

# Development Management Sub Committee

Wednesday 19 February 2020

**Application for Planning Permission 19/02418/FUL  
at Farmhouse A, North Milton, Milton Farm Road  
Development of existing farm steading building with  
extension to form worship hall, associated access, car  
parking and landscaping.**

**Item number**

**Report number**

**Wards**

B01 - Almond

## Summary

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The proposal complies with the adopted Edinburgh Local Development Plan policies Env 10, Env 12, Env 16, Env 21, Des 5, Des 12 and Tra 3 and there are benefits in bringing a new use to derelict buildings on the site and creating a development which enhances the rural character and landscape quality of the Green Belt. However, there is non-compliance with parking standards and town centre first objectives and the proposals do not comply with policies Tra 2 and Ret 1.

The applicant has provided sufficient information to justify this breach of policies Tra 2 and Ret 1. A number of alternative sites have been investigated and the traffic impacts of this development are acceptable. On this basis, the proposals are deemed to be acceptable.

## Links

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[Policies and guidance for this application](#)

LDPP, LDES01, LDES04, LDES05, LDES12, LEN10, LEN12, LEN16, LEN18, LEN21, LHOU07, LTRA02, LTRA03, LTRA04,

# Report

## **Application for Planning Permission 19/02418/FUL at Farmhouse A, North Milton, Milton Farm Road Development of existing farm steading building with extension to form worship hall, associated access, car parking and landscaping.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site is a piece of land which is 0.63 hectares in area located on the corner of the B800, which runs north-south between South Queensferry and Kirkliston, and an unclassified road. The site is bounded on the north and west with mature trees and hedging and a stone wall and a post and rail fence to the south and east boundaries.

A number of derelict buildings lie within the site with the current use being for the storage of cars and caravans with some of the site being used as an informal scrap yard. The existing buildings on the site have been there since the 19th century. There is also historical evidence that further buildings were previously on the site. Whilst the buildings are not of any great architectural merit, they are nonetheless solid stone built structures which have some architectural and historic value. They are also of domestic scale, substantially intact and appear structurally capable of conversion.

The buildings and the site in question appear to have been utilised for approximately 20 years as a vehicle and general storage without planning permission. Given the length of time the site has been used a storage yard, this is now its legal use. There are a number of modern modular storage buildings, palisade fencing and hard standing areas for store/van/boat storage.

Access to the site is via two points on the B800 on the western boundary of the site and one from the north eastern boundary from the unclassified road.

The site is surrounded by agricultural fields with Milton Cottage, a residential dwelling, lying to the north east of the site, while another occupied farm building lies to the south of the site.

#### **2.2 Site History**

23 June 2017- Planning permission in principle refused for the development of worship hall, associated access, car parking and landscaping (application number: 16/05488/PPP)

## **Main report**

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### **3.1 Description of the Proposal**

The application is for the redevelopment and change of use of the existing farm steading buildings with an extension to one of the buildings to form a worship hall. Associated access, car parking and landscaping is also proposed.

The Edinburgh Gospel Trust (EGT) has a congregation of 300 members. At present the congregation gather at two separate halls: one in Davidson's Mains and one at South Queensferry. The proposed new worship hall would act as a main hall for the congregation.

It is proposed that the modern buildings are removed, the historic farm building renovated and a single storey extension of 174 square metres (14.5m x 12m) be constructed to include a gospel hall of 144 square metres. It incorporates the existing main wing of the original steading (running east to west across the site) and part of the existing building to the south of the main building. Other minor additions are proposed including the replacement of the small east wing to match. The footprint of the new build is 213 square metres and the existing building footprint is 222 square metres.

There is currently no roof to the building to the south of the main building and this will be re-instated. External walls to the main building will be finished in white render and horizontal composite timber cladding, colour brown with a slate roof.

The existing gravel car storage area of the site will be remodelled into a formal car parking area, with 57 car parking spaces, six cycle spaces and one motorbike space, a footpath link and soft landscaping.

### **3.2 Determining Issues**

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

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

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

### 3.3 Assessment

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

- a) the proposed use is acceptable in this location;
- b) the proposal will detract from the landscape quality and/or rural character of the area;
- c) the proposal is acceptable in terms of road safety and sustainability;
- d) there is any impact on residential amenity;
- e) there are any other material considerations and
- f) comments raised have been addressed.

#### a) Principle of Use

The site is within the Edinburgh Green Belt as identified in the Edinburgh Local Development Plan (LDP).

Policy Env 10 (Development in the Green Belt and Countryside) of the LDP states that development will only be permitted where one of the following criteria is met and it would not detract from the landscape quality and/or rural character of the area:

- a) For the purposes of agriculture, woodland and forestry, horticulture or countryside recreation;
- b) For the change of use of an existing building, providing the building is of architectural merit or a valuable element in the landscape and is worthy of retention. Buildings should be of domestic scale, substantially intact and structurally capable of conversion;
- c) For development relating to an existing use or building (s) such as an extension to a site or building, ancillary development or intensification of the use, provided the proposal is appropriate in type in terms of the existing use, of an appropriate scale, of high quality design and acceptable in terms of traffic impact and
- d) For the replacement of an existing building with a new building in the same use.

The proposed use is a non-conforming use and criteria a) cannot be met. However, the current use of the site as a storage area for vehicles, caravans and boats and a scrap yard is not a conforming use either and this is a material consideration.

In relation to criteria b), while the main building proposed to be converted is currently in a relatively poor condition, it is of domestic scale, is substantially intact and appears structurally capable of conversion. It is a traditional stone built farm building which, given the historic farm setting, is a valuable element in the landscape. There are also two much smaller traditional buildings on the site which are currently without roofs. These will also be renovated as part of the proposed development. The proposed change of use of the existing buildings would therefore comply with criteria b).

Criteria c) is also applicable as the proposal involves the development of ancillary car parking as well as a significant element of new build. Part of the proposal is for a single storey extension to the existing steading building. Historic maps show that there was previously an extension here, probably a threshing mill. In the context of the whole site, the extension is proportionate although it does effectively double the size of the original steading building. However, it is well designed and integrates well with the building keeping its rural character whilst providing a new community use. It will be visible from the road but with additional landscaping it will not be highly visible. The Roads Authority has confirmed that it has no objections to the proposal in terms of its traffic impact on the road network.

With regards to the proposed car parking area for the worship hall, it is notable that the existing area is currently hardstanding for the storage of vehicles and caravans and the legal use of the land is currently as a storage site. There are a multitude of vehicles parked over a wide area of hardstanding which covers a good extent of the land. Given the semi industrial nature of the site, the proposed formation of a tarmac car parking area would also not detract from the landscape quality and/or rural character of the area.

The proposal therefore complies with criteria c) of policy Env 10.

The proposal complies with two of the criteria established within LDP policy Env 10 and would not detract from the landscape quality and/or rural character of the area.

LDP policy Ret 1- (Town Centres First) sets out a sequential approach for uses which generate a significant footfall, including community and cultural facilities. This requires that town centres, edge of centre and other identified commercial centres are considered before out of centre locations that can be made accessible by a choice of transport modes.

The application is for a community facility which has approximately 300 members. As such it will generate significant footfall albeit this will be localised. The site is not located within a town centre, edge of town centre or other commercial centre as identified in the plan. Accessibility in terms of a choice of transport modes is limited - this is assessed in detail in section 3.3 c below. The site is an out of centre location which is not accessible by a choice of transport modes. As such, the proposal does not comply with LDP policy Ret 1.

However, the applicant has provided details of other sites that have been investigated. All the sites appear to be out-of-centre, on the west side of the city. The church has been looking at land options since 2002 and a list of locations has been provided where discussions were opened but, for various reasons, it was not possible to conclude a sale. Sites included the BAA land at Turnhouse Road; the Uniroyal site at Newbridge; Axis business park; Cramond Campus; and Granton waterfront.

In addition, the applicants state this is a site specific facility designed to address the local community of rural west Edinburgh and east West Lothian. Over the last few years planning permission has been granted by both the City of Edinburgh Council and West Lothian Council for many new houses in these areas but no provision made for community facilities such as churches to serve these new houses. The Edinburgh Gospel Trust wishes to serve all of their members in this wider area. Currently members have to travel, largely by car, to their churches in Station Road, South Queensferry and Quality Street Lane in Davidson's Mains. These sites are currently in out-of-centre locations. The purpose of the new hall is to provide a local facility to avoid current travelling into the city, providing a focus for the local communities and to make them more sustainable.

There are up to five services or meetings a week and these are attended by up to 300 people and this is why substantial parking is required. Travel distances from, for example, Winchburgh to Davidson Mains, is approximately 20 miles each way. This compares with 3.5 miles each way to the proposed location for the new hall. Similarly the distances from South Queensferry to Davidson Mains would be reduced from 12 miles to less than 1 mile each way. The applicants therefore contend that the proposal is more sustainable in terms of travel times.

It is accepted that the proposals do not comply with Policy Ret 1. However, substantive information has been provided to justify a breach of this policy. The applicants have shown they have looked for alternative sites and that car journeys would actually be reduced by developing this site on the west side of the city. Finally, it is acknowledged that locating a community facility, such as church, is not always easy in a local or town centre where the required floor area and facilities for church use are not always achievable. A case has been made for accepting a breach of policy in relation to this application. However, it is important that this breach only applies to the proposed church use and not to other uses within Class 10 non-residential institutions such as a day nursery which might have greater impacts. A condition has therefore been added restricting the use to place of worship.

#### **b) Landscape quality, rural character and design**

Policy Env 10 (Development in the Green Belt and Countryside) of the LDP emphasises that the key test for all proposals in the Greenbelt and Countryside areas will be to ensure that the development does not detract from the landscape quality and/or rural character of the area.

The Guidance for Development in the Countryside and Green Belt also states:

*Development in the countryside and green belt should respect the rural character of the area. In order to protect its setting, existing landscape features should be protected and the impact of obtrusive 'suburban clutter' associated with the development such as roads, lamp posts, pavements, car parks, and boundary features should be minimised. For example, the use of hedging and traditional hard landscaping materials is encouraged*

LDP policy Des 12 (Alterations and Extensions) states that planning permission will be granted for alterations and extensions to existing buildings which

(a) In their design and form, choice of materials and positioning are compatible with the character of the existing building;

(b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties; and

(c) will not be detrimental to neighbourhood amenity or character.

### Landscape character

The character of the wider landscape is agricultural land. However the site is dominated by gravel hard standing where modern corrugated buildings, porta cabins and various vehicles, caravans and boats have been sited/parked. Large areas of the site are surrounded by tall metal industrial fencing and tracks have been formed/constructed through and around the site. Overall the site currently portrays an industrial character inappropriate to the Green Belt setting.

The metal security fencing, porta cabins, corrugated buildings and abandoned vehicles will be removed. This will be replaced with a development of rural character with a retained steading building and a large but well integrated extension. There are opportunities to create a mixture of hard and soft landscaping, which will include further tree planting and other measures to promote bio-diversity can be sought.

It is acknowledged that the proposed car park will be quite large but it will replace an already relatively large gravelled area used for the storage of different vehicles. There are no plans for lamp posts, pavements or any boundary features and the mature trees which bound the site will remain. Much of the proposal, especially the car park, will also be largely screened from public view. The landscape character of the area will be improved.

### Trees

LDP policy Env 12 (Trees) does not support development likely to have a damaging impact on a tree protected by a Tree Preservation Order (TPO) or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons. The site is not covered by a TPO.

A tree survey was submitted as part of the application. The trees to the north of the site are the largest and dominant species within the woodland group. These trees, along with the younger growth collectively, form cohesive woodland which is a prominent landscape feature adjacent to the B800.

A number of existing trees within the development site will be removed in accordance with the tree survey to allow for the suitable siting of the new worship / assembly hall and to allow the appropriate alterations to the vehicle access. The applicant has indicated that the site will be partially cleared with the remains of long grass and tall herbage removed. However, other trees will be planted on the site and a landscaping scheme has been added as a condition to the consent. The Council's arboriculturalist has confirmed that the development is compliant with Env 12.

The proposal complies with LDP policy Env 12.

### Design

The design of the new development will be a mixture of modern and traditional, mixing slate clad pitched roofs with rendered walls and timber cladding. While the maximum height of the extension at 7.2 metres will be approximately 500mm greater than the existing building, at 12 metres in width it will be narrower than the farm building which is around 34m wide and will not be overly dominant.

The proposal generally complies with LDP policy Des 12, Env 10, Env 12 and the Guidance for Development in the Countryside and Greenbelt. The proposal will ensure the retention of the traditional farm buildings and the remaining trees within the site will be protected. The proposal will not detract from the landscape quality and/or rural character of the area in accordance with the key test for all proposals in the Greenbelt and Countryside areas.

### **c) Road/pedestrian safety, parking/cycle provision and Sustainability**

A Transport Statement and Stage 1 Road Safety Audit has been submitted with the application.

The existing access junction on the north eastern boundary of the site will be improved to allow access onto the unclassified road. No vehicular access is proposed directly from the B800.

There is an existing public transport corridor serving Kirkliston and Queensferry from the B800 with buses operating until around 8pm in the evening. There are no bus stops in the immediate vicinity of the site with the nearest stop located approximately 397 metres away at the entrance junction to Dundas Parks Golf Club. The transport statement submitted suggests that bus services are regular but the only regular bus along this route appears to be every 40 minutes. The application site is accessible by a single footpath along the west side of the B800. Visitors walking to the church will therefore have to cross the B800. However, a new access footpath within the site will be provided.

The Roads Authority was consulted as part of the assessment of the application and has no objections to the proposal from a road/pedestrian safety viewpoint. There are also no concerns with road capacity in terms of the potential car journeys. The objection purely relates to non-compliance with parking standards.

LDP policy Tra 2 (Private Car Parking) states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.

Part 2, Chapter 7, Transport, of the adopted LDP states that the relationship between land uses and how people move between them is fundamental in promoting sustainable development. The highlighted objectives of the policies in this section are to minimise the distances people need to travel, promote and prioritise travel by sustainable means, minimise the detrimental effects of traffic and parking on communities and the environment and ensure that development does not prejudice the implementation of future road, public transport and cycle and footpath proposals.

The number of car parking spaces proposed at the site is 57. This is above the recommended maximum amount of 11 car parking spaces for a development of this size and type. As a result, the Roads Authority recommends the refusal of the application.

In response to the Roads Authority's concerns, a further transport statement was submitted to provide justification for the breach in policy.

The further transport statement highlights that the Edinburgh Gospel Trust (EGT) currently gather at a church at South Queensferry and a further facility at Davidsons Mains. Its congregation is mainly made up of parishioners who come from largely rural areas based around South Queensferry, Newbridge, Winchburgh, Kirkliston, Newton and the West of Edinburgh.

It is further argued that the members of this congregation do not all live nearby in one village and cannot simply walk to the local nearby church: many rural community churches have closed down in recent years. The members of the EGT are instead far more dispersed, often living within rural areas where, unlike in the city, there is no nearby, regular and reliable public transport system, especially operating early on a Sunday morning when services are held. Many of the members are elderly or have families and cycling or walking is also not a practicable option for them. Realistically many members of the EGT have no option but to travel by car to get to their place of worship regardless of where the church is located.

The proposed site was specifically chosen as it is centrally located around where the parishioners live. It is argued that the siting of the church at North Milton would reduce the length of car journeys members of the church have to make as they would no longer have to travel further afield to get to two different sites. The transport statement suggests that the church has looked at a multitude of different sites over the past 16 years but this is the site that best suits their needs and would incur the shortest commuting distances. They have calculated that most members would have to travel a maximum of three to four miles to get to the new church at this site.

It is noted that the site is within cycling distance from South Queensferry and other nearby villages and settlements where some of the parishioners live. Some members could also get a bus to the nearest stop and walk. They also claim that their members are already very adept at car sharing as can be seen in the requirement for only 57 car spaces for a congregation of 300 members.

The proposed development will meet the first key objective highlighted in part 2, Chapter 7 of the LDP as it will minimise the distances that the congregation need to travel to get to church. It will meet another of the key objectives as it will also minimise the detrimental effects of traffic and parking on communities and the environment as the members will no longer have to travel and find parking spaces within South Queensferry and Davidson Mains. The proposal will also not prejudice the implementation of future road, public transport and cycle and footpath proposals.

It is noted that in this instance it is not practicable to fully prioritise travel by walking, cycling and public transport as members are spread out within the rural area and the local public transport service is not regular. Regardless of where the worship hall was located, many members of the EGT would have to take the car. By positioning the hall as close as is possible to where its members reside, car usage can be minimised.

It is also noted that this proposal is not going to be a large commercial development drawing in large crowds throughout the day. The EGT is a congregation of approximately 300 people who will use this site for two services on a Sunday and at nights during the week. Whilst this cannot be controlled by the planning conditions, it is not anticipated that there will be a constant stream of cars coming and going from the site day and night.

It is acknowledged that the applicant could have reduced the number of parking spaces proposed within the site for it to comply with the parking standards. However, the applicant has decided that this would not be conducive to the setting of the site and it may have led to inappropriate parking creating potential safety issues. The applicant therefore argues that their special circumstances are a material consideration which justifies the breach in LDP policy Tra 2.

The above argument is acknowledged. It does not remove the fact that the recommended amount of car parking spaces within a development of this size and type is 11, while the applicant proposes 57, a significant breach in policy. The proposal will also not fulfil the Council's wider strategy of encouraging sustainable, non-car modes. However, on balance the provision of this community facility would have benefits in terms of reducing car journeys on the west side of the city and a justification for the breach in policy has been provided.

LDP policy Tra 3 (Private Cycle Parking) states that planning permission will be granted for development where proposed cycle parking and storage provision complies with the standards set out in Council guidance.

The plans submitted show that adequate levels of bike racks and motor bike parking spaces have been provided within the site in an accessible location. The proposal complies with LDP policy Tra 3.

The proposal will largely utilise existing buildings, minimising the level of new development required on the site. The building and any carbon dioxide emissions resulting from the development will be assessed as part of the required building warrant submission.

#### **d) Amenity**

LDP policy Des 5 (Development Design- Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments will not be adversely affected.

Environmental Protection was consulted as part of the assessment of the application and expressed concerns with regards to noise coming from the church impacting upon nearby residential uses. However, there is only one residential property within the wider farm and this is approximately 23 metres away from the converted steading building. The worship hall will be located even further away as it will be constructed to the north of the existing steading. The worship hall will have no windows and all noise should be adequately contained. The proposal will have no material impact upon neighbouring properties in terms of amenity.

#### **e) Other Material Issues**

##### Protected Species

LDP policy Env 16 (Species Protection) states that planning permission will not be granted for development that would have an adverse impact upon species protected under European or UK laws.

An Ecological Assessment was undertaken. This showed that the proposed development will have an effect on a European protected species, in this case bats. Therefore, in accordance with the Habitats Regulations, the applicant will be required to obtain a derogation licence from Scottish Natural Heritage (SNH). Prior to issuing this licence, it is necessary for the applicant to be in receipt of planning permission. Therefore the planning authority must be satisfied that the three tests necessary for a licence to be issued will be met. With information supplied by the applicant, the three tests have been applied to this application and it is considered likely that SNH will issue a licence.

The proposal complies with LDP policy Env 16.

##### Flooding and Water Environment

LDP policy Env 21 (Flood Prevention) states that planning permission will not be granted for development that would increase a flood risk or flooding itself.

Flood Prevention was consulted as part of the assessment of the application. It has confirmed that the submitted Surface Water Management Plan is appropriate and it has no concerns.

The Scottish Environment Protection Agency (SEPA) was also consulted. It confirmed that it had no objection to the proposal subject to a condition being applied to the consent. The condition relates to the requirement for a ground investigation of the site to be carried out and the details of this investigation being submitted for the written approval of the Council, in consultation with SEPA, prior to any works being started.

The proposal complies with LDP policy Env 21.

## Airport Safeguarding

The application site falls within the Edinburgh Airport Safeguarding Zone. Edinburgh Airport was therefore consulted as part of the assessment of the application. It has confirmed that there are no concerns regarding the proposal as long a suitable condition and informative is applied to the consent.

### f) Public comments

#### **Material Representations - Objection:**

- The proposal does not comply with LDP policy Env 10- Greenbelt and Countryside -This is addressed in section 3.3 (a) and (b);
- The applicant has not explored all relevant sites and the development should be located within the settlement boundary - This is addressed in section 3.3 (a);
- The proposal does not comply with LDP policy Env 12- Trees - This is addressed in section 3.3 (b);
- This is not a sustainable location and the design of the proposal must be undertaken in a sustainable manner - This is addressed in section 3.3 (b) and (c); and
- The access and egress to the site are unsafe. The transport statement is inaccurate, no pedestrian access, inaccuracies with Transport links, buses - This has been addressed in section 3.3 (c).

#### **Material Representation- Support:**

- Ideal location for new community facility;
- Good use of existing buildings;
- Improve sense of community;
- Will have a modest traffic impact; and
- turn an eyesore into something which enhances the area;

#### **Material Representation- Neutral:**

- a continuous footway should be created on the east side of the B800 - This is addressed in section 3.3 (c); and
- Concerns over the accuracy of the Transport statement, the suggestions of the Road Safety Audit should be fully enacted. - This is addressed in section 3.3 (c).

#### **Non Material Representation**

- The site is used by locals for the storage of caravans and boats- This is not a material planning consideration.

## **Conclusion**

The proposal complies with the adopted Edinburgh Local Development Plan policies Env 10, Env 12, Env 16, Env 21, Des 5, Des 12 and Tra 3 and there are benefits in bringing a new use to derelict buildings on the site and creating a development which enhances the rural character and landscape quality of the Green Belt. However, there is non-compliance with parking standards and town centre first objectives and the proposals do not comply with policies Tra 2 and Ret 1.

The applicant has provided sufficient information to justify this breach of policies Tra 2 and Ret 1. A number of alternative sites have been investigated and the traffic impacts of this development are acceptable. On this basis, the proposals are deemed to be acceptable.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions :-**

1. Details and sample/s of the proposed external finishing materials for the walls and roofs of the proposal shall be submitted to and approved in writing by the Planning Authority prior to work commencing on site.
2. A fully detailed landscaping plan, including details of all hard and soft landscaping, boundary treatments and proposed tree and hedge planting shall be submitted to and approved in writing by the Planning Authority prior to work commencing on site.
3. A landscape management plan, including tree and hedge replanting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; the approved plan shall be implemented within 6 months of the completion of the development.
4. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 Trees in relation to design, demolition and construction.
5. Prior to the development, hereby approved, becoming operational, all of the works required to hedgerows and verges in order to provide suitable sightline visibility splays, as shown in approved plan 04b, shall be implemented to the satisfaction of the Council as Planning Authority.
6. No works connected with the conversion of the property or other development works, as identified in the application, which have the potential to impact upon a European protected species shall take place until a licence has been issued by SNH and a copy submitted to the Planning Authority.

7. Prior to work commencing on site, a preconstruction walkover will be undertaken to check for badger setts dug in the intervening period between the current survey and construction. The findings of this survey shall be submitted for the written approval of the Council as Planning Authority.
8. The existing stonework on the steading building shall be repaired in stone to match. The proposed toilet building and proposed office and store building shall be rebuilt in stone to match the steading building.
9. Prior to work commencing on site, a full specification of noise mitigation measures highlighting compliance with NR 15 criterion with regards to music/singing noise and NR 25 criterion with regards to mechanical plant noise shall be submitted for the written approval of the Council as Planning Authority. Any noise mitigation measures shall be implemented prior to the commencement of the new use.
10. No development shall take place on site until a ground condition investigation has been carried out and the results of this investigation are submitted for the written approval of the Planning Authority in consultation with SEPA.
11. Notwithstanding the provisions of the Town and Country Planning Use Classes (Scotland) Order 1997, the property and site shall be used solely in connection with public worship or religious instruction and for no other purpose.
12. Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 3 'Wildlife Hazards'. The submitted Plan shall include details of:
  - Attenuation times
  - Profiles & dimensions of water bodies
  - Details of marginal planting

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

**Reasons:-**

1. In the interests of visual amenity.
2. In the interests of visual amenity.
3. In the interests of visual amenity.
4. In order to protect the trees on site.
5. In the interests of road and pedestrian safety.
6. To ensure the protection of a European protected species.
7. In order to ensure the protection of a protected species.

8. To ensure the character of the buildings is retained.
9. In order to protect residential amenity.
10. In the interests of environmental protection.
11. In the interests of amenity.
12. To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site.

### **Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

6. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
7. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future
8. Prior to any work being carried out on the public (adopted) verge, footway or carriageway, a section 56 Permit shall be obtained from the Councils Locality Roads office.

Note:

The application has been assessed under the 2017 parking standards. These permit:

For a 427sq,m GFA Class 10 Church / Community hall development in zone 3;

Car parking spaces - A maximum of one space per 40sq.m GFA = 11 spaces (56 spaces proposed)

Cycle parking spaces - A minimum of one space per 67 sq. GFA = 6 spaces (6 spaces proposed)

Motorcycle parking spaces - A minimum of one space (one space proposed)

9. Prior to any work being carried out on the public (adopted) verge, footway or carriageway, a section 56 Permit shall be obtained from the Councils Locality Roads office.
10. All protective measures for badgers, as detailed in section 7.1 of the ecology report submitted should be carried out in full during the construction period.
11. The nests of all species of bird are protected when nests are active. Clearance of any vegetation and any roof works must avoid the breeding bird season (March to August inclusive). If this is not possible a suitable qualified individual shall check these areas prior to removal.
12. We refer the applicant to the Building Standards Technical Handbook and as indicated in the Guidance for Pollution Prevention (GGP 4) available in: <https://www.netregs.org.uk/media/1471/gpp4-20171114-online-v2.pdf>
13. Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs)

14. Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team at [waterpermitting@sepa.org.uk](mailto:waterpermitting@sepa.org.uk) or at your local office.
15. 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/>)

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

The application has been assessed and has no impact in terms of equalities or human rights.

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

This application meets the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

Four representations were received in relation to the application. Two objection comments, one neutral comment and one support comment. The points raised are addressed in section 3.3 of this report.

## Background reading/external references

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

## **Statutory Development**

### **Plan Provision**

#### **Date registered**

6 June 2019

#### **Drawing numbers/Scheme**

01, 02, 03, 04b, 05a, 06a, 07a, 8,

Scheme 1

### **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer

E-mail: robert.mcintosh@edinburgh.gov.uk Tel: 0131 529 3422

## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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

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

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

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP Policy Env 10 (Development in the Green Belt and Countryside) identifies the types of development that will be permitted in the Green Belt and Countryside.

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

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

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

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

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

# Appendix 1

## **Application for Planning Permission 19/02418/FUL at Farmhouse A, North Milton, Milton Farm Road Development of existing farm steading building with extension to form worship hall, associated access, car parking and landscaping.**

### **Consultations**

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#### **Environmental Protection**

*My main concern relates to noise from music and / or the congregation singing, as well as noise from mechanical plant affecting the nearby residential properties.*

*Therefore, please ask the agent for a Noise Impact Assessment (NIA) assessing:*

- a) Music / singing noise - An appropriate source noise level should be used by the acoustic consultant (85dBA). The standard to be achieved inside the nearest or worst affected residential property is inaudibility through an open window. For that I will accept compliance with the NR15 criterion or 10dB below background noise level.*
- b) Mechanical plant noise - The standard to be achieved inside the nearest or worst affected residential property is NR25 through an open window.*

*If noise mitigation measures are required to achieve these standards, a full specification of noise mitigation measures should be provided and said mitigation marked on a numbered drawing.*

*I would also be grateful if you could advise on the type of heating / hot water system to be installed.*

#### **Roads Authority**

*The application should be refused.*

*Reasons:*

- 1. The number of car parking spaces proposed exceed the Councils parking standards.*

*If minded to grant, the following should be included as conditions or informatives as appropriate:*

*Informatives;*

- 1. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
- 2. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
- 3. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;*
- 4. Prior to any work being carried out on the public (adopted) verge, footway or carriageway, a section 56 Permit shall be obtained from the Councils Locality Roads office.*

*Note:*

*The application has been assessed under the 2017 parking standards. These permit:*

*For a 427sq,m GFA Class 10 Church / Community hall development in zone 3;*

*Car parking spaces - A maximum of one space per 40sq.m GFA = 11 spaces (56 spaces proposed)*

*Cycle parking spaces - A minimum of one space per 67 sq. GFA = 6 spaces (6 spaces proposed)*

*Motorcycle parking spaces - A minimum of one space (one space proposed)*

*The above comments based on revised drawing no. PL04 Rev D (Fouin & Bell Architects).*

## **SEPA**

*Following our previous response of the 18 December 2019 (our ref: PCS/168961) we have re-discussed the case with our specialists. We are now changing our previous objection to a suspensive condition.*

*Detailed advice for the planning authority*

*We ask that a suspensive planning condition be attached to the consent requiring that no development takes place on site until the results of a site investigation are to the satisfaction of the Planning Authority in consultation with SEPA.*

*If this will not be applied, then please consider this representation as an objection.*

*We have amended our comments in the section below to reflect the change.*

## *Advice for the planning authority*

### *1. Drainage*

*1.1 Foul drainage discharge will require CAR authorisation & should be discharged to a soakaway however a ground investigation requires to be undertaken as to feasibility of this (soil porosity etc).*

*1.2 If the ground conditions prove unsuitable for a soakaway to work, we shall require a further level of treatment prior to discharge to burn, as the is insufficient DWF dilution for direct discharge of septic tank effluent alone. A packaged treatment plant may not be suitable for intermittent variability of usage, septic tank plus reedbed or filter bed may be more appropriate.*

*1.3 Please note that if the soil porosity is outwith optimum range this may even not be suitable for septic tank discharge to soakaway, therefore further site investigation is critical for the foul drainage strategy and therefore require the suspensive condition above to be attached to the consent.*

*1.4 SUDS will be required for surface water drainage which must be disposed of separately to foul.*

*1.5 The proposed SUDS should accord with the SUDS Manual (C753) and the importance of preventing runoff from the site for the majority of small rainfall events (interception) is promoted. The applicant should use the Simple Index Approach (SIA) Tool to ensure the types of SUDS proposed are adequate.*

*1.1 Construction phase SUDS should be used on site to help minimise the risk of pollution to the water environment. Further detail with regards construction phase SUDS is contained in Chapter 31 of SUDS Manual (C753).*

## *Detailed advice for the applicant*

### *2. Drainage*

*2.1 We have changed our previous objection to a suspensive condition.*

*2.2 In addition to the comments above, we refer the applicant to the Building Standards Technical Handbook and as indicated in the Guidance for Pollution Prevention (GGP 4) available in: <https://www.netregs.org.uk/media/1471/gpp4-20171114-online-v2.pdf>*

## *Regulatory advice for the applicant*

### *3. Regulatory requirements*

*3.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).*

*3.2 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team at [waterpermitting@sepa.org.uk](mailto:waterpermitting@sepa.org.uk) or at your local office.*

## **AIRPORT SAFEGUARDING**

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

### *Submission of SUDS Details*

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

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

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

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

*We would also make the following observations:*

### *Cranes:*

*Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)*

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

## Location Plan

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**END**