at Companies House Edinburgh. The development is not involved in the areas noted above. It does however, form a gap site with no opportunity for an agricultural use due to its limited size and location between two residential properties. Agricultural development would distract from the residential and rural character due to its gap side location. There is a precedent set for a similar size plot adjacent to the site and on which a house was granted planning permission and has been erected.

2. The proposal is contrary to non-statutory Guidance for Development in the Countryside and Green Belt as no functional need for such a dwelling has been established; it does not relate to meeting the needs of one or more workers employed in agriculture; it is not related to a rural activity or business, and it is not a brownfield site or a gap site.

This site has been left isolated as green belt by the, compulsory purchase of the green belt land to the North of the site and the development of the house on the adjacent site. The land to the North was purchased to allow the development of the New Forth Road bridge and its approach. The road, Dundas Home Farm, on which the site sits was brought up to a standard that allowed it to be adopted by the council. It also had street lighting upgrade/ installed. The proposed use of this site for a family home which would quickly form part of the local community. The site is clearly a gap site, its status as green belt should perhaps have been reviewed at the time of the purchase of the other land which lost its green belt status. It would be an excellent use for a what is a small isolated gap site bounded by houses on both sides.

3. The proposal is contrary to LDP policy Des 1 as the proposal would be damaging to the character and appearance of the area around it.

Des 1 Development Contributions and Delivery.

The Policy is clearly directed to more major developments than the proposal.

Policy 16 Environment

ia) No change to the transport facilities within the area will be required. Please see report attached. "Access Statement"

ib) Educational facilities are a short walk away from the proposed site with South Queensferry and Kirkliston Primaries and the New South Queensferry High School.

ic) a) there are no protected species within the area of the site or abounding it. The attached specialist report confirms this to be the case. See "Ecology Assessment".

ic) b) A full survey has been carried out and is attached. See "Ecology Assessment".

ic) c) There are no species on site that are considered to be under any threat. See "Ecology Assessment"

ic) d) None is required due to the lack of endangered species.

Policy Env 19 Protection of Outdoor Sports Facilities

a) The area is unsuitable as a major sports facility due to its size and terrain.

b) The development does not involve any outdoor facilities other than the proposed garden

c) There are several outdoor sports facilities within easy walking distance. Including a golf course, football, swimming, countryside walks and horse riding.

d) As the majority of the facilities are new there would be no detriment to the overall provision.

Policy Env 20

The area will not be a public space as the grounds will form part of a residential property. The area has never been opened to the public, there will be no loss of amenity

4. The application site is not sustainable and the proposal is overdevelopment of the existing garden grounds. It does not comply with the 13 SPP principles.

Principals:

Economic benefit: The development will bring with it a small but increase in spending in the area and the use of using local amenities thereby helping to make those facilities retain their sustainability

Economic Issues: It will, as above, help to maintain and respond to economic issues.

Good design and Quality: The development is of a good tested design that is both economical to build and maintain but has a character that will blend it into its surroundings and reflect the design of its neighbors particularly the “Old Dairy House”. It would enhance the area by adding both a good use of the site but bring a much needed opportunity to allow a family to live in a rural environment.

Efficient use of Land and infrastructure: The site is a single house sized plot and the development would make excellent use of the plot. No agricultural use has been established both because of its gap site location and its limited size. The residents would make good use of the local facilities.

Support the delivery of accessible housing, business and leisure development.: The proposal would allow the erection of a house that many could not afford but would allow someone of reasonable means to erect a family home at a reasonable cost for the location and development. The other items would be up to the owner of the property to develop should they so wish. However, they would use the local facilities thereby adding to their sustainability.

Support delivery of infrastructure: The proposed site is already well covered with the delivery of all mains facilities such as Gas, Electricity, Water etc. The whole area of South Queensferry is currently being developed with major housing developments, New Roads, increased Educational Establishments and Sports facilities etc.

Climate change mitigation & flood risk. The property would be a high insulation structure using both solar panels and air heat exchange recovery. Thus, limiting its effect on the environment. The site has been checked and according to SPEA. It is not on a flood plain and is not in risk of flooding. The council officer reflected this in his evaluation report.

Improving Health and Well Being by Social interaction and Sports exercise. The community to which this property would belong are all very active in arranging social events. Use the local facilities to walk and cycle and also the local sports facilities of which there are many.

Sustainable land use: This land is a small isolated undeveloped plot which is in the main unattended. It is a plot that is of a size and location to supply a house building plot. It is mainly hidden from the street by a large hedge and the building itself would be well obscured behind the hedging.

Enhancing cultural heritage including historic environment: The plot is situated between a single story building that was a dairy house, This property has been developed and extended several times since its construction and is now a 1.5 story building with extensive floor area extensions. The land on the other side of the plot contains a 1.5 story house which has recently been erected. It has taken its design features from the old dairy house and it has blended into its site well. It has had no effect on the other properties in the area. The majority of the properties are converted cow sheds and stables which have a steading feel to them. There are several other properties along the road on the North side which vary in design and size. They again are not overlooked by the proposed development. Indeed, as with the new house adjacent to the site this building would be shielded from the other properties by the large hedge. A previous study re archology and history showed no archeology on the site nor any outstanding history to the site.

Protecting Landscape and access to natural heritage: This has been dealt with earlier in this submission. The site is small and has no outstanding natural features.

Reducing Waste facilitating management and resource recovery. It is proposed that the house will have heat recovery systems installed together with air to heat pump technology and solar panels. This will all go to limit waste of natural resources.

Avoiding over development protecting existing development and implications for water, air and soil quality: This is a small site, indeed it is the only location available to develop within the area. The area is dominated by the Steading development to the North side of the road together with the Old Farm House a couple of cottages and a larger (what is believed to have been the) Estate Managers house. These are all now in private hands and form no part of the Dundas Estate. Many have been altered and had garden rooms added or residential cabins added to their gardens Some have solar panels fitted. The site that the development lies on is to the South side of the road, which has only the Old Dairy House and Lilly Loch Cottage on. The development would be between the Old dairy house and Lilly Loch cottage. It would not distract from the Steadings or any of the other properties to the North hand side of the road. The proposal would not be an overdevelopment. The property is well setback from the road, sheltered by a large laurel hedge, and has adequate ground to allow sufficient area for both front and rear gardens. It is an excellent use for the land and would reduce any risk of ground contamination the project being a residential property. There are no streams within or adjacent to the site, Use of heat recovery and air to heat technology would help reduce any air contamination.

5. Inadequate information has been submitted to prove that the development will not increase a flood risk or be at risk of flooding itself. The proposal does not comply with LDP Policy Env 21.

The Councils report of handling states that the SEPA flood maps do not identify this area as being at risk of flooding and If the application was to be approved it is recommended that a condition requiring a suitable SWMP be attached to the consent. This is now required for all new housing developments.

6. The proposal is contrary to LDP policy Des 4 as the proposal would not have a positive impact on its surroundings.
- a) The proposed building is of a size to match the other properties adjacent to the gap site. It is of a design that was previous approved as the original design for the site to the East of the gap site.
 - b) Its scale and proportion has been previously approved for the site to the East of the gap site. It is not a large house and fits well onto the gap site.
 - c) It is central on the site and leaves more than sufficient space between the existing properties. There is provision for a large South facing garden and retention of the front Laurel hedging to provide a backdrop to any Northern garden/borders.
 - d) The proposed building is of a design to match the other properties adjacent to the gap site. The style facing the road side will match well with the two adjacent properties whilst the rear aspect makes full use by employing large glass outlooks to trap the heat and views of the woods to the rear.
- It is believed that the proposal would have a positive impact by making excellent use of a gap site that currently is unused and spoils the look of the area due to its unkempt condition.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01, 02a, 03a, 04a, 05, 06, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal does not comply with LDP policy Env 10 (Development in the Greenbelt and Countryside) and there are no exceptional planning reasons to justify its approval. The proposal will not contribute towards a sense of place or have a positive impact upon its surroundings and does not comply with LDP policy Des 1 or Des 4. Insufficient information has been provided to show that the proposal will not increase a flood risk or be at risk of flooding itself.

The proposal does not comply with the 13 policy principles of sustainable development set out in Scottish Planning Policy (SPP) and there are no other material considerations which outweigh this conclusion.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Robert McIntosh directly at robert.mcintosh@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Habitat, Heritage and Development Supporting Notes

Notable Habitat –J5 Other Habitat

As the property does not appear to match with any of the major classes of diversity it has been allocated to J5 Other Habitat.

The grounds are artificial and had previously been developed, in the main, as a wooded garden. This is no longer the case and the site has lain vacant now for several years.

The property is close to the woodland for Dundas Castle and the property has been planted with new stocks over the years some of which would not have been native to the area. Trees within the boundary have been felled at times to thin them out and indeed to remove trees which have been blown down by heavy storm and to make way for non-local varieties.

The actual number of trees is one and would not qualify as a woodland habitat.

There have been no sightings of any rare or unusual birds even with previous owners supplying bird feed and nesting boxes around the property.

Heritage Trees 47 – Dundas Castle.

The ground comprises of a plot hived off from the original castle estate.

The trees within the plot have been felled some years ago. The proposed development would have no impact on the trees on the property to the South of the site and in any event they form no part of a buffering boundary.

Airport Development Restrictions – Over 10mts in height

The proposed development would not exceed 10 mts.

Zones for Development Control Parking Standards (Zone6)

As the proposed development will be classed as a small development there would be no need for a parking survey. Parking would be within the development.

Rural West Local Plan

The property would be within the Rural West Local Plan. There would be no impact on the plan.

Dundas Estates Local Biodiversity Site

The area of the site that will constitute the actual “build” will be insignificant in the total area of the neighbouring property of Dundas Estates which runs to 100s of acres. The development will have no detrimental effect on bio diversity, it has no rare or unusual foliage or animals or birds within the site. The finding of one badger hair on the castle fence (which is some yards to the South of the site) is not regarded as significant as no sighting at anytime over the past 7 years has been seen of any Badgers within the site.

Candidate Special Landscape Area

The site is close to border of the Dundas Estate which has in the past been subject to historical landscaping. The site is not visible from within the Dundas Landscape area as it is shielded by a significant wooded boundary that is within the Dundas Estate area. The property when erected will not be visible from the viewing areas or paths or roads or castle and will have no visual effect on the Landscape Area.

Green Belt

The plot lies isolated with the green belt in the area. The neighbouring properties and land within the area of the property are not within the green belt. There has been significant building works within the area namely the new approach road to the new Forth Crossing and the allocation of land for house building.

HGDL – 167 Dundas Castle HDGL Historic gardens and designed landscapes.

The site sits close to the boundary of the Dundas Estate which has in the past been subject to historical landscaping. The site is not visible from within the Dundas Landscape area as it is shielded by a significant wooded boundary that is within the Dundas Estate area. The property when erected will not be visible from the viewing areas or paths or roads or castle and will have no visual effect on the Landscape Area.

The site has been changed with each owner of the property and bears no resemblance to the original layout having been changed from a part of the curtilage of Commercial Dairy to part of the garden of the dairy which was converted to a residential property. It plot was then sold to a property company.

The proposal will have no effect on the Castle Gardens.

PAL – 110 (3.1) Prime Agricultural Land

The plot is of a size that would not be worthwhile or economical to develop as Prime Agricultural Land. Such a change would be in direct contravention of several of the above noted Constraints. Such a change to the plot would just not be feasible.

Coal Mining Standing Advise Area

The area is so small as to not warrant any form of Mine working for the extraction of coal.

Radon Potential Class 1

This is the lowest level of risk.



Old Dairy House, South Queensferry
Preliminary Ecological Assessment (PEA)
For Currie Properties Ltd

5th July 2021

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Version

VERSION	DATE	AUTHOR	REVIEWED	APPROVED
CIC v1.0	02/07/21	Stewart Parsons	Emma Parsons	05/07/21
CIC v1.1	05/07/21	Stewart Parsons	Emma Parsons	05/07/21

Disclaimer

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Ellendale Environmental Limited accepts no responsibility for any use of or reliance on the contents of this report by any third party.

The report, and the information contained in it, is intended to be valid for a maximum of 12 months from the date of the survey, providing no significant alterations to the site have occurred.



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1. Executive Summary

Ellendale Environmental Limited was commissioned by Currie Properties Ltd to undertake a Preliminary Ecological Assessment (PEA) for an area of land to the east of The Old Dairy House, Dundas Home Farm, South Queensferry ('the site'). A development of a residential property is proposed for the site ('the proposed development').

Surveys undertaken at the site as part of the PEA included an Extended Phase 1 Habitat survey and a Preliminary Protected Species walkover. The Extended Phase 1 Habitat survey was undertaken following a Phase 1 survey methodology (JNCC, 2010) to list the plant species associated with each habitat. The preliminary protected species walkover was conducted for the site and the surrounding area.

The site is approximately 0.13 hectares in area and lies to the east of The Old Dairy House. The main area of the site is dominated by semi-improved neutral grassland that is managed through regular mowing, reducing the suitability for protected species to be present.

The hedgerow to north of the site provides the most suitable habitat to support protected species, namely nesting birds.

Overall, the site is assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey.

Recommendations have been made for modest post-construction ecological enhancements at the site that are proportionate with the low level of environmental impact from the proposed development.



2. Introduction

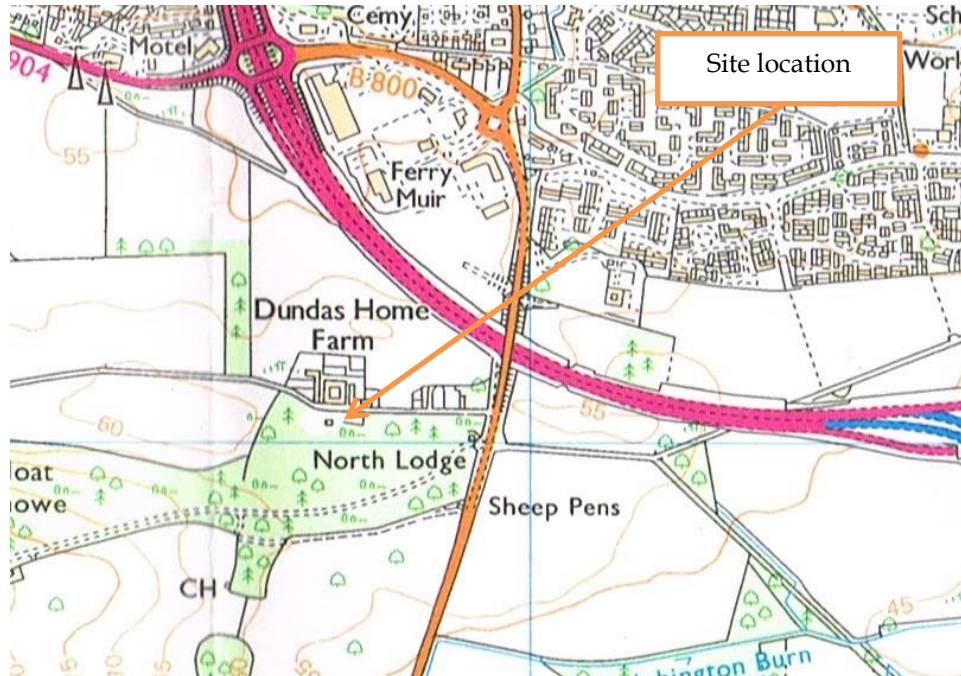
2.1 Commission

Ellendale Environmental Limited was commissioned by Currie Properties Ltd to undertake a Preliminary Ecological Assessment (PEA) for an area of land to the east of The Old Dairy House, Dundas Home Farm, South Queensferry ('the site'). A development of a residential property is proposed for the site ('the proposed development').

2.2 Site Details

The site is located to the west of Edinburgh, immediately south of the town of South Queensferry, at OS grid reference NT 12660 77035. The site was formerly a garden belonging to The Old Dairy House.

Figure 1: Site location



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2.3 Survey Objectives

On the basis of the brief provided by the client, Ellendale Environmental conducted an ecological survey to fulfil the following needs:

- ☛ Obtain baseline information on the current habitats and ecological features in and around the site;
- ☛ Identify any further specialist surveys that may be required;
- ☛ Identify the presence (or potential presence) of any protected species whose disturbance may require consent under the Wildlife and Countryside Act, 1981 (as amended); and
- ☛ Identify any species or habitats which may require special mitigation during the development of the site.



3. Methodology

3.1 Data Search

Publicly available databases, including MAGIC and the NBN Atlas, were consulted for historical evidence of:

- ☛ Statutory Land-Based Designations;
- ☛ Non-Statutory Land-Based Designations; and
- ☛ Protected Species.

The data search was conducted within a 2km radius of the site boundaries.

3.2 Extended Phase 1 Habitat Survey

An Extended Phase 1 Habitat survey of the site area was undertaken, and the habitats present on the site were mapped following the Phase 1 survey methodology (JNCC, 2010), listing the plant species associated with each habitat. This methodology was an extended Phase 1 habitat survey, whereby all habitats were surveyed and recorded onto a base plan, and any habitats that were considered to be of potential interest to nature conservation were recorded through the use of target notes to annotate a Phase 1 habitat map.

3.3 Preliminary Protected Species Walkover

The site and surrounding areas were examined for signs of protected species, particularly badger *Meles meles*, as it was considered that the site had the greatest potential to support these species or groups of animals.

The presence/potential presence of protected or notable species of conservation concern was recorded using target notes, following the Chartered Institute of Ecological and Environmental Management guidance (CIEEM, 2012).



3.4 Survey Area

The survey covered the entire site and areas within 30m (where accessible).

3.5 Survey Limitations

The aim of this survey was not to record every species present on the site, as one survey acts as a snap-shot, recording only those species which are present at the time or whose presence can be indicated through the occurrence of field signs, such as feeding remains, droppings or places used for shelter or foraging.

Evidence collected has been used to draw conclusions about the flora and fauna within the boundary of the site and to provide an assessment of their ecological and nature conservation value.

Weather was not a limiting factor to the survey. The prevailing conditions at the time of the survey are summarised in Table 1.

Table 1: Survey weather conditions

SURVEY DATE	TEMPERATURE (°C)	WIND SPEED (MPH)	CLOUD COVER / PRECIPITATION
16/06/21	17.9	1.1 Avg. 3.7 Max.	70% cloud cover, dry and humid with an occasional breeze.

3.6 Surveyor

The survey was undertaken by Stewart Parsons, Director and Principal Ecologist of Ellendale Environmental, who is a full member of CIEEM and a Chartered Environmentalist (CEnv). Stewart has over 18 years' professional experience of undertaking ecological surveys across the UK.



4. Results

4.1 Desk Study

A data search for existing biological records was undertaken from publicly available databases and the following statutory and non-statutory designated sites were identified within 2km of the site boundary:

- ☛ The Firth of Forth RAMSAR site is located 1.3km north of the site boundary;
- ☛ The Firth of Forth Site of Special Scientific Interest (SSSI) is located 1.3km to the north of the site boundary;
- ☛ The River Tweed Special Protection Area (SPA) is located 1.3km to the north of the site boundary;
- ☛ The site is located within the Edinburgh Green Belt; and
- ☛ The site is located in a Site of Importance for Nature Conservation (SINC) and the Dundas Castle Designed Landscape.

The following protected species were identified within 2km of the site boundaries by the data search:

- ☛ Great crested newt *Triturus cristatus*;
- ☛ Badger;
- ☛ Noctule bat *Nyctalus noctula*;
- ☛ Common pipistrelle bat *Pipistrellus pipistrellus*;
- ☛ Soprano pipistrelle *Pipistrellus pygmaeus*;
- ☛ Brown long-eared bat *Plecotus auritus*; and
- ☛ Natterer's bat *Myotis nattereri*.

Approximately 117 bird species have been recorded within 2km of the site and are shown on the NBN Atlas; however, none of these records are for within the site boundaries.



4.2 Extended Phase 1 Habitat Survey

The site is approximately 0.13 hectares in area and lies to the east of The Old Dairy House. A low stone wall and hedge forms the site's northern boundary, beyond which is an unnamed access road and Dundas Home Farm (formerly Newbigging Steading) which was converted into residential use around 2005. To the west there is an area of grassland and to the south there is a woodland associated with the Dundas Castle Designed Landscape.

The surrounding area is rural in nature and predominantly comprises a mix of agricultural and residential uses.

Photograph 1: showing a view of the site (looking south)



The main area of the site is dominated by semi-improved neutral grassland which was managed at the time of the survey through mowing. Several areas of longer grass were present around tree stumps that remain from trees that have been felled across the site. Grassland



species within the site included creeping buttercup *Ranunculus repens*, perennial rye-grass *Lolium perenne*, cock's-foot grass *Dactylis glomerata*, willow herb *Epilobium sp.*, broadleaved dock *Rumex obtusifolius*, spear thistle *Cirsium vulgare*, common nettle *Urtica dioica*, ragwort *Senecio jacobaea*, creeping thistle *Cirsium arvens*, daisy *Bellis perennis*, primrose *Primula vulgaris*, daffodil *Narcissus sp.*, foxglove *Digitalis purpurea* and cuckoo flower *Cardamine pratensis*. Several piles of wood chippings are present from the felling of the trees.

Photograph 2: showing a view of the grassland within the site



Along the northern boundary of the site there is a low stone wall and hedgerow dominated by cherry laurel *Prunus laurocerasus*. To the west of the boundary there is a small area of tall ruderal vegetation dominated by common nettle, with buddleia *Buddleia davidii*, rowan *Sorbus aucuparia*, sycamore *Acer pseudoplatanus* saplings and Cotoneaster also present. The trees are small and not mature. This area is proposed as the new access to the site.



Photograph 3: showing the proposed access to the site



To the south of the site boundary there is an area of grassland with mature sycamore trees present. It is understood that this area is outside of the development boundary and will not be impacted by the proposed development. Trees will be protected through a roost protection zone.

Along the boundary of the site with The Old Dairy House there are newly planted saplings and ornamental willow *Salix sp.* trees.

4.3 Preliminary Protected Species Survey

The grassland land within the site is managed through regular mowing and this reduces the amount of suitable habitat available for protected species. No evidence of ground nesting birds was found during the survey.

There are no trees suitable to support roosting bats or large bird species within the site boundaries as the mature trees have been felled. Mature



sycamore trees to the south of the site boundary may provide suitable foraging habitat for bats; however, no cracks or crevices suitable to support roosting bats were found.

A mammal run and a hole in the boundary fence were noted, approximately 10m south from the site boundary. A badger hair was found on the fencing; however, no evidence of snuffle holes, latrines or setts were found within the site boundary.

Photograph 4: showing a hole in the boundary fence



No suitable habitat for common reptiles and amphibians, such as refugia or hibernacula, was found during the survey. Regular mowing of the grassland will limit the suitability of the habitat.

The hedgerow along the north of the site and woodland strip to the south provide the most suitable habitat to support protected species,



namely nesting birds. A number of passerine bird species were noted during the survey however no nests were identified during the survey.

Overall, the site is assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey.



5. Conclusions

5.1 Conclusion

The site is approximately 0.13 hectares in area and lies to the east of The Old Dairy House. A low stone wall and hedge forms the site's northern boundary, beyond which is an unnamed access road and Dundas Home Farm. To the west there is an area of grassland and to the south there is a woodland associated with the Dundas Castle Designed Landscape.

The grassland within the site is regularly disturbed through mowing, which reduces the amount of suitable habitat available for protected species. No evidence of ground nesting bird, reptiles or amphibians was found and the regular mowing will disturb the habitat making it unsuitable. No suitable habitat for common reptiles and amphibians, such as refugia or hibernacula, was found during the survey.

A mammal run was found to the south of the site boundary and a badger hair was found on the fencing. However, no badger activity such as snuffle holes, latrines or setts was found during the survey.

The hedgerow to the north and broadleaf woodland strip to the south of the site provide the most suitable habitat to support protected species, namely nesting birds. The proposed access to the north-west of the site boundary was not found to have nesting birds present.

There are no trees suitable to support roosting bats or large bird species in the site boundaries. Mature trees in the site have been felled previously and the timber and brash removed from site. Some small area of wood chipping was present.

Overall, the site is assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey.



5.2 Main Recommendations

The following recommendations are made for modest post-construction ecological enhancements at the site which are proportionate with the low level of environmental impact from the proposed development:

- ☛ As part of any eventual construction, it is recommended that vegetation clearance is undertaken outside of the bird breeding season, i.e., March to July, as all nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). If nesting birds are found, these areas of the site will need to be protected from disturbance until the young have fledged naturally.
- ☛ As part of the design and layout considered, bird nesting boxes (both small-hole and open-fronted) should be placed within the site if possible. This will create nesting opportunities for small bird species as part of the overall design.
- ☛ Swift boxes should be incorporated into the structure of the new building as part of the design and layout considered.
- ☛ As part of the design and layout considered, bat boxes should be placed on or around the site boundaries if possible. This could create roosting opportunities for bat species as part of the overall design.
- ☛ As part of the design and layout, the BCT guidance on bats and artificial lighting should be considered.



6. Target Notes

6.1 Botanical Target Notes (TN)

TN1 – Wall and cherry laurel hedgerow along the northern boundary of the site.

TN2 – An area of semi-improved neutral grassland managed through regular mowing. Mature trees have been felled within the site.

TN3 – Mature sycamore trees present to the south of the site boundary.

6.2 Animal Target Notes (AN)

AN1 – The hedgerow provides suitable habitat for nesting birds.

AN2 – A mammal run was identified, and a badger hair was found on the wire fence. No other evidence of badger was found during the survey.



7. Extended Phase 1 Habitat Map



Drawing Title;
Old Dairy House, South Queensferry
Extended Phase 1 Map

Client;
Currie Properties Ltd

Date;
01/07/21

Drawn By;
SP

Project Number;
EEL380

Version Number;
v1.0



- Target Note**
- TN
- Animal Note**
- AN
- Woodland and Scrub**
- Broadleaf Tree
 - × Scattered Scrub
 - Species Poor Hedgerow
 - Broadleaf Woodland
- Built-up Area**
- Fence
 - Wall
 - Hard Standing
 - Building
 - Amenity Grassland
- Grassland**
- Semi-improved Neutral Grassland