

Development Management Sub Committee

Wednesday 16 December 2020

**Application for Planning Permission 20/00802/FUL
at Land 100 Metres South Of, Dimma Park, South
Queensferry.**

**Erect 72x dwellings with associated roads and parking
spaces (as amended).**

Item number

Report number

Wards B01 - Almond

Summary

The site is allocated for housing in the Local Development Plan and the proposal is acceptable in principle.

The proposal will have no impact upon the Forth Bridge World Heritage Site.

Its approach to design, scale and density is compatible with the surrounding area. The development will provide a good level of amenity to future occupiers and will not adversely impact upon neighbouring amenity, or raise any road safety concerns.

Links

[**Policies and guidance for
this application**](#)

LDPP, LHOU10, LHOU02, LHOU03, LHOU04,
LHOU06, LDEL01, LDES01, LDES03, LDES04,
LDES05, LDES06, LDES07, LDES08, LDES11,
LEN03, LEN09, LEN12, LEN16, LEN21, LEN22,
NSG, NSGD02,

Report

Application for Planning Permission 20/00802/FUL at Land 100 Metres South Of, Dimma Park, South Queensferry.

Erect 72x dwellings with associated roads and parking spaces (as amended).

Recommendations

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

Background

2.1 Site description

The site consists of 4.5 Hectares of greenfield land, currently used as grassland that falls within the eastern extent of allocated site HSG 33 South Scotstoun; allocated for housing numbers ranging from 312- 437 homes.

Existing development currently under construction in HSG 33 bounds the application site to the west. Far west of the site is the B listed Scotstoun House modernist office and grounds (reference LB50165, listed 24/10/2005).

The northern boundary consists of Core Path CEC 10 and the edge of Scotstoun, a housing development consisting of mostly two-storey dwelling houses.

East of the proposed development, there is a section of greenfield, which will accommodate the SUDS scheme (the subject of a separate planning application), beyond which lies the railway line which runs north to south. The site extends adjacent to existing dwellings of Dimma Park.

The Edinburgh Waverley to Fife Circle line is located to the east. To the east of the railway line lies the village of Dalmeny. A tree lined lane crosses into the site from Dalmeny from the east and continues into the site. It forms part of National Cycle Route 1.

To the south of the site is the A90. The road has recently been altered as part of the Queensferry Crossing construction works. The A9000 runs parallel to the site, merging with the A90 midway along the boundary. The A9000 is a dedicated bus lane, carrying southbound traffic across the Forth Road Bridge and east towards Edinburgh.

The A90 sits on an embankment, at a higher elevation to the site. The lowest point of the site is next to the embankment, and it slopes gently northward toward the core path. The site is contained between this southern embankment, the mature scrub edge along the railway line to the east, and the mature avenue trees along the north.

2.2 Site History

18 Feb 2020 - Application pending for planning permission for the formation of SUDs, landscaping and footpath at Land 100 Metres South Of Dimma Park, South Queensferry (planning application reference: 20/00788/FUL)

14 Feb 2020 - Non-material variation application approved for variation to consent Ref: 16/06280/FUL at Land 100 Metres South of 105 Provost Milne Grove South Queensferry (planning application reference 16/06280/VARY).

05 June 2019- Residential development of flats and houses with associated accesses, roads, drainage, parking and landscaping (as amended) at Land 100M South of 105 Provost Milne Grove South Queensferry (planning application reference 16/0280/FUL).

03 April 2019 - Pre- Application Notice (PAN) approved for planning permission for residential developments (max 80 houses) as a variation to 16/06280/FUL and full planning permission for formation of landscaping and footpath at Land 100m South of Dimma Park, South Queenferry (planning application ref: 19/01480/PAN)

Main report

3.1 Description of the Proposal

This application is for a development consisting of up to 72 homes.

The site forms part of a wider site that already has planning permission and is currently being built out (planning application reference 16/06280/FUL). The application site comprises of an area of land that was previously reserved as enabling land for the road construction works to the A90. This land has now been returned to the owner. As a result, the overall housing layout for the HSG 33 site has been amended to extend housing onto this area of land, and the SUDS strategy revisited to include the adjacent land.

The original planning permission for the wider site proposed 341 homes. This application together with the consented application (allowing for adjusted numbers) totals residential development numbering 380 units. 33 of the proposed 72 homes already have consent under planning application reference 16/06280/FUL. As such, the proposal results in an additional 39 units.

Accommodation will comprise of the following mix of 46 units for mainstream sale:-

- 11 x two-bedroom houses
- 15 x three-bedroom houses
- 10 x four-bedroom houses

The proposal will provide 26 affordable homes, comprising of the following mix:-

- 8 x 2 bed houses and
- 18 x 3 bed houses.

These are made up of a mixture of detached, semi-detached and terraced; all of two storeys in height and finished in a mix of brick and render external finishes.

The proposal includes comprehensive landscaping and planting to create green edges to the built development. It includes the creation of three pedestrian links to the existing route running through the north of the site, which links to the Core Path network and adjacent housing developments.

94 car parking spaces are proposed in total. A space is provided for each affordable unit, with 68 spaces (including 4 disabled bays and 32 EV spaces) proposed for the open market properties.

The site will take vehicular access via the principle road of the adjacent development within application 16/06280/FUL, from which access is taken from the existing priority junction of the B800 immediately north of the new M90/ A90 overbridge and also from Provost Milne Grove in South Scotstoun and reached through the principal road network.

A detailed application for formation of SUDs, landscaping and footpath on the eastern edge of the housing also forms part of an accompanying separate application.

The following documents have been submitted in support of the application:

- Pre-application Consultation Report;
- Design and Access Statement;
- Planning Statement;
- Ecology Report;
- Flood Risk Assessment and Surface Water Management Plan;
- Sustainability Statement;
- Transport Assessment;
- Air Quality Impact Assessment;
- Noise Impact Assessment;
- Landscape and Visual Appraisal; and
- Ground Investigation Report.

These documents are available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of development is acceptable;
- b) the proposals provide a development of appropriate design, scale and layout;
- c) the proposals would have a detrimental impact on the historic environment;
- d) the proposals provide an acceptable level of residential amenity;
- e) the proposals are acceptable in terms of road safety;
- f) the proposals would have an adverse impact on air quality;
- g) adequate developer contributions and infrastructure is secured;
- h) the proposals would result in increased flood risk;
- i) the proposals will have an impact upon existing trees on site;
- j) the proposals would have an adverse impact upon the ecological significance of the site;
- k) the representations have been addressed.

a) Principle

The site is allocated as HSG 33 in the LDP for residential development.

Local Development Plan (LDP) Policy Hou 1 states that priority will be given to the delivery of housing land supply and relevant infrastructure through sites allocated in the plan.

LDP Policy Hou 2 (Housing Mix) promotes a mix of house types where practical to meet a range of housing need and having regards to the character of the surrounding area. Edinburgh Design Guidance states that at least 20% of units should be homes for growing families with at least three bedrooms. The proposal exceeds this with 70% of proposed homes, having three or more bedrooms. The remaining units consist of two bed houses. The mix of house types and sizes is considered acceptable in the context of LDP Policy Hou 2 Housing Mix.

LDP Hou 4 (Density) seeks an appropriate density of development having regard to its characteristics and those of the surrounding area, the need to create an attractive residential environment, accessibility and its impact upon local facilities. In this instance, the surrounding area is characterised by low to medium density housing, with the development in HSG 33 being characterised by two storey dwelling houses, with some medium density 3/4 storey flatted blocks. The proposal is compatible with surrounding housing developments in the locality and appropriate for its location.

LDP Policy Hou 3 (Private Greenspace in Housing Development) seeks to ensure adequate provision of green space will be provided to meet the needs of future residents. Each of the proposed have private gardens and the quality greenspace is proposed around the built environment, in compliance with Hou 3.

The proposed development site lies within the HSE consultation distance of a major hazard site - INEOS FPS Limited, Dalmeny Installation, Standingstane Road, Dalmeny, South Queensferry. 21 units will be sited within the middle zone, with the other 51 dwelling units within the outer zone or outside the consultation distance. As such, the Health and Safety Executive was consulted on the proposal.

HSE's response confirmed that as the proposed housing development within the middle zone constitutes a SL2 development (less than 30 dwelling units at a density no greater than 40 units per hectare), HSE does not advise, on safety grounds, against the granting of planning permission for the proposed.

Policy Conclusion

The principle of development is already established. Overall, the proposal can achieve residential homes in a sustainable location, in compliance with Hou 1. The development is compatible with the LDP policies Hou 2, Hou 3 and Hou 4, and HSE raise no objection to the proposed development.

b) Design, Scale and Layout

LDP Policies Des 1 - Des 9 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials. Also relevant is the site brief and associated development principles included in the LDP which sets out key design requirements to guide the development of the site. These include access to the site, consideration of existing trees and future planting, footpath/cycleway links through the site and to existing areas, amenity issues and the creation of open space.

Design and Materials

The surrounding area is predominantly low to medium, density modern housing. To the north of the site, there is a mixture of older two storey houses, either terraced or semi-detached in various colours of render. The development on the former Agilent site nearby is a combination of detached, semi-detached, terraced and flatted properties, with a mixture of light brick and render as the main materials.

In this instance, the application continues the design approach already established within the wider site. Although 'standard house types' are utilised, they have been arranged in a way to address the proposed street hierarchy, for example double frontage properties have been introduced on corner plots to avoid blank frontages. There is a range of house types.

In terms of materials, a mixture of brick and render units are in keeping with the existing and emerging housing in the area.

A condition in relation to materials is recommended to allow these details to be fully considered.

Height and Scale

The proposed houses are two-storey, pitched roof properties which fit with the height of the well-established residential areas to the northern and the wider site as a whole.

A raised bund and significant landscape planting along the southern boundary were granted permission as part of wider site. This is approximately 20 metres in width and will provide a robust and defensible settlement boundary with the A90 road in line with LDP Policy Des 9 (Urban Edge Development). As such, a development of this height and scale will not be an incongruous addition upon the landscape from the south and will sit modestly within the backdrop of the existing and emerging housing.

Layout and Landscape

LDP Policy Des 7 (Layout and Design) seeks a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces. Further, the Edinburgh Design Guidance states that new suburban developments should be laid out to give a variety of different streets and spaces. These should integrate with the hierarchy of the streets in the surrounding area.

The roads through the site are set out in hierarchy, with one main route running west-east and a series of blocks of development taking access from it. Traffic calming elements such as build outs and street trees, alongside different surfacing material have been used to alter the character of the streets and reduce the dominance of the car. Properties have been arranged to face open space where possible to create street frontages where possible.

The applicant has adopted a landscape design approach and the proposed layout will encourage walking and cycling through the scheme, linking with existing paths to the adjacent residential areas and core paths. A cycle route runs through the site. This extends from the National Cycle Route 1 that currently runs into the site from Dalmeny and then north through the adjacent former Agilent site. There is also a central north/south tree lined path that links back to the houses to the north - this follows the line of the current field path through the site.

The site contains a number of paths and routes that links well with the adjacent areas. There are a number of small areas of open space are provided throughout the wider HSG 33 site, including the proposed SUDS pond to the east of the development that will provide greenspace adjacent to the main cycle path.

Overall, the proposed layout is a landscape lead design that promotes walking and cycling through the development and into adjacent greenspace, in compliance with LDP Policy Des 7.

The landscape proposals will strengthen the green belt boundary and contribute to multi-functional green networks by improving amenity and enhance biodiversity. The landscape scheme for the site supports the objectives of Des 3, by including the creation of these new habitats and retention of the woodland habitats.

The proposals accord with the development principles set out in the LDP for the HSG 33 site.

c) Historic Environment

Visualisations from two of the viewpoints were produced from Viewpoint 6 (B800 near Dundas Golf Club) and Viewpoint 7 (M9 Overbridge). Images show the rendered of the proposed two storey development, alongside the development already granted.

These visualisations confirm that there will be no negative impact on the view from these viewpoints, and that the existing view of Mons Hill, and the Forth Bridges and their role as notable focal features in the backdrop, would not be affected by the development, in line with LDP Policy Env 1 World Heritage Sites. Any impact on the setting of Scotstoun House was addressed as part of application 16/06280/FUL. There are no alterations to this arising from the current application.

The City Archaeologist has stated that the site occurs on the southern boundary of present day South Queensferry, historically situated between the medieval settlement of Dalmeny to the east and Scotstoun House to the west. The site is bisected by the historic road linking Dalmeny and Echline, depicted on General Roy's 1750's map, and which survives within the line of trees situated within the centre/west of the site. This road is likely to be of medieval date, though it may have earlier Roman origins as the coastal road linking Cramond Roman Fort and Cramond Brig to the East could have followed this same route. Although no medieval settlement sites are known from the site, it has been suggested that a medieval Motte occurred in this general area associated with Dalmeny. In addition, it overlies the former workings of the Dalmeny Oil-Shale Mine started in 1901. As such the site has been identified as being within an area of archaeological potential.

It is therefore recommended that a programme of archaeological excavation is undertaken prior to development.

Subject to this condition in relation to archaeology, the proposals do not detrimentally impact on any historical features near or on the site.

d) Residential Amenity

Future Occupiers

LDP Policy Des 5 (Development Design- Amenity) states that development will be permitted where future occupiers have acceptable levels of amenity.

The proposal has been designed around providing quality amenity and green space links for residents.

The proposal complies with Hou 3 (Private Green Space in Housing Development) and exceeds the requirements for Edinburgh Design Guidance, ensuring a good quality living environment for future occupiers. The proposed units exceed the minimal internal floor areas as set out in guidance.

The proposed homes meet requirements with respect to daylight, sunlight and outlook.

Environmental Protection raised concerns regarding the possible impact noise may have on the amenity of the newly proposed residential properties. The applicant has submitted a supporting noise impact assessment (NIA).

The NIA has highlighted that noise can be mitigated by the inclusion of an earth bund and/or acoustic barrier that will break the line of site between the proposed residential properties and the road. Double glazing for habitable rooms facing the A90 is also required.

Environmental Protection is satisfied that noise can be mitigated subject to the conditions and informatives attached.

A Ground Investigation Report has been submitted in support of the application. This is currently being assessed by Environmental Protection. Accordingly, it is recommended that a condition is used to ensure that contaminated land is fully addressed.

Overall, the proposed development will provide good residential amenity, in compliance with LDP Des 5.

Neighbouring Amenity

LDP Policy Des 5 (Design-Amenity) supports proposals that have no adverse impact on neighbouring developments.

Given the height and scale, along with the distance to existing properties, the proposed development will not result in any loss of daylight into neighbouring properties, overshadowing or privacy issues.

Overall, the proposal is compliant with LDP Policy Des 5 and the Edinburgh Design Guidance and will not be to the detriment of neighbouring properties.

e) Active Travel, Transport Traffic Impact and Access

The site benefits from easy access to the core path to the north which offers good active travel links to Dalmeny train station and to local facilities within South Queensferry.

A footpath is available at the northeast part of the site (CEC Core Path 10 and forming part of the National Cycle Route) and this path enables a connection on foot between Queensferry and Dalmeny.

Four residential roads off Scotstoun Avenue - Scotstoun Park, South Scotstoun, Provost Milne Grove and Sommerville Gardens - form the main part of the north boundary of the wider application site and these all have a network of footpaths that connect from the boundary of the wider site to Scotstoun Avenue and beyond. Adjacent housing sites have created new linkages in this area which extend the permeability of the east of South Queensferry providing additional connections with e.g. surrounding cycle routes and Dalmeny railway station.

Cyclists Cycling routes are provided within the existing area and within the wider development proposals. NCN 1 passes north of this application site along CEC Core Path 10 and provides linkages to Dalmeny station and into the city. The new paths leading from the north of this application boundary onto the Core Path are 3m wide which allow both cyclists and pedestrians to use them.

In conjunction with the wider site and surrounding development, the proposal will deliver opportunities to create permeable networks.

A Transport Assessment (TA) has been submitted in support of the application.

This predicts that both the proposed site access junctions and the existing junctions will operate satisfactorily for the design year including the traffic associated with the proposed residential development. It assessed transport impacts of 420 residential units for the entire planning application site(16/06280/FUL) and transport is satisfied that existing and proposed transport infrastructure are able to accommodate transport impacts of the consented and proposed, which is well below the 420 residential units assessed in the TA.

The Roads Authority has raised no objections in relation to the proposed traffic generated by the development.

LDP Policy Tra 2 (Private Car Parking) requires proposed car parking levels to not exceed the maximum levels stipulated in Council's guidance.

The 94 car parking spaces (26 affordable houses = 26 spaces, 46 houses for sale = 68 spaces, including 4 disabled bays and 32 EV spaces) proposed for the development does not comply with the Council's current parking standards which could allow a maximum of 72 parking spaces.

100% cycle parking is proposed to be provided within the curtilage of the houses.

Whilst the car parking provision does not comply with the Council's current parking standards, the site forms part of overall consented planning application (planning reference 16/06280/FUL) which was assessed under the 2017 car parking standards. It is therefore considered appropriate to extend this level of provision to the application site.

The general layout including dedicated walking and cycling routes are well considered and has the potential to link with the wider active travel network. The internal layout is designed with a mix of vehicular route, shared surface, footways, and pedestrian/cycle routes with priority crossing. The applicant has incorporated measures from Edinburgh

Street Design guidance namely priority crossings and change in material to prioritise walking and cycling and reduce vehicular speed within the proposed development.

The design of the car parking does not fully accord with Edinburgh Street Design guidance and LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) that states integral garages and off-street parking to the front of buildings should generally be avoided. However, in this instance, landscaping and boundary treatments will soften the visual appearance of any front curtilage parking. The site will not appear to be dominated by parking, and the proposal will deliver a high quality living environment despite the inclusion of these parking solutions. The parking arrangements will not impact security or pedestrian safety. As such, the infringement is acceptable in this instance.

Public Transport Bus stops are located close by and within easy walking distance of the application site on Scotstoun Avenue and on the B800 (south of the A90 overbridge). Dalmeny Railway station is located 1km from the site, linking the site to Edinburgh.

The applicant has been in contact with Waste Services. The development has been set out in accordance with its policies and vehicle tracking has been provided and accepted by the Council's Waste Team.

Overall, the extent of active travel infrastructure, walking and cycling priority measures incorporated in the design to promote a safe walking and cycling environment within the proposed development makes the design acceptable and a departure from guidance is acceptable in this instance.

f) Air Quality

LDP Policy Env 22 (Air Quality) aims to ensure that no development will result in significant adverse effects for health, environment or air quality and appropriate mitigation measures can be provided to minimise the adverse impacts. Reducing the need to travel and promoting the use of sustainable modes of transport are key principles identified in the local development plan.

Environmental Protection had raised concerns regarding this development including the impacts the development may have on local air quality. It is noted that a larger proposal (16/06280/FUL) has been consented and has addressed many of these issues.

An Air Quality Impact Assessment (AQIA) has been provided and reviewed by Environmental Protection.

Environmental Protection still considers the car parking numbers to be high and have requested that the applicant develops a Green Travel Plan. This has been included as an informative.

The applicant had been asked to provide details on where the electric vehicle charging points will be located. The applicant must provide 22 charging point as per the Edinburgh Design Standards. These will need to be 7Kw type two sockets (32amp) chargers as a minimum.

However Environmental Protection would advise that the applicant installs an external 3 pin-plugs (13AMP) socket on all units that have a driveway. The applicant should also provide an option for tenants to upgrade this to a 7KW type two socket (32AMP).

Overall, Environmental Protection has no objection to the proposal subject to the conditions and informatives attached.

g) Developer Contributions and Infrastructure

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme. The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

This site falls within Sub-Area Q-1 of the 'Queensferry Education Contribution Zone'. The assessment has been based on the additional 39 households.

As such a total contribution of £739,167 is required. A land contribution equating to £88,999 is required.

A section 75 legal agreement has been concluded for the wider site. A Section 75 legal agreement is required to secure the funds to mitigate the impact of the net increase in units and reflect the agreed Heads of Terms under planning application reference 16/06280/FUL.

Subject to contributions being secured, the proposal complies with Policy Del 1 (Developer Contributions).

Affordable Housing

LDP Policy Hou 6 (Affordable Housing) states that planning permission for residential development, consisting of 12 or more units should include provision for affordable housing. 25% of the total number of units proposed should be affordable housing.

The original planning permission for the wider site proposed 341 homes, 85 of which would be delivered as an affordable housing tenure. As a result of the current application, 380 homes will be delivered across the wider housing site, 95 (25%) of which will be delivered as an approved affordable housing tenure. The affordable homes are being delivered at several locations across the wider development site and are well-integrated with housing for sale.

In this instance, the applicant has stated that the affordable housing will account for 26 (36%) of the 72 new homes subject to the current application. This is more than what would normally be required under the AHP, however, is necessary so that a minimum of 25% of affordable homes will still be delivered across the wider site.

The 26 affordable homes proposed by this application comprise 18 (69%) three-bedroom and eight (31%) two-bedroom houses. Across the wider development site, the proportion of larger homes suitable for families will increase from 31% to 37% as a result of this application which is welcome.

The homes will be "tenure blind".

15 (58%) of the 26 affordable homes will be delivered for social rent, the Council's highest priority tenure. Although this is below the expectation set in planning guidance on 'Affordable Housing' that 70% of affordable homes should be delivered for social rent, it is a higher proportion than previously agreed for the wider site.

Eight homes will be delivered for mid-market rent and three will be sold as 'Golden Share' (sold at 80% market value). The proposed mix of affordable tenure types is an improvement on what was originally proposed for the wider site and is acceptable.

The applicant has advised that Places for People will be the Registered Social Landlord (RSL) delivering the social and mid-market rent homes.

Overall, the proposed mix of affordable tenure types will improve on what was originally agreed for the wider development site.

The affordable housing requirement will be secured by a Section 75 legal agreement.

h) Flooding and Drainage

Policy Env 21 (Flood Prevention) states that planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself, impeded the flow of flood water or prejudice existing or planning flood defence systems.

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process.

Overall, the proposal has been designed to mitigate potential flood risk and accords with LDP Policy Env 21.

SEPA has no objection to the proposals.

i) Trees

LDP Policy Env 12 (Trees) ensures the protection of trees.

There are mature trees along the northern boundary and within the southern part of the site.

The proposal does involve the loss of 6 existing trees on the site, as identified in the landscape drawings. These trees are not covered by a Tree Protection Order or within a conservation area and their removal is required to help facilitate the development. The loss of the existing plantation is acceptable because its retention would prejudice the redevelopment of the site and the LDP development principles do not seek to safeguard it.

Details of the proposed removal of trees and new planting have been submitted within the Design and Access Statement and submitted plans. Conditions are recommended requiring the submission of an updated Tree Survey and accompanying Tree Protection Plan to be submitted to allow detailed matters, including proposed mitigation measures for the protection of trees during construction phase, to be fully assessed.

j) Ecology and Protected Species

LDP Policy Env 16 (Species Protection) aims to ensure development will not be to the detriment to the maintenance of a protected species and suitable mitigation is proposed.

An Ecology Report and follow up information has been submitted in support of the application. This considers any likely impacts on protected species.

The landscape scheme for the site supports the objectives of Des 3, by including the creation of these new habitats and retention of the woodland habitats. However, the woodlands are currently unmanaged, and it is recommended that these are brought under management for biodiversity benefit. A condition is therefore recommended seeking a Woodland Management Plan to be submitted.

Prior to removal of mature trees, these should be inspected closely for evidence of use by bats to enable mitigation proposals to be prepared should there be likely loss of roost opportunities

There are no issues in relation to LDP Policy Env 16 Species Protection arising from the proposal subject to the attached conditions.

k) Public Comments

Material Comments

There has been one neutral representation received in relation to the proposal which raised the following material considerations: -

- location of affordable in one group. Addressed in Section 3.3g; and
- concern over lack of direct link to the relatively new shared use path to the side of Dimma Park. Addressed in Section 3.3b and 3.3e.

Non-material considerations

- The existing shared path floods regularly in heavy rain and takes a long time to dry up.
- The gate on the existing cycle path is a safety issue with cyclists and pedestrians in conflict.
- Request old gate pillars which may be able to be removed.
- Comments relating to separate planning application on adjacent site.
- Request for dog waste collection points.

Conclusion

The site is allocated for housing in the Local Development Plan and the proposal is acceptable in principle.

Its approach to design, scale and density is compatible with the surrounding area. The development will provide a good level of amenity to future occupiers and will not adversely impact upon neighbouring amenity. The scheme proposes high quality landscaping and open space proposals, and good connectivity to the wider community. As such, delivering a sustainable development.

The proposal does not raise any road safety concerns.

There are no material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions :-

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

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

2. Prior to the commencement of work, a detailed specification, including trade names where appropriate, of all proposed external materials shall be submitted to and approved in writing by the Planning Authority. Note, sample panels may be required.
3. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

4. The following noise protection measures to the proposed residential development, as defined in the KSG Acoustics Ltd , ' Noise Impact Assessment' report, dated 17 December 2019 shall be carried out in full and completed prior to the development being occupied.
 - Glazing units with a minimum insulation value of 4/10/4mm double glazing shall be installed for the external windows with trickle vents providing 30dB D n,e,w reduction for all habitable rooms.
 - A 2.5m close boarded acoustic barrier with a minimum surface density of 12 kg/m² shall be located to the south and east as highlighted in Noise Impact Assessment and Site Layout (Swept path info) drawing number 730P01dated 15/10/20.
 - An earth bund breaking the line of site from residential windows shall be located to the south as highlighted in Noise Impact Assessment Appendix B and site Plan drawing number Site Layout (Swept path info) drawing number 730P01dated 15/10/20.
5. Prior to the commencement of development, the following shall be submitted to and approved in writing by the Planning Authority.
 - a Tree Survey showing full details for all trees on the site and within 12 m of the site. This should be in accordance with BS5837:2012;
 - a Tree Survey Pan and Tree Constraints Plan and
 - a detailed Tree Protection Plan showing mitigation measures proposed to ensure no damage to existing trees, including roots, during the construction phase;
- Only the tree/s shown for removal on the approved drawing/s shall be removed, and no work shall be carried out on the remaining trees at any time without the approval of the Planning Authority.
- The tree protection plan shall be implemented in full and trees on the site shall be protected throughout the construction and initial set up by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".
6. Prior to the commencement of development, a Woodland Management Plan which details long term management and maintenance of the site and wider site, should be submitted for written approval to the Planning Authority.
7. Prior to commencement of development, a plan showing full details of proposed tree pits shall be submitted and approved in writing by the Planning Authority.

8. Details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.
9. Prior to commencement of the development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland TRBO.
10. Prior to commencement of the development, details of the barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland TRBO.
11. There shall be no drainage connections to the trunk road drainage system.
12. The approved landscaping scheme including the footpath/cycle path network shall be fully implemented within six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing by the Planning Authority.

Reasons:-

1. In the interest of Public Safety.
2. In order to enable the Planning Authority to consider these matters in detail.
3. In order to safeguard the interests of archaeological heritage.
4. In protect future occupiers' amenity.
5. In order to protect existing trees on site.
6. In order to ensure that the approved landscaping works are properly established on site.
7. In order to ensure that the approved landscaping works are properly established on site.
8. To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished
9. To ensure that there will be no distraction to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished.
10. To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents
11. To ensure that the efficiency of the existing trunk road drainage network is not affected.

12. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. The works 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. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation all of those matters identified in the proposed Heads of Terms.

These matters are:

The applicant will be required to:

- a. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
- b. Contribute the sum of £2,000 to promote a suitable order to introduce a 20mph speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed.

A legal agreement will be required to secure these funds.

A total of 26 units are proposed for Affordable Housing units, in accordance with LDP Policy Hou 6 'Affordable Housing'.

The units will be tenure blind.

The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal. The tenure of the affordable housing is required to be agreed by the Council and this would be outlined in a Section 75 Legal Agreement.

The 26 affordable homes proposed by this application comprise 18 (69%) three-bedroom and eight (31%) two-bedroom houses.

15 homes will be delivered for social rent, 8 homes will be delivered for mid-market rent and 3 will be sold as 'Golden Share' (sold at 80% market value).

This site falls within Sub-Area Q-1 of the 'Queensferry Education Contribution Zone'. A contribution of £739,167 is sought for additional educational infrastructure to support the projected increase in school rolls as a result of the development.

The land contribution required is £88,998.

All infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment. No indexation to be applied to land contribution.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6-month period, a report will be put to committee with a likely recommendation that the application be refused.

5. Roads Informatives

All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed.

The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification.;

The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.

In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan, 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.

The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.

The applicant must be informed that any proposed on-street carparking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents.

The applicant should ensure that the access road and associated accesses are large enough, and of a shape, to accommodate any vehicles which are likely to use it, in particular refuse collection, bus and emergency service vehicles.

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. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.

6. Environmental Protection

Prior to occupation 22 electric vehicle charging points, capable of 7 Kw type 2 plugs (32AMP) shall be installed and operational.

Prior to the use being taken up, an external 3KW 3 pin-plug electric vehicle charging point, shall be installed in the private driveways with an option upgrade it to (32AMP) for all residential properties with driveways.

7. Scottish Water Informative

There is currently sufficient capacity in the Balmore Water Treatment Works.

However, further investigations may be required to be carried out once a formal application has been submitted.

This proposed development will be serviced by S Queensferry Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water.

For developments of 10 or more domestic dwellings (or non-domestic equivalent) SW require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted.

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

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

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

However, it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, 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.

SW identify that development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact the Asset Impact Team directly at service.relocation@scottishwater.co.uk. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

8. SEPA Informatives

Surface Water Drainage

SEPA note surface water from the site will discharge to an existing culvert located at the southern boundary via pipework constructed to serve 16/6280/FUL. As acknowledged in the Surface Water Management Plan & Drainage Strategy (dated 23 October 2019) the discharge of surface water to the water environment must be in accordance with the principles of the SUDS Manual (C753). You should also be aware that any discharge must also comply with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). Further information on this matter can be found on our website. The design of the drainage system must be site specific and dependent upon the contaminants at the site, the remediation strategy and the risks posed by any residual contamination, in addition to the normal design considerations.

Please note no formal authorisation is needed or provided by SEPA. The applicant/agent should satisfy themselves that the proposed SUDS are adequate and comply with the legislation/our guidance as above.

Foul Water Drainage

SEPA note that the foul drainage from the site will be discharged to the public sewerage system vested by Scottish Water. You should deal directly with Scottish Water to ensure that the additional flow arising from this development can be accommodated in the sewer network without causing or contributing to the premature operation of consented storm overflows.

Pollution Prevention and Environmental Management

Construction works must be carried out with regard to the guidelines on avoidance of pollution. Reference should be made to the relevant Guidance for Pollution Prevention (GPPs) Notes available on our website and to the CIRIA publication C715 "Environmental Good Practice On Site - Pocket Book".

You should be aware that a construction site licence under CAR may be required for the management of surface water run-off from the construction site.

Further information is available on this in our Sector Specific Guidance: Construction Sites (WAT-SG-75) and on our construction site licence webpage. Below these thresholds, you will need to comply with CAR General Binding Rule 10 which require, amongst other things, that all reasonable steps be taken to ensure that the discharge does not result in pollution of the water environment.

Waste Management

Any waste materials imported to the site during construction must be stored and used only in accordance with a waste management licence or exemption under the Waste Management Licensing (Scotland) Regulations 2011. Similarly, any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations. The applicant should also be fully aware of the relevant requirements relating to the transport of controlled waste by registered carriers and the furnishing and keeping of duty of care waste transfer notes.

9. Edinburgh Airport Informatives

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.

10. Habitat and Protected Species Informatives

BATS

If proposed to fell mature trees they should be inspected closely for evidence of use by bats to enable mitigation proposals to be prepared should there be likely loss of roost opportunities.

BADGERS

Good practice measure should be put in place to ensure the protection of badger and other small mammals during construction:

- Restricting construction work to daylight hours and implementation of measures to safeguard will militate against adverse impacts on the species.
- Ensuring a ramped means of escape is place in trenches overnight or the trenches are covered. Open pipes should be blocked at the close of each working day.
- Materials, fuels and solvents should be stored such that they are inaccessible to wildlife and there is no spillage onto the land

BIRDS

Clearance of vegetation to accommodate development has the potential to disturb nesting birds.

Clearance of vegetation from the proposed construction area has the potential to disturb nesting birds; therefore clearance should be carried out outside the bird nesting season March - August (inclusive). Should it be necessary to clear ground during the bird nesting season the land should be surveyed by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

There has been one neutral representation submitted in relation to the proposal.

Background reading/external references

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

Statutory Development Plan Provision	The Adopted Edinburgh Local Development Plan
Date registered	18 February 2020
Drawing numbers/Scheme	01,02A, 03- 48, Scheme 2

David R. Leslie
 Chief Planning Officer
 PLACE
 The City of Edinburgh Council

Contact: Sonia Macdonald, Planning Officer
 E-mail:sonia.macdonald@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

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

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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

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

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

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

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

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

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

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

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

Relevant Non-Statutory Guidelines

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

Appendix 1

Application for Planning Permission 20/00802/FUL At Land 100 Metres South Of, Dimma Park, South Queensferry Erect 72x dwellings with associated roads and parking spaces (as amended).

Consultations

Archaeology comment

The site occurs on the southern boundary of present day South Queensferry, historically situated between the medieval settlement of Dalmeny to the east and Scotstoun House to the west. The site is bisected by the historic road linking Dalmeny and Echline, depicted on General Roy's 1750's map, and which survives within the line of trees situated within the centre/west of the site. This road is likely to be of medieval date, though it may have earlier Roman origins as the coastal road linking Cramond Roman Fort and Cramond Brig to the East could have followed this same route. Although no medieval settlement sites are known from the site, it has been suggested that a medieval Motte occurred in this general area associated with Dalmeny. In addition, it overlies the former workings of the Dalmeny Oil-Shale Mine started in 1901.

As such the site has been identified as containing occurring within and area of archaeological potential. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and CEC's Edinburgh Local Development Plan (2016) Policy ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The proposed development will require significant ground works and removal of trees along the line of the historic road which linked Dalmeny and Echline. These have the potential for disturbing archaeological remains ranging from 20th century military artifacts through to medieval.

Accordingly, it is recommended that a programme of archaeological excavation is undertaken prior to development. This will see a phased archaeological programme of works the initial phase will be the undertaking of an archaeological evaluation of the site (10%). The results from this initial phase of work will inform the scope of further mitigation to be undertaken, to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains.

It is recommended that following condition be applied to ensure that the above programmes of archaeological work are carried out;

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

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Scottish Water comment

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

There is currently sufficient capacity in the Balmore Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

*This proposed development will be serviced by S Queensferry Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link
www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application*

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

Infrastructure within boundary

According to our records, the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, 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.

Next Steps:

10 or more domestic dwellings:

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

SEPA comment

We understand the site is currently allocated for housing (Site Ref. HSG 33) within the Edinburgh Local Development Plan (adopted November 2016) and the wider site has consent for residential development (Ref. 16/06280/FUL). We offered no objection to that previous planning application (letter dated 02 February 2017 under PCS/150835) and have also recently directed you to our standing advice (letter dated 18 March 2020 under PCS/170655) in relation to the formation of associated SuDS infrastructure (Ref. 20/00788/FUL). Therefore, and having considered the current submission, we offer no objection to the planning application. Please note our advice below.

Advice for the planning authority

1. Flood Risk

1.1 Please note that the SEPA-Planning Authority Protocol Policy 41 states: "If the consultation does not specify that the planning authority would like SEPA to comment on the flood risk, this will not be assessed. In these circumstances, if SEPA makes no

comment on flood risk, planning authorities should not assume that no such risk exists". It has not been indicated that flood risk advice is required in this instance.

1.2 *For awareness, we no longer wish to be consulted on planning applications where surface water flooding is the only source of flood risk. The management of surface water drainage and exceedance of surface water drainage systems are matters for the local authority to consider in conjunction with Scottish Water. We therefore recommend that you consult your flood risk management colleagues to ensure proposals are appropriate and in accordance with any internal guidance.*

2. Air Quality

2.1 *The local authority is the responsible authority for local air quality management under the Environment Act 1995 and therefore we recommend that Environmental Health be consulted. They can advise on the need for this development proposal to be assessed alongside other developments that could contribute to an increase in road traffic. They can also advise on potential impacts such as exacerbation of local air pollution, noise and nuisance issues and cumulative impacts of all development in the local area. Further guidance regarding these issues is provided on the Scottish Government's Planning website entitled Air Quality and Land Use Planning.*

Detailed advice for the applicant

You will note that we have no objection to this planning application however we recommend you take account of the advice provided below.

3. Surface Water Drainage

3.1 *We note surface water from the site will discharge to an existing culvert located at the southern boundary via pipework constructed to serve 16/6280/FUL. As acknowledged in the Surface Water Management Plan & Drainage Strategy (dated 23 October 2019) the discharge of surface water to the water environment must be in accordance with the principles of the SUDS Manual (C753). You should also be aware that any discharge must also comply with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). Further information on this matter can be found on our website. The design of the drainage system must be site specific and dependent upon the contaminants at the site, the remediation strategy and the risks posed by any residual contamination, in addition to the normal design considerations.*

3.2 *Please note no formal authorisation is needed or provided by SEPA. The applicant/agent should satisfy themselves that the proposed SUDS are adequate and comply with the legislation/our guidance as above.*

4. Foul Water Drainage

4.1 *We note that the foul drainage from the site will be discharged to the public sewerage system vested by Scottish Water. You should deal directly with Scottish Water to ensure that the additional flow arising from this development can be accommodated in the sewer network without causing or contributing to the premature operation of consented storm overflows.*

5. Pollution Prevention and Environmental Management

5.1 Construction works must be carried out with regard to the guidelines on avoidance of pollution. Reference should be made to the relevant Guidance for Pollution Prevention (GPPs) Notes available on our website and to the CIRIA publication C715 "Environmental Good Practice On Site - Pocket Book".

5.2 You should be aware that a construction site licence under CAR may be required for the management of surface water run-off from the construction site. These apply to sites which are more than 4 hectares, are in excess of 5km, or includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees.

5.3 Further information is available on this in our Sector Specific Guidance: Construction Sites (WAT-SG-75) and on our construction site licence webpage. Below these thresholds, you will need to comply with CAR General Binding Rule 10 which require, amongst other things, that all reasonable steps be taken to ensure that the discharge does not result in pollution of the water environment.

6. Waste Management

6.1 Any waste materials imported to the site during construction must be stored and used only in accordance with a waste management licence or exemption under the Waste Management Licensing (Scotland) Regulations 2011. Similarly, any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations. The applicant should also be fully aware of the relevant requirements relating to the transport of controlled waste by registered carriers and the furnishing and keeping of duty of care waste transfer notes.

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/>)

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.

Communities and Families comment

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the finalised Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018).

Assessment and Contribution Requirements

Assessment based on:

72 Houses

This site falls within Sub-Area Q-1 of the 'Queensferry Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

If the appropriate infrastructure and land contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

£1,364,616

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

*Total land contribution required:
£164,304*

Note - no indexation to be applied to land contribution.

Communities and Families updated comment

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the finalised Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018).

Assessment and Contribution Requirements

*Assessment based on:
39 Houses*

This site falls within Sub-Area Q-1 of the 'Queensferry Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

If the appropriate infrastructure and land contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

*Total infrastructure contribution required:
£739,167*

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

*Total land contribution required:
£88,998*

Note - no indexation to be applied to land contribution.

Environmental Protection comment

The proposed development site is located beyond South Queensferry and north of the A90, close to the junction with the M90. As part of the recently completed Forth Replacement Crossing southern road network, the A9000 runs parallel to the site, merging with the A90 midway along the boundary. The A9000 is a dedicated bus lane, carrying southbound traffic across the Forth Road Bridge and east towards Edinburgh. Access to the site will be taken from the B800 to the west. To the east the site extends adjacent to existing dwellings on Dimma Park. East of the proposed development, there is a section of greenfield, which will accommodate a SUDS scheme (the subject of a separate planning application) beyond which lies the railway line which runs north to south.

The applicant proposes developing 72 residential units with 129 car parking spaces many of which will be driveways. This does seem to be an excessive provision. It is noted that the proposed level of development is within the level set out in the Local Development Plan and associated Transport Appraisal.

Environmental Protection had raised concerns regarding this development including the impacts the development may have on local air quality and noise impacts from neighbouring land uses on the proposed sensitive receptors. It is noted that a larger proposal (16/06280/FUL) has been consented and has addressed many of these issues.

Local Air Quality

The applicant had been asked to provide details on where the electric vehicle charging points will be located. The applicant must provide 22 charging point as per the Edinburgh Design Standards. These will need to be 7Kw type two sockets (32amp) chargers as a minimum. However Environmental Protection would advise that the applicant installs an external 3 pin-plugs (13AMP) socket on all units that have a driveway. The applicant should also provide an option for tenants to upgrade this to a 7KW type two socket (32AMP).

Contaminated Land

The applicant had submitted a Ground Investigation Report for the previous application before this can be assessed by Environmental Protection it will need to be available on the planning portal under this specific planning reference number. Until this has been completed Environmental Assessment recommends that a condition is attached to ensure that contaminated land is fully addressed.

Noise

Environmental Protection raised concerns regarding the possible impact noise may have on the amenity of the newly proposed residential properties. The applicant has submitted a supporting noise impact assessment. The development site is exposed to high levels of traffic noise, the noise impact assessment has highlighted that noise can be mitigated by the inclusion of an earth bund and/or acoustic barrier that will break the line of site between the proposed residential properties and the road. Environmental Protection is satisfied that noise can be mitigated subject to an acoustic bund a minimum glazing specification being conditioned.

Therefore, on balance Environmental Protection offers no objection subject to the following conditions;

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

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

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

2. The following noise protection measures to the proposed residential development, as defined in the KSG Acoustics Ltd , ' Noise Impact Assessment' report, dated 17 December 2019:

- Glazing units with a minimum insulation value of 4/10/4mm double glazing shall be installed for the external windows with trickle vents providing 30dB D n,e,w reduction for all habitable rooms.*
- A 2.5m close boarded acoustic barrier with a minimum surface density of 12 kg/m² shall be located to the south and east as highlighted in Noise Impact Assessment and Site Layout (Swept path info) drawing number 730P01dated 15/10/20.*
- An earth bund breaking the line of site from residential windows shall be located to the south as highlighted in Noise Impact Assessment Appendix B and site Plan drawing number Site Layout (Swept path info) drawing number 730P01dated 15/10/20.*

shall be carried out in full and completed prior to the development being occupied.

3. Prior to occupation 22 electric vehicle charging points, capable of 7 Kw type 2 plugs (32AMP) shall be installed and operational.

4. Prior to the use being taken up, an external 3KW 3 pin-plug electric vehicle charging point, shall be installed in the private driveways with an option upgrade it to (32AMP) for all residential properties with driveways.

Roads Authority Issues

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

1. The applicant will be required to:

a. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;

b. Contribute the sum of £2,000 to promote a suitable order to introduce a 20mph speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;

2. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification.;

3. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;

4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan, 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;

5. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;

6. The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;

7. The applicant should ensure that the access road and associated accesses are large enough, and of a shape, to accommodate any vehicles which are likely to use it, in particular refuse collection, bus and emergency service vehicles;

8. 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. All disabled persons parking places must comply with *Traffic Signs Regulations and General Directions 2016* regulations or *British Standard 8300:2009* as approved;

Note:

1. The submitted TA assessed transport impacts of 420 residential units for the entire planning application site(16/06280/FUL) and transport is satisfied that existing and proposed transport infrastructure are able to accommodate transport impacts of the consented and proposed changes from 341 residential units to 380 units which is well below the 420 residential units assessed in the TA. A total of 186 vehicular trips (two-way) are predicted during the weekday AM peak hour and 184 vehicular trips during the weekday PM peak hour for the 420 residential units assessed in the TA. The modelling shows that the site access junction is expected to work below capacity with maximum RFC of 0.318;
2. Cycle parking to be provided within the curtilage of the houses;
3. The 94 car parking spaces (26 affordable houses =26 spaces, 46 houses for sale =68 spaces, including 4 disabled bays and 32 EV spaces) proposed for the development does not comply with the Council's current parking standards which could allow a maximum of 72 parking spaces. The car parking provision is considered acceptable because it is understood the site is part of consented planning application(16/06280/FUL) site assessed under 2017 car parking spaces;
4. The general layout including dedicated walking and cycling routes are well considered and has the potential to link with the wider active travel network. Internal layout is designed with a mix of vehicular route, shared surface, footways, and pedestrian/cycle routes with priority crossing. The applicant has incorporated measures from Edinburgh Street Design guidance namely priority crossings and change in material to prioritise walking and cycling and reduce vehicular speed within the proposed development. However, the design of car parking does not fully accord with Edinburgh Street Design guidance which requires that in all new developments, car parking should be designed to have a minimal visual impact on the site and surrounding area and with less impact on pedestrian movement. The guidance requires that parking solutions that use land efficiently and are set within a high quality public realm be explored including parking to the rear and side of dwelling. The use of integral garages and off-street parking to the front of buildings should generally be avoided. Where this is to be provided strong boundary treatments and defensible space to the front should be provided to deliver high quality living environment and public realm (Edinburgh Design Guidance page 51-54). Notwithstanding this, the extent of active travel infrastructure, walking and cycling priority measures incorporated in the design to promote a safe walking and cycling environment within the proposed development makes the design acceptable.
5. It is understood that section 75 legal agreement has been concluded for the site (16/06280/FUL)

Flood Planning comment

CEC Flood Prevention have no concerns over this application. This application can proceed to determination with no further comments from our department.

Affordable Housing response

1. Introduction

Housing Management and Development are the consultee for Affordable Housing. The proposed affordable housing provision is assessed to ensure it meets the requirements of the city's Affordable Housing Policy (AHP).

- o Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.*
- o 25% of the total number of units proposed should be affordable housing.*
- o The Council's guidance on 'Affordable Housing' sets out the requirements of the AHP, it can be downloaded here:*

<https://www.edinburgh.gov.uk/affordable-homes/affordable-housing-policy/1>

2. Affordable Housing Provision

This application is for a development consisting of up to 72 homes. It is a small part of a wider development site that already has planning permission and is currently being built out (planning application reference 16/06280/FUL).

The original planning permission for the wider site proposed 341 homes, 85 of which would be delivered as an affordable housing tenure. As a result of the current application, 380 homes will be delivered across the wider housing site, 95 (25%) of which will be delivered as an approved affordable housing tenure. The affordable homes are being delivered at several locations across the wider development site and are well-integrated with housing for sale.

The applicant has stated that the affordable housing will account for 26 (36%) of the 72 new homes subject to the current application. This is more than what would normally be required under the AHP, but is necessary so that a minimum of 25% of affordable homes will still be delivered across the wider site.

The affordable housing requirement should be secured by a Section 75 legal agreement. As multiple permissions would be in place, the Planning service should make sure that in all circumstances a minimum of 25% affordable housing will be delivered across the wider housing site.

The 26 affordable homes proposed by this application comprise 18 (69%) three-bedroom and eight (31%) two-bedroom houses. Across the wider development site, the proportion

of larger homes suitable for families will increase from 31% to 37% as a result of this application which is welcome. The homes will be "tenure blind".

15 (58%) of the 26 affordable homes will be delivered for social rent, the Council's highest priority tenure. Although this is below the expectation set in planning guidance on 'Affordable Housing' that 70% of affordable homes should be delivered for social rent, it is a higher proportion than previously agreed for the wider site. Eight homes will be delivered for mid-market rent and three will be sold as 'Golden Share' (sold at 80% market value). The proposed mix of affordable tenure types is an improvement on what was originally proposed for the wider site and is acceptable.

The applicant has advised that Places for People will be the Registered Social Landlord (RSL) delivering the social and mid-market rent homes. The applicant should make sure that the proposal reflects their design standards as well as guidance such as Housing for Varying Needs.

An equitable and fair share of vehicle and cycle parking for affordable housing, consistent with the relevant parking guidance, should be provided.

3. Summary

The affordable housing requirement should be secured by a Section 75 legal agreement. As multiple permissions would be in place, the Planning service should make sure that in all circumstances a minimum of 25% affordable housing will be delivered across the wider housing site, as required by affordable housing policy.

The applicant is proposing to deliver 26 affordable homes on the site. The mix of affordable home size and type is acceptable. The mix of affordable tenure types will improve on what was originally agreed for the wider development site.

Health+Safety Executive comment

1. *Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, the Health and Safety Executive (HSE) is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines. The proposed development site in planning application 20/00802/FUL lies within the HSE consultation distance of a major hazard site - INEOS FPS Limited, Dalmeny Installation, Standingstane Road, Dalmeny, South Queensferry.*
2. *HSE has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - which the City of Edinburgh Council used to obtain HSE's advice on this application. The response which was received was that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case (ref. HSL-200811163107-370).*
3. *The Council have approached HSE regarding that advice and HSE has reviewed the details submitted with the planning application.*

4. The HSE advice which was obtained through the Web App was on the basis that the proposal involves a development of more than 30 dwellings units within the consultation distance of the INEOS FPS Limited site - this is a sensitivity level SL3 development within 'HSE's land use planning methodology' (<http://www.hse.gov.uk/landuseplanning/methodology.pdf>)

5. The proposed development site lies within the middle and outer zones of the HSE consultation distance, as well as outside the consultation distance. As more than 10% of the total housing development site area lies within the middle zone, the whole development was treated as lying within the middle zone. It is HSE policy to advise against the granting of planning permission for SL3 developments within the middle zone.

6. The Supporting Planning Statement (December 2019) includes mentions of the 'HSE safeguarding area', which presumably refers to the HSE consultation distance around the INEOS FPS Limited site. In addition, the 'Site Layout' (Dwg. No. 730 P01) shows the middle and outer consultation zones of the HSE consultation distance of the INEOS FPS Limited site, which suggests that these may have been taken into account when designing the proposed layout.

7. Very exceptionally there are cases where the application of HSE's codified land use planning methodology alone is inappropriate and HSE will provide further advice after taking into account the specific circumstances of a proposed development. In this case, the proposed layout and its position in relation to the HSE consultation zones present a specific set of circumstances and it is sensible to take account of these outside of the methodology - see paragraph 10 of 'HSE's land use planning methodology'

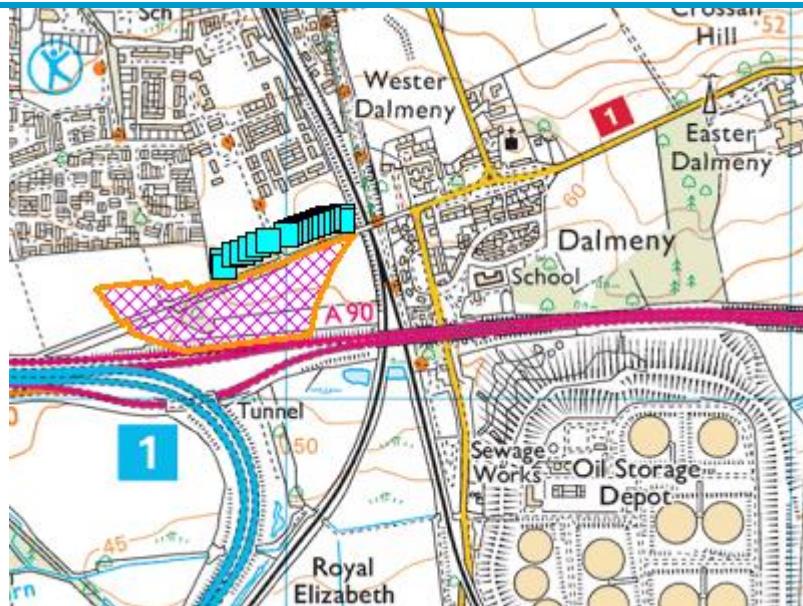
8. HSE's advice is that, in general, significant housing should be prevented from being built in the inner zone and only a limited number of houses, at a low density, should be built in the middle zone. Pragmatically, 30 dwellings at a density no greater than 40 dwellings per hectare, within the middle zone of HSE's land use planning consultation zones, is taken as the limit at which HSE would not advise against planning permission. Beyond the middle zone, HSE does not advise against the granting of planning permission for housing developments. The overall objective is to maintain the separation of incompatible development from the major hazard.

9. In this case, HSE has taken into account the following specific circumstances and considerations in determining its advice:

- o a total of 21 dwelling units will be sited within the middle zone, with the other 51 dwelling units within the outer zone or outside the consultation distance;
- o the housing density of the overall proposed development within the middle zone will be less than 40 dwelling units per hectare;

10. As the proposed housing development within the middle zone constitutes a SL2 development (less than 30 dwelling units at a density no greater than 40 units per hectare), consequently HSE does not advise, on safety grounds, against the granting of planning permission for planning application 20/00802/FUL. This advice supersedes that previously obtained through the HSE Planning Advice Web App (ref. HSL-200811163107-370).

Location Plan



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