

Geddes Consulting
FAO: Stuart Salter
Quadrant
17 Bernard Street
Edinburgh
UK
EH6 6PW

Mr Taimur Malik
206 Broomhouse Road
Edinburgh
UK
EH12 9AD

Decision date: 23 July 2019

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

Erection of dwellinghouse.
At 206 Broomhouse Road Edinburgh EH12 9AD

Application No: 19/01351/PPP

DECISION NOTICE

With reference to your application for Planning Permission in Principle registered on 15 March 2019, this has been decided by **Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

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

Conditions:-

Reason for Refusal:-

1. The proposal is contrary to policies Hou1, Env 12 and Env 18 of the adopted Edinburgh Local Development Plan (LDP). The proposal is not acceptable as it will have a detrimental impact on the trees adjacent to the site and will result in the loss of public open space.

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

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

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

The proposal would result in the loss of trees which are worthy of retention and which contribute a significant amount to the landscape amenity of the area. The proposed construction of a dwelling house on this site would reduce the amount of open space enjoyed by the community. The proposal does not provide any local benefit and the open space amenity loss to the community is not outweighed by the provision of a single dwelling.

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

Should you have a specific enquiry regarding this decision please contact Lesley Porteous directly on 0131 529 3203.

D R Leech

Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The appeal can be made online at www.eplanning.scot or forms can be downloaded from that website and sent to the Planning and Environmental Appeals Division, 4 The Courtyard, Callendar Business Park, FALKIRK FK1 1XR.
2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission in Principle 19/01351/PPP

At 206 Broomhouse Road, Edinburgh, EH12 9AD
Erection of dwellinghouse.

Item	Delegated Decision
Application number	19/01351/PPP
Wards	B03 - Drum Brae/Gyle

Summary

The proposal would result in the loss of trees which are worthy of retention and which contribute a significant amount to the landscape amenity of the area. The proposed construction of a dwelling house on this site would reduce the amount of open space enjoyed by the community. The proposal does not provide any local benefit and the open space amenity loss to the community is not outweighed by the provision of a single dwelling.

Links

<u>Policies and guidance for this application</u>	LDPP, LHOU01, LEN12, LEN18,
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Report of handling

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site is to the west of Broomhouse Road and is located at the east end of two semi detached houses. There is an access road and cul-de-sac to the north of the site. A wide footpath/cycleway skirts the southern edge of the site. The application site comprises part garden ground of number 206 and the remainder is Council-owned open space which is planted with trees.

2.2 Site History

17 July 2012 - Permission refused for change of use of dwelling house to pre-school children's day nursery (application number 12/01152/FUL).

Main report

3.1 Description Of The Proposal

Planning permission in principle is sought for the erection of a single dwellinghouse on the site.

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, it needs to be considered whether:

- a) The proposal is acceptable in principle;
- b) Transport matters are addressed;
- c) The proposal raises any issues in respect of equalities and human rights; and
- d) Any issues raised in objections have been addressed.

a) Principle of the development

Policy Hou 1 of the adopted Local Development Plan (LDP) allows for the delivery of housing sites within the urban area, provided proposals are compatible with other policies in the plan. The application site is partly within an area of open space and partly within an area of private garden ground. The proposal does not comply with the following policies in the Plan.

Policy Env 12 of the LDP sets out the circumstances where planning permission is granted where there are existing trees. The trees which would be affected by this proposal are not covered by a tree preservation order. However, they are exceptional in the landscape and the loss of any trees, or the extent of crown works required to accommodate the development, will injure the landscape character of the area. The applicant is proposing to plant four smaller sized native trees along the southern boundary of the site. The newly planted trees however would take a while to mature and would not offer as effective screening and landscape amenity.

The proposal does not comply with Policy Env 12.

Policy Env 18 of the adopted Local Development Plan sets out the criteria where development will be permitted on open space. Support of the proposals cannot be justified in terms of criteria d) and e) of this policy. There is no local benefit in allowing the development nor is the development for a community purpose where the loss of the open space is outweighed by the benefits to the local community.

The proposal does not comply with Policy Env 18.

b) Transport matters

An objection has been raised concerning the provision of parking outside the new house. Transport has no objection to the application. Sufficient parking is available immediately adjacent to the new dwelling.

c) Equalities and Human Rights

The proposal has been assessed and does not raise any issues in respect of equalities and human rights.

d) Public comments

One letter of representation was received objecting to the proposal. The objection covered the following:-

material

- Insufficient parking. Addressed in 3.3 (b).
- Loss of mature trees. Addressed in 3.3 (a).
- Loss of mature trees acting as a barrier for traffic noise. Addressed in 3.3 (a).

non-material

- Future maintenance responsibility of the private access road.

Conclusion

The proposal would result in the loss of trees which are worthy of retention and which contribute a significant amount to the landscape amenity of the area. The proposed construction of a dwelling house on this site would reduce the amount of open space enjoyed by the community. The proposal does not provide any local benefit and the open space amenity loss to the community is not outweighed by the provision of a single dwelling.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reason for Refusal:-

1. The proposal is contrary to policies Hou1, Env 12 and Env 18 of the adopted Edinburgh Local Development Plan (LDP). The proposal is not acceptable as it will have a detrimental impact on the trees adjacent to the site and will result in the loss of public open space.

Risk, Policy, compliance and governance impact

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

Equalities impact

5.1 The equalities impact has been assessed as follows:

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

Consultation and engagement

6.1 Pre-Application Process

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

One letter of representation has been received.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

**Statutory Development
Plan Provision**

Part of site is located within an area identified as open space in the adopted Local Development Plan. Part of the site is within private garden ground.

Date registered

15 March 2019

Drawing numbers/Scheme

01-04

Scheme 1

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

Contact: Lesley Porteous, Planning officer
E-mail:lesley.porteous@edinburgh.gov.uk Tel:0131 529 3203

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

Appendix 1

Consultations

Transport Response

No objections to the application.

Note:

- o The applicant should note that the proposed development is accessed from a private access and not a 'road'. The applicant should satisfy themselves that they have sufficient rights and authority to use this access.
- o Zero off-street parking is proposed with parking available immediately adjacent.

Archaeology Response

Further to your consultation request I would like to make the following comments and recommendations in respect to this application for the erection of dwelling house.

The site formed part of the grounds of the former Broom House first recorded in 1599 (Harris, Place Names of Edinburgh). The 19th century OS maps of the site (see Fig. 1) show the site as forming part of the house's gardens between it and its farm-steading to the north. The site is therefore regarded as occurring within an area of archaeological potential, in terms of our understanding of the development of this former post-medieval house.

Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT) and Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) (2016) and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policy 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 scheme will also require significant ground-breaking works relating to construction. Such works may disturb significant archaeological remains relating to the development of the post-medieval Broom House. Therefore, it is recommended that a programme of archaeological excavation is undertaken prior to development in order to fully excavate, record and analysis any significant remains that may be affected by construction.

It is recommended that the following condition is attached to ensure that undertaking of the above archaeological work;

'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting and analysis

and 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.

END

Comments for Planning Application 19/01351/PPP

Application Summary

Application Number: 19/01351/PPP

Address: 206 Broomhouse Road Edinburgh EH12 9AD

Proposal: Erection of dwellinghouse.

Case Officer: Lesley Porteous

Customer Details

Name: Ms Sarah Small

Address: 204 Broomhouse Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. There are not 7 car parking spaces, the deeds show this area as a turning circle for residents/utility/emergency vehicles. The applicant will lose their driveway and will be forced to park outside the new house. Where will construction vehicles, skips, building materials etc be stored/parked? In the turning circle?

2. The mature well established trees offer wildlife habitat and would further reduce the green area surrounding the properties.

3. The mature trees also offer privacy from the main road and also act noise deafening of both pass traffic and the traffic lights/crossing. Newly planted trees will take a number of years to establish and it will be a number of years before they will be of benefit to the environment.

4. Currently the upkeep of the private road is split between the residents 60% (30% each) and the council 40%. During construction would this fall solely to the applicant? Or would we be expected to pay a proportion for any damage? After construction would the 60%liability be split equally between the 3 households? If so deeds would need to be changed and lodged with the assistance of solicitors - would the applicant be willing to share the associated costs or would we need to pay?

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Fax: 0131 529 6206 Email: planning.systems@edinburgh.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100156835-003

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Geddes Consulting		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	Quadrant
Last Name: *	Marshall	Building Number:	17
Telephone Number: *		Address 1 (Street): *	Bernard Street
Extension Number:		Address 2:	Leith
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	UK
		Postcode: *	EH6 6PW
Email Address: *			

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Taimur"/>	Building Number:	<input type="text" value="206"/>
Last Name: *	<input type="text" value="Malik"/>	Address 1 (Street): *	<input type="text" value="Broomhouse Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="Eh12 9AD"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="206 BROOMHOUSE ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH12 9AD"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="671859"/>	Easting	<input type="text" value="319603"/>
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Description of Proposal

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

Erection of dwellinghouse

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Refer to Statement of Appeal

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

Yes No

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

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

Refer to Appeal Document List

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/01351/PPP

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

15/03/2019

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

23/07/2019

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Stuart Salter

Declaration Date: 14/10/2019



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Fax: 0131 529 6206 Email: planning.systems@edinburgh.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100156835-001

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

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of dwellinghouse

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Geddes Consulting		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stuart	Building Name:	Quadrant
Last Name: *	Salter	Building Number:	17
Telephone Number: *	0131 553 3639	Address 1 (Street): *	Bernard Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	UK
		Postcode: *	EH6 6PW
Email Address: *	stuart@geddesconsulting.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Taimur	Building Number:	206
Last Name: *	Malik	Address 1 (Street): *	Broomhouse Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	EH12 9AD
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

206 BROOMHOUSE ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH12 9AD

Please identify/describe the location of the site or sites

Northing

671859

Easting

319603

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

201.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Curtilage of 206 Broomhouse Road and adjacent informal open space

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Ms Frances Maddicott

Address:

City of Edinburgh Council Business Centre 1/4, 4, East Market Street, Edinburgh, UK, EH8 8BG

Date of Service of Notice: *

14/03/2019

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Stuart Salter

On behalf of: Mr Taimur Malik

Date: 14/03/2019

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Stuart Salter

Declaration Date: 14/03/2019

Payment Details

Online payment: 7470749877

Payment date: 14/03/2019 16:13:00

Created: 14/03/2019 16:13

Proposal Details

Proposal Name	100156835
Proposal Description	206 Broomhouse Road
Address	206 BROOMHOUSE ROAD, EDINBURGH, EH12 9AD
Local Authority	City of Edinburgh Council
Application Online Reference	100156835-003

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Statement of Appeal _ 206 Broomhouse Road Edinburgh	Attached	A4
Appeal Document List 206 Broomhouse Road Edinburgh	Attached	A4
0_01 Application Form	Attached	A4
0_02 Location Plan	Attached	A3
0_03 17012_Broomhouse_MPDF_P101	Attached	A3
Indicative Site Layout 0_04 17012_Broomhouse_STEX_P102 Site Boundary	Attached	A3
0_05 17012_Broomhouse_STEX- P103 Tree Locations	Attached	A3
0_06 Report on Tree Condition	Attached	A4
0_07 Planning Statement	Attached	A4
1_01 Consultation Response from Archaeology	Attached	A4
2_01 Decision Notice	Attached	A4
2_02 Report of Handling	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-003.xml	Attached	A0

206 Broomhouse Road, Edinburgh

Statement of Appeal

1.1 This *Statement of Appeal* (the Statement) has been prepared on behalf of Mr Taimur Malik (the Appellant) in support of an appeal against the City of Edinburgh Council's decision to refuse planning permission in principle for the erection of a dwellinghouse on land at 206 Broomhouse Road, Edinburgh (Planning Ref: 19/01351/PPP).

1.2 The reason set out in the Decision Notice for the refusal of planning permission is as follows:

The proposal would result in the loss of trees which are worthy of retention and which contribute a significant amount to the landscape amenity of the area. The proposed construction of a dwelling house on this site would reduce the amount of open space enjoyed by the community. The proposal does not provide any local benefit and the open space amenity loss to the community is not outweighed by the provision of a single dwelling.

1.3 The reasoning for the refusal relates to two matters:

- The loss of open space to the community; and
- The loss of trees which are worthy of retention.

1.4 This Statement seeks to address these matters only. The Council has not raised any other concerns with the proposal. A full assessment of the proposal's compliance with the relevant development plan policy is set out in the *Planning Statement* submitted with the Application.

Council Ownership and Conditional Offer

1.5 The site is situated within the wider grounds of Forrester and St Augustine's High Schools (Dwg No. 17012-Broomhouse-STEX-P101: *Site Location*). The site is situated to the immediate east of the existing dwellinghouse at 206 Broomhouse Road, with Broomhouse Road itself situated beyond. The site is accessed via the existing vehicular access from Broomhouse Road to the south.

1.6 The site is currently under the ownership of the Council. The Appellant has submitted a conditional offer to purchase the land subject to securing planning permission. The Council's Heads of Terms notes that *...Having carried out a consultation with the school in question, **Planning**, Elected Members, Local Office, and Roads we can confirm that no objections have been received [our emphasis].*

1.7 The sale of the site will result in a capital receipt for the Council for land that has been confirmed by the Schools to be surplus to requirements.

Loss of Open Space

1.8 The reason for refusal states that the proposal would *...reduce the amount of open space enjoyed by the community*. There is no explanation of how this area of land specifically contributes to or is *...enjoyed by the community*.

1.9 The Open Space designation has a total area of 11.36 hectares and mainly comprises of the campus of the two secondary schools, with some areas of surrounding land included as well. The site is only 201sq.m (0.02 hectares), which represents 0.18% of the total area of designated Open Space. The scale of the site in relation to the Open Space designation is shown in Appendix 1.

- 1.10 The site has no amenity or leisure value to either School, which have a clearly defined perimeter fence with private open space within. Pupils do not access the Schools through the site.
- 1.11 The site is a small area of rough grass situated between the gable of the existing house at 206 Broomhouse and Broomhouse Road itself. There is no evidence to suggest that this area of grass is of any notable use to the local community. While there are general amenity benefits from open space when considered as a whole, the impact of the loss of open space in this instance would be trivial given the site's size and location. A visual open space buffer would be retained between the existing housing and Broomhouse Road.
- 1.12 The reason for refusal also states that ...*The proposal does not provide any local benefit and the open space amenity loss to the community is not outweighed by the provision of a single dwelling.* As outlined above, the site is currently of limited (if any) local benefit. The proposal would deliver substantial benefit to the community in the form of a new dwellinghouse in a highly sustainable location.
- 1.13 A detailed appraisal of the proposal's compliance with LDP Policy Env 18: *Open Space Protection* is set out in paragraphs 2.13 to 2.47 of the *Planning Statement*.

Loss of Trees

- 1.14 The reason for refusal states that ...*The proposal would result in the loss of trees which are worthy of retention and which contribute a significant amount to the landscape amenity of the area.* There is no explanation of how these trees have a *significant* contribution to landscape amenity.
- 1.15 The proposal will result in the need to remove a limited number of existing trees within and immediately adjacent to the site as shown in Dwg No. 17012-Broomhouse-STEX-P103: *Tree Locations*. The *Report on Tree Condition* also highlights that a further tree (Ref: 724) may require to be removed. These four trees are summarised as follows:

Tree Ref	Species	Category	Statutory Protection	Comments
723	Cherry-flowering	C	No	Physical damage to buttress. Bark exudation. Minor dead wood
725	Lime-common	B	No	Epicormic growth. Quite upright. Few defects. Close proximity to existing property.
728	Horse chestnut	B	No	Minor decay in buttress. Minor cavity/decay in stem. Physical damage to bark. Close proximity to existing property.
724	Sycamore	B	No	Minor decay in buttress. Minor cavity/decay in main scaffold limb. Crown slightly suppressed

- 1.16 None of the trees requiring removal are subject to a Tree Preservation Order (TPO) or situated within a conservation area. Removal of the trees would not require planning permission or a felling licence as the trees are situated within public open space. Removal of the trees (subject to agreement) is covered in the Council's Heads of Terms for the sale of the land as follows:

Upon any development being carried out in the area forming part of the property, you will, with agreement, remove any trees which remain on the school's land as required for the development to take place, at your sole expense...

- 1.17 None of the trees requiring removal are category A, and all are subject to some level of decay and defect. A number of these trees are within close proximity of the existing dwellings and are a potential danger if they fell. Other trees between the site and Broomhouse Road would be retained. There would be no impact on the large group of trees beyond the footpath to the south of the site.

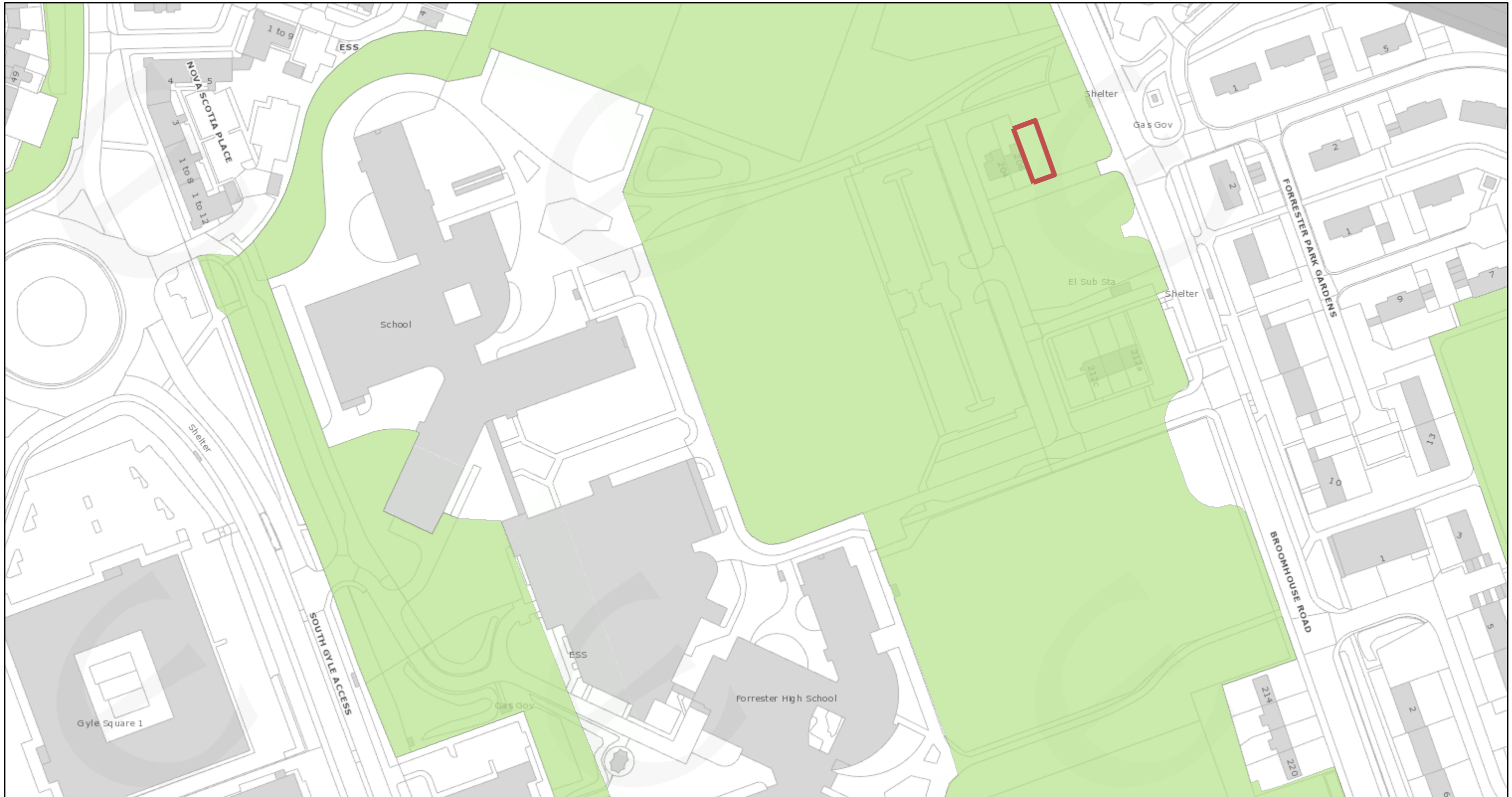
- 1.18 The proposal will include compensatory tree planting with more appropriate native species which can be conditioned as part of the grant of planning permission in principle. A more detailed assessment of the proposal's compliance with LDP Policy 12: *Trees* is set out in paragraphs 2.50 to 2.55 of the *Planning Statement*.

Conclusions




- 1.19 The Appellant considers that a disproportionate amount of weight has been attached to the loss of a small area of designated Open Space and a limited number of un-protected trees in the refusal of this Application. The Decision Notice and Report of Handling do not sufficiently justify the reasons for refusal.
- 1.20 The Appellant considers that sufficient information has been provided, including a *Planning Statement* and *Report on Tree Condition*, to demonstrate that any loss of Open Space and trees would have a trivial (if any) impact on the surrounding area. It is not considered that due regard has been given to the benefits of delivering a new home in a highly sustainable location, which is relatively free from constraints. The benefits of the proposal significantly out weight the impact of the proposal on Open Space and un-protected trees.
- 1.21 The Appellant considers that the proposal complies with the relevant policies of the LDP, as demonstrated by the *Planning Statement* submitted with the Application, and planning permission in principle should be granted.

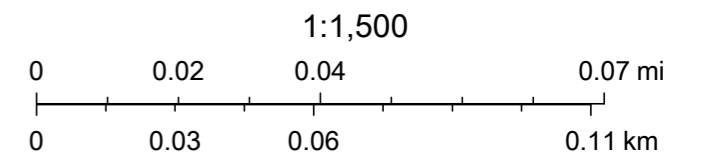
Appendix 1 Extract of LDP Open Space Designation

Edinburgh Local Development Plan



09/10/2019 11:29:16

-  Approximate Appeal Site Boundary
-  Greenspace Proposal (GS1-11)
-  Open Space



206 Broomhouse Road, Edinburgh Appeal Document List

Reference	Planning Application as Lodged
0.01	Application for Planning Permission in Principle
0.02	Location Plan
0.03	17012-Broomhouse-MPDF-P101 Indicative Site Layout
0.04	17012-Broomhouse-STEX-P102 Site Boundary
0.05	17012-Broomhouse-STEX-P103 Tree Locations
0.06	Report on Tree Condition
0.07	Planning Statement
Reference	Consultation Responses
1.01	Consultation Response from Archaeology
Reference	Determination
2.01	Decision Notice
2.02	Report of Handling
Reference	Additional Appeal Documents
3.01	Statement of Appeal

Memorandum

To Head of Planning
City of Edinburgh Council
Planning and Transport
Place
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

F.A.O. Lesley Porteous

From John A Lawson

Your 19/01351/PPP
ref

Date 17th April 2019

Our ref 19/01351/PPP

Dear Lesley,

206 Broomhouse Road

Further to your consultation request I would like to make the following comments and recommendations in respect to this application for the erection of dwelling house.

The site formed part of the grounds of the former Broom House first recorded in 1599 (Harris, Place Names of Edinburgh). The 19th century OS maps of the site (see Fig. 1) show the site as forming part of the house's gardens between it and its farm-steading to the north. The site is therefore regarded as occurring within an area of archaeological potential, in terms of our understanding of the development of this former post-medieval house.

Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT) and Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) (2016) and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policy 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 scheme will also require significant ground-breaking works relating to construction. Such works may disturb significant archaeological remains relating to the development of the post-medieval Broom House. Therefore, it is recommended that a programme of archaeological excavation is undertaken prior to development in order to fully excavate, record and analysis any significant remains that may be affected by construction.

Lynne Halfpenny, Director of Culture, Cultural Services, Place

City of Edinburgh Council Archaeology Service, Museum of Edinburgh, 142 Canongate, Edinburgh, EH8 8DD

Tel 0131 558 1040

john.lawson@edinburgh.gov.uk



INVESTORS
IN PEOPLE | Gold

It is recommended that the following condition is attached to ensure that undertaking of the above archaeological work;

'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting and analysis and 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.

Please contact me if you require any further information.

Yours faithfully



John A Lawson
Archaeology Officer



Fig.1 1890's 25'' OS map of Broom House Estate superimposed on modern Google Image.

**206 Broomhouse Road, Edinburgh
Planning Statement**

On behalf of

Mr Taimur Malik

July 2019

Prepared by:



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Document Control and Approval

Status	Prepared	Approved	Date
Draft for Comment	Alastair Bledowski	Andrew Marshall	5 th July 2019
Final	Phil McLean	Andrew Marshall	8 th July 2019

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1.0 Introduction

- 1.1 This *Planning Statement* (the Statement) has been prepared on behalf of Mr Taimur Malik (the Applicant) in support of an Application for Planning Permission in Principle (PPP) for the erection of a dwellinghouse on land adjacent to 206 Broomhouse Road, Edinburgh (the proposal) (Application Reference: 19/01351/PPP).
- 1.2 The site is located in the west of Edinburgh, adjacent to Broomhouse Road. It is within the *Urban Area*, as defined in the City of Edinburgh Council's (the Council) *Local Development Plan (LDP) Proposals Maps*.
- 1.3 The Application was submitted to the Council and registered as valid on 15th March 2019. The Application is supported by the following documents to provide the Council with sufficient information to make a decision:
- Dwg No. 17012-Broomhouse-STEX-P101: *Site Location*;
 - Dwg No. 17012-Broomhouse-MPDF-P101: *Indicative Site Layout*;
 - Dwg No. 17012-Broomhouse-STEX-P102: *Site Boundary*;
 - Dwg No. 17012-Broomhouse-STEX-P103: *Tree Locations*; and
 - *Report on Tree Condition at 206 Broomhouse Road, Edinburgh*
- 1.4 The Case Officer has subsequently requested the Applicant provides an additional statement outlining how the proposal accords with the relevant development plan policies.
- 1.5 In particular, the Case Officer has requested the Applicant demonstrates how the proposal meets the requirements of LDP Policy Env 18: *Open Space Protection*.
- 1.6 This Statement therefore highlights the relevant development plan policies and material considerations that need to be taken into account by the Council in the determination of this Application.
- 1.7 The proposal's compliance with the development plan is set out in Section 2.
- 1.8 Conclusions are set out in Section 3.

2.0 Compliance with Development Plan

2.1 In accord with the provisions of Section 25 and 37(2) of the *Town and Country Planning (Scotland) Act 1997* (as amended), this Application must be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

2.2 The development plan comprises the approved Strategic Development Plan (SDP) for Edinburgh and South East Scotland (SESplan) (2013) and the adopted Edinburgh LDP (2016).

SESplan SDP (2013)

2.3 SESplan's Spatial Strategy sets out locational priorities for development up to 2024 and gives a broad indication of the scale and direction of growth in the city region up to 2032.

2.4 The proposal is a 'local' development under the terms of the *Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009*. Due to the scale of the proposal, the SDP has limited direct relevance to the determination of the Application.

Edinburgh Local Development Plan (2016)

Principle of Development

2.5 The Application seeks PPP for the erection of a new dwellinghouse. The site is not within an area specifically allocated in the LDP for housing, as set out in Part 1, Section 5 of the LDP.

2.6 However, the site is within the *Urban Area* designation. Paragraph 133 of the LDP states, with regard to *...development elsewhere across the LDP area...* that:

...The LDP directs the planned growth of the city to specified sites and generally supports development within the urban area subject to relevant policy considerations...

2.7 The LDP therefore supports the principle of residential development on unallocated sites within the defined *Urban Area*, where the proposed development is in accord with other relevant policies in the LDP.

Housing Policies

2.8 LDP Policy Hou 1: *Housing Development* supports the principle of residential development as outlined in LDP paragraph 133 (detailed above). It sets out the following circumstances where proposals for new housing will be supported:

- a) *[on] sites allocated in this plan through tables 3 and 4 and as shown on the proposals map*
- b) *as part of business led mixed use proposal at Edinburgh Park/South Gyle*
- c) *as part of the mixed use regeneration proposals at Edinburgh Waterfront (Proposals EW1a-EW1c and EW2a-2d and in the City Centre)*
- d) ***on other suitable sites in the urban area, provided proposals are compatible with other policies in the plan*** [emphasis added]

2.9 The proposal is situated on a suitable site in the *Urban Area*, as it located adjacent to existing housing at 204 and 206 Broomhouse Road. There are no conflicting land uses on the site with the proposed residential use.

2.10 The site is also in a sustainable location. The site is within close proximity of the existing bus stop on Broomhouse Road, providing accessibility to public transport. Tram and train links are also available within walking distance. The site is also less than 1.6km to shops, publicly accessible parks and primary and secondary schools. This is within the recommended requirement for walking distances (1,600m or 20 minutes) as set out in Planning Advice Note (PAN) 75: *Planning for Transport*.

2.11 The site is therefore a highly suitable site in the *Urban Area* and the principle of development is in accord with Policy Hou 1 criterion d).

2.12 The following paragraphs assess the proposal's compliance with other relevant policies of the LDP.

Open Space

2.13 The site is within an area of land designated as *Open Space* on the LDP's *Proposals Map*, which is safeguarded under Policy Env 18: *Open Space Protection*. Five existing residential properties at 204, 206 and 212a-212c Broomhouse Road are also within the *Open Space* designation.

2.14 The supporting text for the policy (LDP paragraph 194) outlines that the purpose of Policy Env 18 is to safeguard all open spaces that *...contribute to the amenity of their surroundings and the city, provide or are capable of providing for the recreational needs of residents and visitors or are an integral part of the city's landscape and townscape character and its biodiversity*.

2.15 Paragraph 194 goes on to state that:

...The Council will only support development on open space in exceptional circumstances, where the loss would not result in detriment to the overall network and to open space provision in the locality. Such circumstances tend to exist where large areas of residential amenity space have been provided without a clear purpose of sense of ownership...

2.16 The Policy states:

Proposals involving the loss of open space will not be permitted unless it is demonstrated that:

- a) there will be no significant impact on the quality or character of the local environment and*
- b) the open space is a small part of a larger area or of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area and*
- c) the loss would not be detrimental to the wider network including its continuity or biodiversity value and either*
- d) there will be a local benefit in allowing the development in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space or*
- e) the development is for a community purpose and the benefits to the local community outweigh the loss.*

2.17 The following paragraphs outline how the proposal accords with these criteria, with reference to the Council's *Open Space Strategy* (2016) and *Open Space Audit* (2016). The *North West Locality Open Space Action Plan* (2017) does not identify the site as being within an area with a shortfall of greenspace.

Compliance with Policy Env 18 criterion a)

- 2.18 The site is part of the larger Open Space designation of the St Augustine's Roman Catholic High School and Forrester High School campus. It is included in the Council's *Open Space Audit* (2016) as site reference SCH56.
- 2.19 The land here slopes down to the west from Broomhouse Road with an embankment with tree planting and grass immediately adjacent to the site. Views of the proposal from Broomhouse Road will therefore be filtered through the existing landscaping on the periphery, maintaining the visual quality of the *Open Space*.
- 2.20 The proposal will be seen within the context of the existing residential dwellinghouses. The Application site is immediately adjoining the semi-detached residential properties at 204 and 206 Broomhouse Road. There are also another three residential properties to the south of the site at 212a-212c Broomhouse Road.
- 2.21 The character of the immediately surrounding area is therefore established as featuring residential development, with the school campus set further back from Broomhouse Road and fenced off from public access. The proposal is also for residential use and so will be in keeping with the established residential character of the area.
- 2.22 The proposal will not set a precedent for residential development encroaching into the wider area of designated *Open Space*, which does contribute to the quality of the designated area, as the Application site is naturally confined between the existing residential properties to the west and Broomhouse Road to the east. The site plays a very limited role, if any, in the overall quality of the *Open Space* designation.
- 2.23 The site comprises of grass with two non-native trees. The trees' root protection areas and crowns are encroaching onto the existing property at 206 Broomhouse Road, and may lead to future damage to this property. As demonstrated on Dwg No. 17012-Broomhouse-STEX-P103: *Tree Locations*, these trees will need to be removed. A further ornamental cherry tree will also need to be removed to facilitate the proposal.
- 2.24 It is therefore proposed to fell these trees and replace them with appropriate native species. The introduction of native species will lead to improved visual amenity on the site. The immediate surroundings of the site will retain the existing mature tree planting. The replacement of these trees will therefore have no significant impact on the quality and character of the *Open Space*.
- 2.25 Detailed landscaping and layout of the proposal will be reserved matters to be determined in a later *Approval of Matters Specified in Conditions* (AMSC) application. This will allow further detailed consideration of the visual and character impacts and any required landscape mitigation at that later stage.
- 2.26 The proposal will not have any significant impact on the visual quality or character of the area and is therefore in accord with criterion a) of Policy Env 18.

Compliance with Policy Env 18 criterion b)

- 2.27 The *Open Space* designation has a total area of 11.36ha and mainly comprises of the campus of the two secondary schools, with some areas of surrounding land included as well. The Application site is only 201sq.m (0.02ha), which is significantly less than 1% (0.18%) of the total area of designated *Open Space*.
- 2.28 It is understood that the campus comprises of the following areas of recreational open space:

- 3G pitch and synthetic pitch;
- 2 all-weather pitches;
- 3 multi-purpose pitches;
- 2 small pitches; and
- Rugby pitch with rugby practice pitch.

2.29 In addition, the campus includes other informal areas of open space for use by staff and pupils, as well as a large staff and visitor car park.

2.30 As shown on the submitted location plan (Dwg. No 17012-Broomhouse-STEX-P101: *Site Location*), the Application site is located on the eastern edge of the school campus designation. The site is not within the boundary of the Schools, as denoted by the perimeter fence surrounding the campus.

2.31 The Application site therefore has no amenity or leisure value to the Schools. There is already a significant area of open space in use by the Schools. The development of the site will therefore not lead to a loss of leisure or amenity value for the Schools.

2.32 For the purposes of the *Open Space Audit*, school grounds are not considered to be publicly accessible space (paragraph 3.10) and so any perceived loss of leisure or amenity value for the general public should not be a relevant factor in the determination. In any case, the Application site is comprised of existing private curtilage with a small area of immediately adjacent informal open space and so offers little amenity or leisure value to the general public.

2.33 The proposal will therefore not lead to the loss of amenity or leisure value of the designated open space and is thus in accord with criterion b) of Policy Env 18.

Compliance with Policy Env 18 criterion c)

2.34 The Application site is a small area of a much larger *Open Space* designation. It is surrounded on all sides by the *Open Space* designation, which washes over several existing dwellinghouses nearby. The proposal will not be detrimental to the wider network, as a substantial area (11.34ha) of the designation will be unaffected and will remain connected and continuous.

2.35 There are no roads, footpaths or cyclepaths running through the site that will be affected by the proposal.

2.36 The site comprises of grass with two non-native species trees, which will need to be felled. A further non-native cherry tree will also need to be felled. Any further loss of trees will be considered as part of the detailed design stage. These trees will be replaced by native species planting. Other trees in the vicinity of the proposal will be unaffected.

2.37 The introduction of new landscaping in the curtilage of the proposal, including domestic garden ground, will lead to biodiversity benefits compared with the existing grass. Details of the proposed landscaping will be brought forward at the AMSC application stage.

2.38 There is therefore no impact from the proposal on the biodiversity or continuity of the *Open Space* and the proposal is therefore in accord with Policy Env 18 criterion c).

Compliance with Policy Env 18 criteria d) and e)

2.39 Criteria d) and e) require development to either:

- d) Result in a local benefit in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space; or

e) Be for a community purpose where the benefits to the local community outweigh the loss.

- 2.40 The proposal is a local development for a single dwelling and so provides benefits on an appropriate scale. The improvements to the existing *Open Space* designation are through the replacement of the existing non-native trees with appropriate native species. Additional domestic garden ground will also provide improvements for biodiversity compared with the existing grass area.
- 2.41 Further visual improvements through landscaping can be secured in discussion with Council officers during the AMSC application stage.
- 2.42 The proposal will also provide additional housing, helping to meet local demand for new housing in this location for the local community.
- 2.43 The proposal is therefore in accord with criterion d) of Policy Env 18.

Conclusion on Compliance with Policy Env 18

- 2.44 As demonstrated above, the proposal is in accord with criteria a) to d) of LDP Policy Env 18.
- 2.45 The site is a small and insignificant part of a much larger *Open Space* designation that safeguards the campus and playing fields of St Augustine's Roman Catholic High School and Forrester High School. The site is outside of the school boundary (as indicated by the perimeter fence) and so is not required as part of the school campus.
- 2.46 The Application site is therefore not in use by the School and thus has no amenity or leisure value to the School. The land also has limited value to the public for amenity or leisure, and is not considered publicly accessible for audit purposes.
- 2.47 As the proposal is fully in accord with criteria a) to d) of Policy Env 18, the proposal for a single dwelling in the designated *Open Space* is acceptable in these circumstances.

Sports Pitches

- 2.48 LDP Policy Env 19 *Protection of Outdoor Sports Facilities* sets out circumstances in which the Council will accept the loss of some or all of a sports pitch or playing field.
- 2.49 As demonstrated on the submitted location plan (Dwg No. 17012-Broomhouse-STEX-P101: *Site Location*), the site is not located within any of the school sport pitches. The proposal will therefore not lead to the loss of any sport pitch or playing fields. Policy Env 19 therefore is not relevant to the determination of the Application.

Trees

- 2.50 LDP Policy Env 12 *Trees* states that:
- ...Development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.*
- 2.51 The trees within and adjacent to the site are not subject to any statutory protection, as confirmed on the Council's interactive mapping.
- 2.52 The Application is supported by a *Report on Tree Condition at 206 Broomhouse Road, Edinburgh*. The Report has assessed all trees within 12m of the Application site. A total of 14 trees were

identified and surveyed. The surveyed trees were all given a *Retention Category* in accord with agreed standards.

- 2.53 The Report highlights that, depending on the detailed layout of the proposal, between one to four trees may need to be removed. Drawing reference 17012-Broomhouse-STEX-P103 *Tree Locations* indicates that trees reference 723, 725 and 728 are proposed for removal as part of the Application.
- 2.54 Tree 723 is categorised as having a low retention value. Trees 725 and 728 have moderate retention value but are at risk of causing damage to the existing dwelling at 206 Broomhouse Road and so will need to be removed. This is a ...*good arboricultural reason...* for removal, in accord with Policy Env 12.
- 2.55 Compensatory planting of appropriate native species will be provided, in accord with Policy Env 12. The benefits of the house with compensatory planting outweigh the loss of non-protected trees. The proposal is therefore in accordance with Policy Env 12.

Parking

- 2.56 LDP Policy Tra: 2 *Private Car Parking* states that planning permission will be granted ...*where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.*
- 2.57 Section 2.4 of the Council's *Edinburgh Design Guidance* indicates that the site is located within an area considered to have ...*good public transport accessibility.* Within such areas, an allowance is made for 1 car parking space per residential unit proposed.
- 2.58 There is a substantial area of on-street parking situated immediately adjacent to the north of the site which is more than sufficient to accommodate the demands of the proposal and the existing two dwellings adjacent to the site. Arrangements for on-site parking (if required) will be determined during the AMSC application, in accord with Policy Tra 2.
- 2.59 Cycle parking provision will be provided on-site and in accord with the requirements of Policy Tra 3: *Private Cycle Parking.*

Design

- 2.60 The Application is seeking to confirm the principle of the erection of a residential dwellinghouse in this location only. Accordingly, no indicative layout, elevations or landscaping has been submitted.
- 2.61 All matters relating to design, layout, landscaping and the positioning of the replacement trees are to be reserved until the AMSC application stage. An assessment of the detailed proposal's compliance with the relevant policies will be made at that stage. Detailed design will be informed by the *Edinburgh Design Guidance* and supported by a *Design Statement.*
- 2.62 It is not anticipated that the proposal will have any adverse impact on the amenity of the existing adjacent dwellings. Matters such as daylight, shadowing, privacy and overlooking will be addressed in the detailed design of the proposal.
- 2.63 There is no reason why development on the site would not be capable of meeting the Council's policies with regard to design quality, amenity and landscape.

Conclusion

- 2.64 The appraisal set out in this Section confirms the proposal is in accord with all relevant provisions of the development plan.

3.0 Conclusions

- 3.1 The Applicant is seeking PPP for the erection of a dwellinghouse on land adjacent to 206 Broomhouse Road, Edinburgh.
- 3.2 Under Section 25 and 37(2) of the *Town and Country Planning (Scotland) Act 1997* (as amended), this Application must be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 3.3 The appraisal presented in this Statement demonstrates that the Proposal is in accord with the relevant policies of the adopted LDP, including Policy Env 18: *Open Space Protection*.
- 3.4 The site is in a sustainable location and the principle of development is supported by the LDP. There are no material considerations that would justify a departure from the support given to the proposal by the policies of the adopted LDP.
- 3.5 Accordingly, the Application should be approved by the Council, and PPP granted.

Report on tree condition at 206 Broomhouse Road, Edinburgh

Prepared for Mr Taimur Malik

By Keith Logie MICFor

2 May 2019



**Keith Logie MICFor BSc (Hons)
Chartered Forester
38/4 Temple Park Crescent
Edinburgh
EH11 1HU**

1. General introduction and summary

This tree survey has been carried out for Mr Taimur Malik in relation to land adjacent to 206 Broomhouse Road, Edinburgh. It relates to trees in and around the site shown on the plans supplied. The survey has been commissioned because a proposal to purchase land and redevelop the site is being drawn up. If development were to proceed, it is likely that one or more trees would have to be removed, and the impact in arboricultural and landscape terms would be moderate. It is proposed to plant 4 replacement trees. The report consists of: this written section; the schedule; and drawings showing the tree positions, root protection areas and shading arcs in relation to the proposed building.

2. Site description

The site is the immediate area surrounding a domestic residence. It is bounded to the north by a hard standing parking area, to east by green space with some trees and young woodland and to the west by the garden and building of 204 Broomhouse Road. To the south is a young woodland, separated from the domestic properties by a wide tarmac path and a metal fence. Broomhouse Road proper runs about 35m to the east.

3. The Tree Survey

The trees which were assessed in detail have been tagged with a numbered disc at about 1.8m from ground level, so as to be visible. Trees smaller than 10 cm DBH (diameter at breast height), hedges and shrubs were not tagged or recorded. Fieldwork was done on 1 May 2019.

The approximate location of each tree has been plotted. Information on each numbered tree is provided in the attached Tree Survey Schedule. The position of the trees is shown on the attached drawing. Tree positions have been estimated using hand-held GPS which has an accuracy of 1- 2 m. Before drawing up construction plans the tree positions should be checked against the topographic survey.

All trees within the site have been ascribed a Retention Category. In line with the recommendations contained within BS5837:2012 "Trees in relation to design, demolition and construction – Recommendations", this takes account of the health, condition and future life expectancy of the tree, as well as its amenity and landscape value. The retention category for each tree is shown in the Tree Survey Schedule which records relevant data and comments on condition.

- A** – High category: trees whose retention is most desirable
- B** – Moderate category; trees where retention is desirable
- C** – Low category; trees which could be retained
- U** – Unsuitable for retention; trees which should be removed

Recommendations are made, where appropriate, on appropriate remedial action as regards tree surgery or felling works. These are specified where there is a significant current risk to public safety or tree health and are consistent with sound arboricultural practice. All recommendations are in line with BS 3998: 2010 "Tree work recommendations."

It is understood that the trees in the area are not covered by Tree Preservation Order or Conservation area status but this aspect has not been checked with the local authority.

4. Survey results and discussion

14 trees within the site were tagged and plotted. Tags run consecutively from 723 to 736. Further trees forming a young woodland to the east were assessed and their positions roughly plotted. The survey assessed all trees that are within 12m of potential development as indicated on the plans supplied.

To the east of 206 Broomhouse Road there are 6 trees in the green space closest to the house: no 713 a flowering cherry (probably *Prunus* “Kanzan”), no 724 a large sycamore, no 725 a large lime, no 726 a multi-stemmed holly, no 727 a large sycamore with 3 stems, and no 728, a large horse chestnut. These are the trees closest to the proposed building, some or all of which would need to be removed if the proposal is to proceed. 724, 725 and 728 have each been classified “B”, appropriate for trees whose retention would normally be desirable. Drawing 1 shows the tree positions together with a sketch of the proposed building. Drawing 2 shows the same data but with the Root Protection Areas shown. Drawing 3 shows shading arcs for each tree created as per BS 5837: 2012.

723 is very close to the boundary and it is hard to see how it could be retained should development proceed. It is not a tree of stature and there are many such trees in the area. Cherry trees of this type tend to have surface root systems which would be difficult to manage close to a property.

725 and 728 stand within the ground proposed for acquisition. In theory they could be retained, but the crowns of both trees would be close to the building, even if pruned, and to protect the roots a piled foundation would need to be used. 724 is outside the plot but again if retained would be close to the building and its root protection area is even larger. 724, 725 and 728 currently have a significant shading impact on the existing property and would have a very pronounced shading effect on the property if retained. 726 and 727 could be retained and would provide screening between the property and the road. 724, 725 and 728 are relatively large trees, whose estimated safe useful life expectancy is 20 to 40 years. However there is a significant amount of tree and woodland cover in the immediate locality, much of it young, and it could be expected to grow relatively quickly in coming years.

Trees in the northern edge of the woodland south of the site were tagged and assessed in detail. This woodland is 15 – 20 years old, and of mixed species including ash, beech, Scots pine and larch. There also some older trees here. This woodland will be unaffected by the proposals as they lie south of a broad tarmac path and a metal fence, and no special protection or works are necessary. This woodland will increase in height over time and contributes significantly to the leafy nature of the location.

To the east of the site is a group of young trees of mixed species including gean (wild cherry) (shown on the drawing) at the edge of a roadside bank. This group may require temporary protective fencing to be erected during the period of demolition and construction, depending on the detailed plans. This group already provides effective screening of the site from Broomhouse Road and will increase in height and stature in years to come.

Details of the trees are shown in the Schedule below. Note that the Schedule is a summary of the data gathered and assessments made

5. Constraints posed by existing trees - considerations

Clearly the site as it stands is very constrained by existing tree cover. The main options appear to be either to remove trees 723, 724, 725 and 728 or to reposition the building to the north so that 724, 725 and 728 might be retained, with care. 723 would still have to be removed in this case. It is certainly possible for 724, 725 and 728 to be retained safely with a new build in the fall zone, but there would be a highly significant shading effect. Or 725 and 728 could be removed and 724 retained, or other combinations.

When trees are to be retained because they are of higher quality and/or importance, the impact of proposed designs must be assessed against the biological requirements of the tree, taking into account the need to protect tree roots and all other relevant factors.

Trees can be badly damaged or killed by construction operations, and particular care is required to protect them from damage. The ability of trees to recover from damage to roots is often very limited. Root systems can be damaged by ground excavations, soil compaction, contamination or spillages of e.g. diesel or cement, and changes in soil moisture content (both drying and waterlogging).

Constraints may also include tree height and canopy spread which will affect availability of daylight to any proposed structures and will be a lasting physical presence. The characteristics of individual tree species will also have an influence on the development potential of the site. Other issues such as road safety and visibility splays, underground and above-ground plant and the proposed end use of space around retained trees also need to be considered.

6. Tree protection plan

In general terms, where trees are recommended for retention they must be protected by barriers and/or ground protection prior to commencement of any development works, including demolition. There should be no movement of machinery, stockpiling of materials, or changes in existing ground levels within the RPA of trees to be retained throughout the duration of the construction works, except where detailed in a method statement. A detailed tree protection plan will be required if development proceeds, its nature will be dependant on the final position of the building, tree removals and construction methods, factors which remain to be decided upon at his stage.

STANDARD CONDITIONS RELATING TO TREE SURVEY INFORMATION

1. Unless otherwise stated in the report, inspection has been carried in accordance with Visual Tree Assessment (VTA) Stage 1.
2. The survey has been carried out in accordance with the recommendations of BS5837:2012 "Trees in relation to design, demolition and construction – Recommendations",
3. Recommendations for tree works assume that they will be carried out in accordance with BS 3998: 2010 "Tree work recommendations."
4. Unless otherwise stated, tree surveys are undertaken from ground level using established visual assessment methodology. The inspection is designed to determine the following:
 - a. The presence of fungal disease in the root, stem, or branch structure that may give rise to a risk of structural failure of part or all of the tree;
 - b. The presence of structural defects, such as root heave, cavities, weak forks, hazard beams, included bark, cracks, and the like, that may give rise to a risk of structural failure of part or all of the tree;
 - c. The presence of soil disturbance, excavations, infilling, compaction, or other changes in the surrounding environment, such as adjacent tree removal or erection of new structures, that may give rise to a risk of structural failure of part or all of the tree;
 - d. The presence of any of the above or another factor not specifically referred to, which may give rise to a decline or death of the tree.
4. Where further investigation is recommended, either by climbing, the use of specialised decay detection equipment or exposure of roots, this is identified in the report.
5. The findings and recommendations contained within this report are valid for a period of twelve months. Trees are living organisms subject to change and it is strongly recommended that they are inspected at regular intervals for reasons of safety.
6. The recommendations relate to the site as it exists at present, and to the current level and pattern of usage it currently enjoys. The degree of risk and hazard may alter if the site is developed or significantly changed, and as such will require regular re-inspection and re-appraisal.
7. Whilst every effort has been made to detect defects within the trees inspected, no guarantee can be given as to the absolute safety or otherwise of any individual tree. Extreme climatic conditions can cause damage to apparently healthy trees. In particular caution must be exercised if inferring or assuming matters relating to tree roots in the case where they cannot be visually assessed, as is normal and likely. It should be assumed that underground roots cannot be seen unless otherwise stated.
8. This report in no way constitutes a professional opinion on the integrity or status of buildings. Its primary purpose is to report on the status of trees. The status of built structures, if in doubt, should be reviewed by a suitably qualified person.

9. This report has been prepared for the sole use of Taimur Malik and his appointed agents. Any third party referring to this report or relying on information contained within it does so entirely at their own risk.

Explanation of terms used in the schedule

Tag no.	Identification number of tree
Species	Common name of species.
DBH	Trunk diameter measured at 1.5m.
Crown	Radial tree crown spread in metres.
Ht	Height of tree in metres.
Age	Age class category. Y Young, E-M Early Mature, M Mature, M-A Advanced mature, Vet Veteran.
Stems	Single stemmed or multi-stemmed
Condition	Condition category (Good, Fair, Poor, or Dead).
SULE	The tree's safe useful life expectancy, estimated in years.
BS Cat	BS 5837 Retention category (A, B, C or U – see explanation above)
Comments	General comments on tree health, condition and form, highlighting any defects or areas of concern and any recommendations .

Tree condition categories

- Good**
- (1) Healthy trees with no major defects
 - (2) Trees with a considerable life expectancy
 - (3) Trees of good shape and form
- Fair**
- (1) Healthy trees with small or easily remedied defects
 - (2) Trees with a shorter life expectancy
 - (3) Trees of reasonable shape and form
- Poor**
- (1) Trees with significant structural defects and/or decay
 - (2) Trees of low vigour and under stress
 - (3) Trees with a limited life expectancy
 - (4) Trees of inferior shape and form
- Dead**
- (1) Dead, dying and dangerous trees
 - (2) Trees of very low vigour and with a severely limited life expectancy
 - (3) Trees with serious structural defects and/or decay
 - (4) Trees of exceptionally poor shape and form.

206 Broomhouse Road - Tree Schedule

Tag	Species	DBH	Crown	Ht	BSCat	Condition	Age	Stems	SULE	Comments
723	Cherry-flowering	0.4	5	9	C1	Fair	M	1	10 to 20	Physical damage to buttress. Bark exudation. Minor dead wood
724	Sycamore	0.8	6	17	B2	Good	M	1	20 to 40	Minor decay in buttress.Minor cavity/decay in main scaffold limb.Crown slightly suppressed
725	Lime-common	0.7	5	19	B2	Good	M	1	20 to 40	Epicormic growth.Quite upright. Few defects
726	Holly	0.3	2	8	C2	Fair	M	5	10 to 20	Physical damage to bark.Self seeded. 5 stems up to 25cm
727	Sycamore	0.4	5	15	C2	Fair	M	3	10 to 20	Coppice stems from old stump. Canopy 1-sided.3 stems up to 40cm
728	Horse chestnut	0.5	4	15	B2	Fair	M	1	20 to 40	Minor decay in buttress.Minor cavity/decay in stem.Physical damage to bark.
729	Lime-common	0.7	5	16	B2	Good	M	1	20 to 40	Spreading crown
730	Birch-silver	0.3	2	10	C2	Good	E-M	1	10 to 20	Stem lean.Canopy 1-sided.
731	Ash	0.2	1	9	C2	Good	E-M	3	10 to 20	Clump of 3 small s/s beech ash
732	Beech	0.2	2	10	C2	Good	E-M	1	10 to 20	Included bark, compression fork.Edge tree
733	Pine-Scots	0.3	4	10	C2	Good	E-M	1	10 to 20	Edge tree
734	Maple-Norway	0.3	4	9	C2	Fair	E-M	1	10 to 20	Included bark, compression fork.
735	Larch	0.3	4	14	B2	Good	E-M	1	20 to 40	Vigorous
736	Rowan	0.3	4	6	C2	Fair	M	1	10 to 20	Physical damage to bark at ground level.

Keith Logie MICFor

Chartered Forester

206 Broomhouse Rd - trees

SCALE : 1 : 350 @ A4 DATE : 5/2/2019

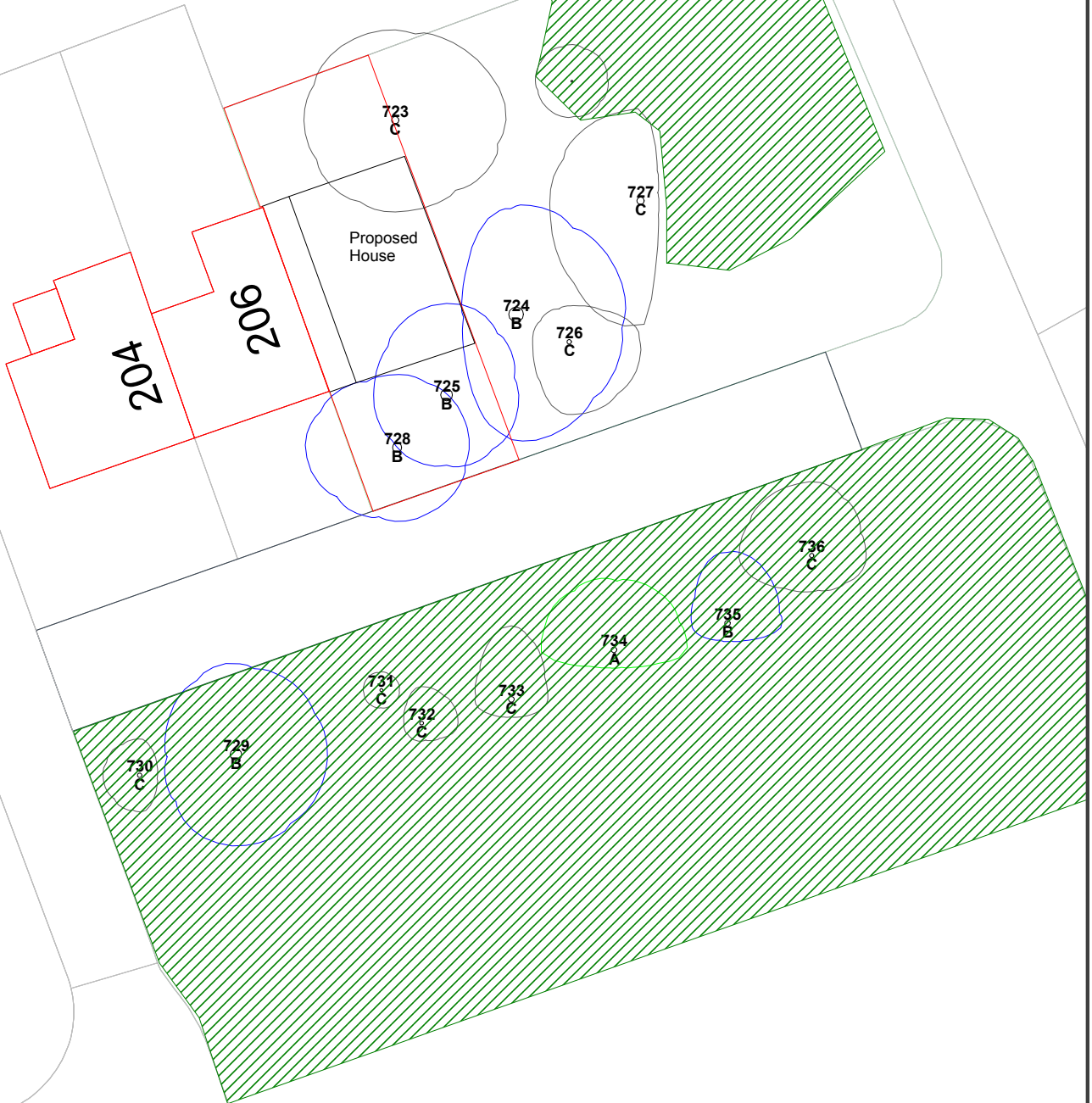


MAP FILENAME : 206 detail

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Shelter



Keith Logie MICFor

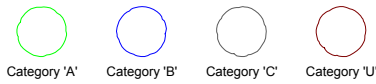
Chartered Forester

206 Broomhouse Rd - trees plus Root Protection Areas

SCALE : 1 : 350 @ A4
DATE : 5/2/2019
MAP FILENAME : 206 detail+RPA



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Shelter



Keith Logie MICFor

Chartered Forester

206 Broomhouse Rd - shade

SCALE : 1 : 350 @ A4 DATE : 5/3/2019



MAP FILENAME : 206 detail+shade

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Crown Spread



Shading Arc (BS5837)



Woodland cover



Category 'A'



Category 'B'



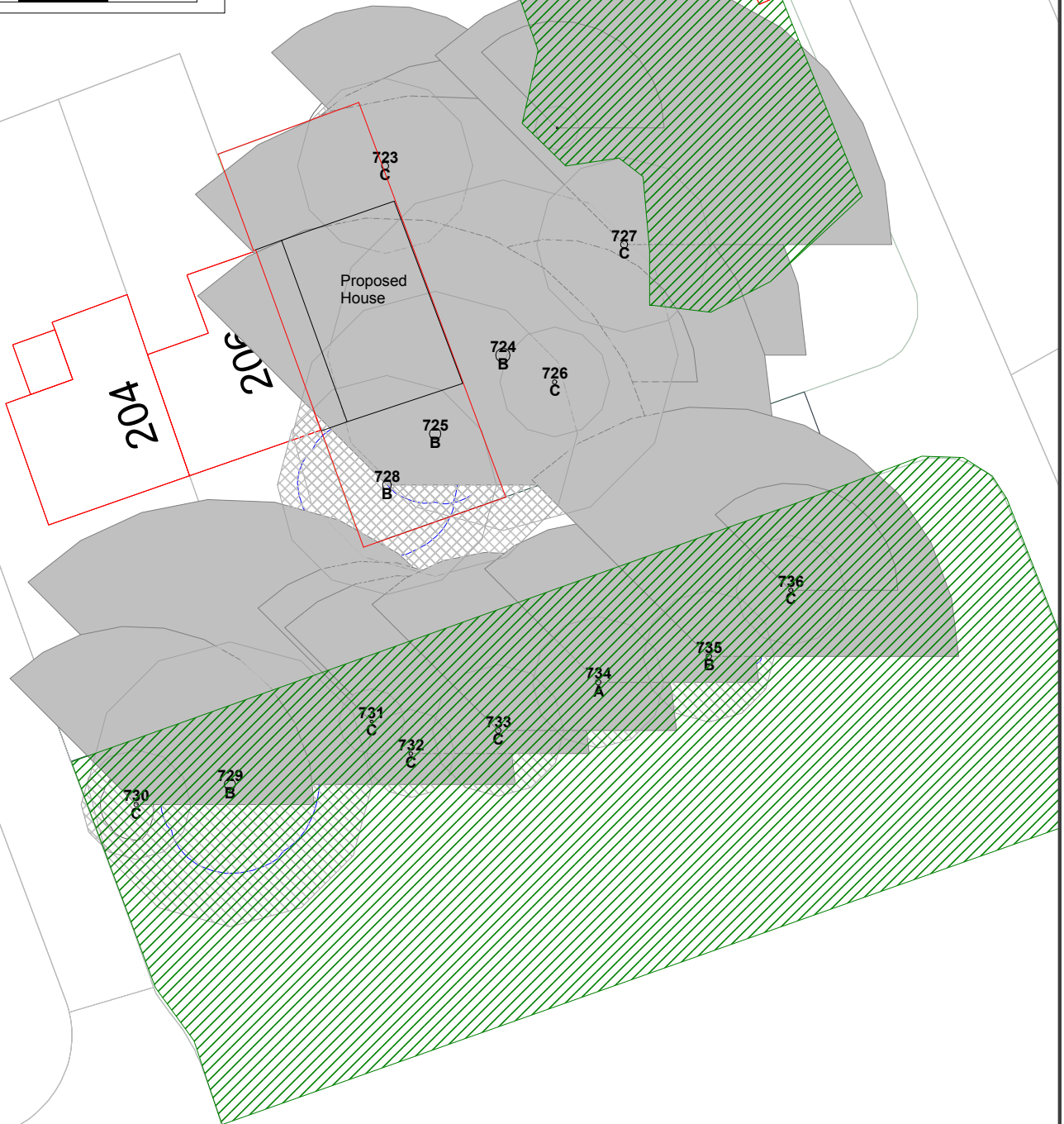
Category 'C'

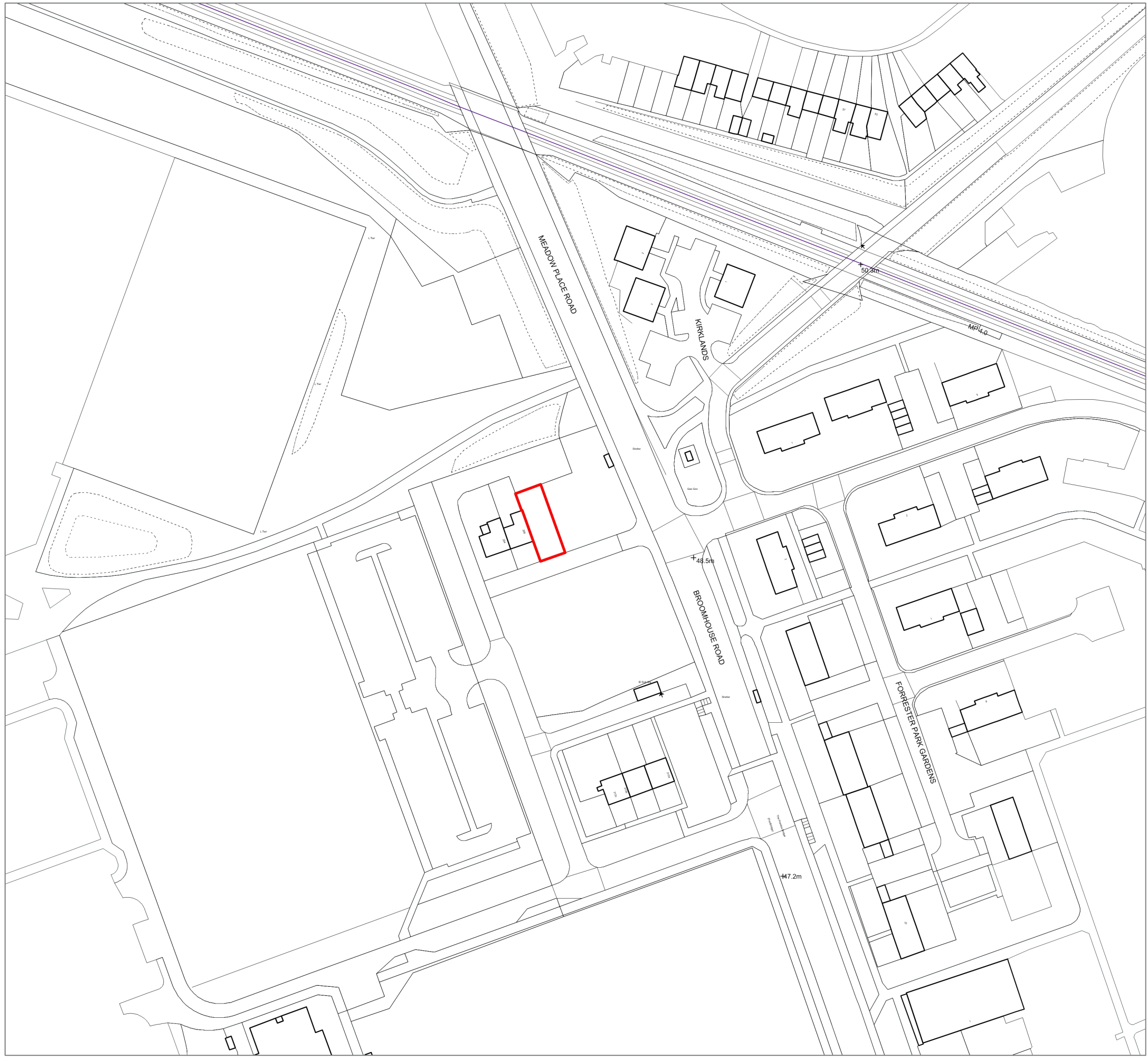


Category 'U'

0 20m

Shelter





**Land adjacent 206
Broomhouse Road, Edinburgh**

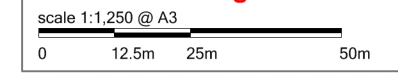


**Drawing No.
17012-Broomhouse-STEX-P101
Site Location**

 Application boundary

Rev - (11.03.19) Drawn: SB Checked: RM Approved: PM

Status: Planning



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Filepath: Z:\Projects\17012 - Montgomery Real Estate\Plans & Drawings\Masters\1702-Montgomery Real Estate - Broomhouse Road - Master.vwx

Land adjacent 206 Broomhouse Road, Edinburgh



Drawing No.
17012-Broomhouse-MPDF-P101
Indicative Site Layout

- Application boundary
- Land owned by applicant
- Area of existing curtilage to form part of new plot
- Indicative footprint for new dwelling (74m²)
- Existing area of on-street parking
- Proposed native species tree planting
- Existing tree to be removed as per purchase agreement with Council
- Root protection area of tree to be removed



Rev - (11.03.19) Drawn: SB Checked: RM Approved: PM

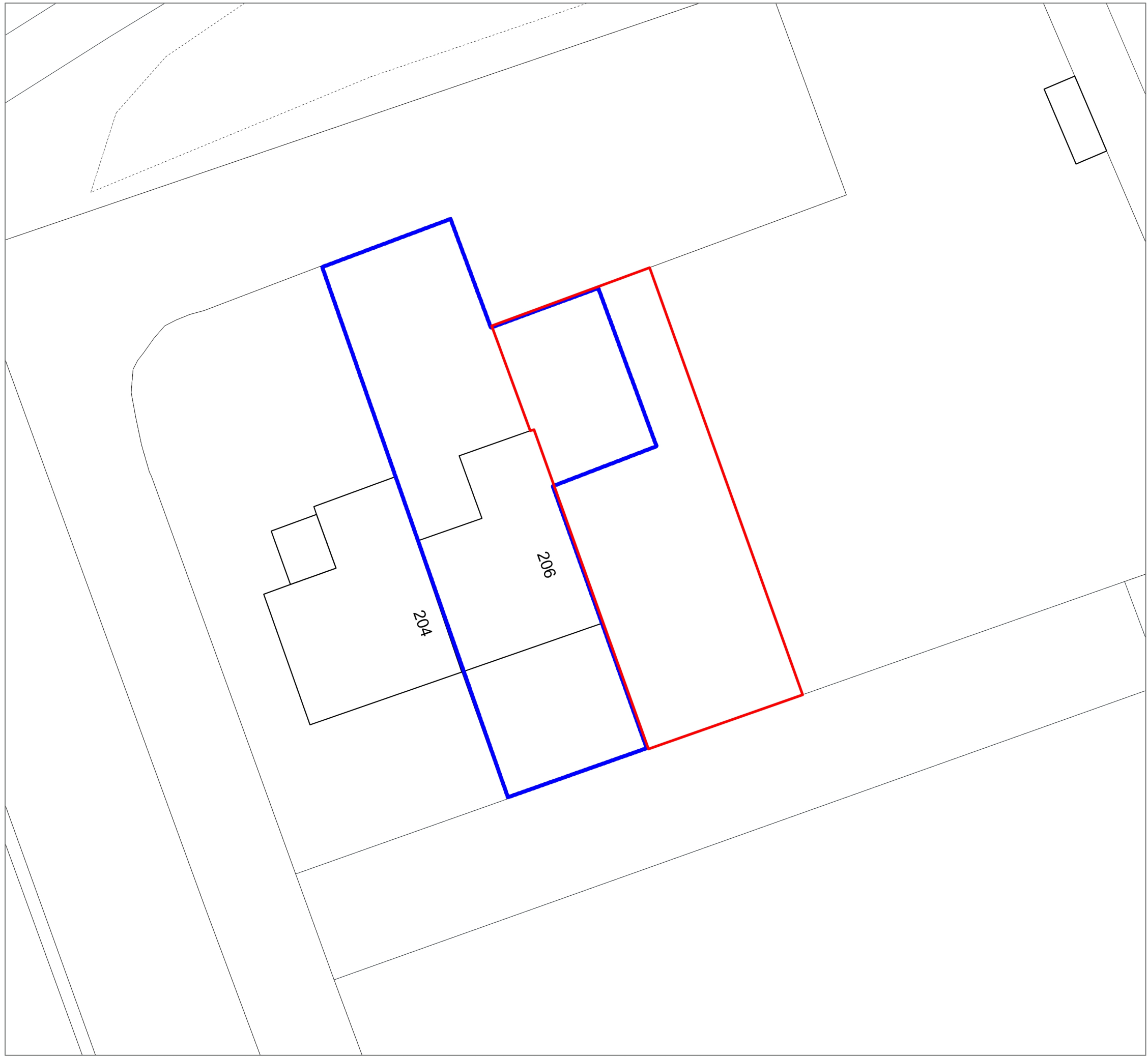
Status: Planning

scale 1:200 @ A3

0 1m 2m 5m 10m



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**Land adjacent 206
Broomhouse Road, Edinburgh**



**Drawing No.
17012-Broomhouse-STEX-P102
Site Boundary**

- Application boundary (201m²)
- Land owned by applicant

Rev - (11.03.19) Drawn: SB Checked: RM Approved: PM

Status: Planning
 scale 1:200 @ A3
 0 1m 2m 5m 10m




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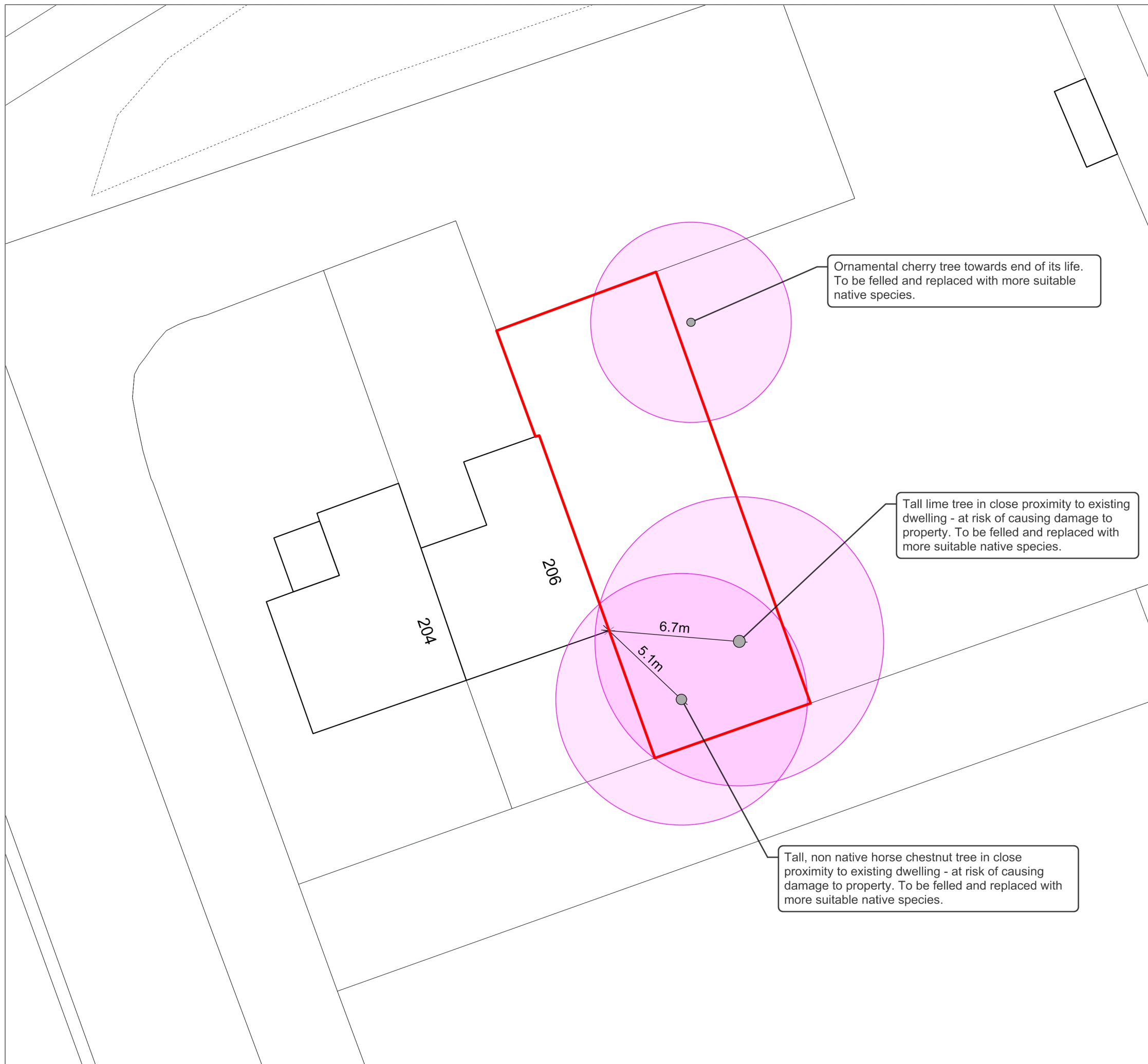
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Land adjacent 206 Broomhouse Road, Edinburgh



Drawing No.
17012-Broomhouse-STEX-P103
Tree Locations

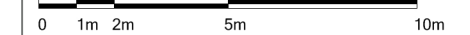
-  Application boundary
-  Tree location
-  Root protection area of tree



Rev - (11.03.19) Drawn: SB Checked: RM Approved: PM

Status: Planning

scale 1:200 @ A3



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◆ EDINBURGH ◆

THE CITY OF EDINBURGH COUNCIL

Planning & Transport

18 November 2019

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 AS AMENDED BY THE
PLANNING ETC. (SCOTLAND) ACT 2006**

LOCAL REVIEW BODY - FURTHER INFORMATION

Site: 206 Broomhouse Road
Description: Erection of a dwellinghouse
Planning Application: 19/01351/PPP

The above application was continued by the City of Edinburgh Planning Local Review Body on 13 November 2019 to allow for a report from the Council arboriculturalist to be submitted regarding the health and likely life span of the trees on and adjacent to the application site to be submitted. This has now been received. A copy of this information is attached.

You now have 14 days from the date of this notice to make any representations based on the attached further information.

The application will be further considered in public by the Local Review Body on 11 December 2019 at 10:00am in the Dean of Guild Room, City Chambers, High Street, Edinburgh.

Gina Bellhouse

Gina Bellhouse
Planning Advisor
Local Review Body
The City Of Edinburgh Council

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Comments from Landscape Officer 14 May 2019:

An inspection of the site was conducted on 13 May 2019.

The application drawings provide information on the large trees immediately adjacent to the application site. These trees contribute to the attractiveness and character of the immediate locality. This matter as discussed and assessed reaches a conclusion that collectively, the trees form an attractive and prominent group in the local landscape. Given the juxtaposition of the trees to what will be residence, the trees will be under constant threat as the future occupants complain.

The trees immediately adjacent to the site are a prominent landscape feature. They overhang the application site and will cast considerable shade (and leaf fall on the property). Private and communal gardens should be designed for use by residents for a range of functions and not conflict with the natural landscape features. The proximity of the proposal to the mature trees to the east and south will result in a situation where the amenity will be significantly and adversely affected by shading and future occupiers may also be concerned with safety, leaf fall etc. This is likely to create pressure for the trees concerned to be cut back or even felled.

BS5837:2012 recommends sufficient space between buildings and trees should be provided in new development to safeguard against the above concerns, as does the Council's non-statutory guidance "Trees & Development". While there is an arrangement for root protection, the arrangement for forming space for development must strike at the heart of what BS 5837 is trying to achieve and that is that there will be nothing that will prejudice the future existence of the existing landscape.

Edinburgh City Local Plan Policy Env 12 Trees states that:

"Development will not be permitted if likely to have a damaging impact on a tree or trees protected by a Tree Preservation Order or other trees worthy of retention on or around a proposed development site, unless necessary for good arboricultural reasons. Where such consent is granted, replacement planting will be required to offset the loss to amenity."

Conclusions:

I cannot support this application. No proper consideration has been afforded to the importance that the trees provide to the wider amenity. The trees are exceptional in this landscape and score high when looked at with a visual assessment. The loss of any of the trees or the extent of crown works required to fit the development in at this locality will injure the landscape character of the area.

Additional comments 14 November 2019

I have had a review of the existing information submitted with the application and this provides information on the likely life expectancy of the trees in question.

The document titled 'Tree Condition' uploaded to IDOX on 14th October 2019 is a consultant's report (Keith Logie MICFor) which contains in the tree schedule an assessment of safe useful life expectancy (SULE). This is not an estimate of a tree's biological life expectancy but an indication of the timescale the tree inspector estimates the trees are likely to be free from significant health or structural problems which could potentially result in their removal or significant remedial works in order to assist with an understanding of their viability for retention in connection with development.

The four trees closest to the residential proposal are Nos. 723, 724, 725 and 728 and the Keith Logie report provides the following information for these

723 Cherry 10 to 20 years estimated safe useful life expectancy

724 Sycamore 20 to 40 years estimated safe useful life expectancy

725 Lime-common 20 to 40 years estimated safe useful life expectancy

728 Horse chestnut 20 to 40 years estimated safe useful life expectancy

All these trees are described as in fair or good health in the report. The Cherry is a shorter-lived species but the lime, sycamore and chestnut trees are much longer lived and the estimates above reflect the significant future life expectancy that the trees are likely to have and in the case of the lime and sycamore in particular, such species could have a significantly longer safe useful life expectancy.

206 Broomhouse Road, Edinburgh

Response to Further Information Request on Trees

- 1.1 The Appellant has been invited by the Local Review Body to make any representations on the Landscape Officer's comments dated 14th May 2019 and 14th November 2019. The Appellant was not provided with a copy of the Landscape Officer's initial consultation response as part of the determination of the Application. As such, this is the Appellant's first opportunity to respond to both sets of consultation comments.
- 1.2 The *Report on Tree Condition* prepared by Keith Logie MICFor for the Appellant sets out the factual position on the type, condition and location of the trees in relation to the consideration of this Application. The factual matters presented in this Report are not disputed by either party.
- 1.3 The key matters raised by the Landscape Officer that are disputed by the Appellant are as follows:
1. The three to four trees *...are exceptional in this landscape...* and their loss *...will injure the landscape character of the area;*
 2. Trees to the east and south of the site will result in an inappropriate level of amenity to the proposed home;
 3. Trees to the south of the development will be at threat from the proposal.
- 1.4 These three matters are discussed briefly in turn below:
- 1. Contribution of trees to the landscape character of the area.**
- 1.5 The Appellant notes that there is no detailed explanation as to why it is considered that the trees in question are *exceptional in this landscape*. There is also no detailed explanation set out in the Report of Handling.
- 1.6 The prevailing landscape character of the wider area is the openness of the flat school grounds of St Augustine's RC and Forrester High Schools. The Schools' grounds to the north are bounded by residential development and the railway line. The western and southern boundaries along South Gyle Access and the railway line are each defined by a strong and continuous line of mature trees.
- 1.7 The eastern boundary, where the site is located, is more sporadic, with some mature planting and large areas of fencing with no planting. The only area where there is a strong mature boundary to Broomhouse Road is around the five existing homes. This comprises the large grouping of trees to the south of the site, between the two rows of homes, and along Broomhouse Road.
- 1.8 The three to four trees that would be removed as part of the proposals would not result in the loss of any trees from the group to the south of the site and would not result in the loss of the tree line along Broomhouse Road to the immediate east of the site. The 15m Sycamore (Tag 727) would be retained between the site and Broomhouse Road, along with the wider tree grouping along the Road.
- 1.9 It is clear from the Appellant's assessment of the site that the three to four trees that would be lost as a result of the development do not make an *exceptional* contribution to the existing landscape and there will be no impact on the overall landscape character of the area as a result of the development.

2. Impact on amenity of existing and proposed homes from trees.

1.10 The shading diagram set out on page 10 of the *Report on Tree Condition* demonstrates that trees to the south of the site do not result in shading of the site. Only the three to four trees that would be removed currently have any significant impact on shading of the site, which will be resolved by their removal as proposed. No other remaining trees would be within such distance that they shade or overhang the site.

1.11 It should be noted that the potential danger and impact on amenity of the existing property at 206 Broomhouse from two of the trees to be removed (Tags 728 and 725) will also be addressed by the proposal. In this respect the proposal also provides safety and amenity benefits to existing residents.

3. Impact of the proposal on trees to the south of the site.

1.12 As set out on the *Root Protection Areas* diagram on page 9 of the *Report on Tree Condition*, the site would not be within the root protection area of any of the trees to the south of the site. There is also an intervening footpath between the site and those trees. The proposal will not present any threat to the longer term health and retention of the trees to the south. There will also be no longer term threat to any other trees retained to the east of the site.

Summary

1.13 It is clear that the loss of the three to four trees will have no adverse impact on the landscape character of the area or threaten the loss of further trees to the south of the site. It is also clear that adequate levels of amenity can be provided to the proposed development, along with potential improvements to the amenity and safety of existing properties.

1.14 The only remaining consideration under Policy Env 12 *Trees* is whether the loss of the three to four trees, based on their arboricultural value, outweighs the other significant material considerations for allowing the grant of planning permission in principle, including:

- The benefit of a new home in a highly sustainable location within the urban boundary, which is otherwise acceptable in planning terms;
- Compensatory planting of more appropriate native species as part of the proposal, which be conditioned as part of the consent; and
- Improvements to the safety and amenity of the existing property at 206 Broomhouse through the removal of the existing trees.

1.15 While the Appellant maintains that the proposal accords with Policy Env 12 due to the provision of more appropriate compensatory planting, if the Local Review Body is minded to disagree with the Appellant's assessment, it is still considered that there are significant material considerations that would otherwise allow the grant of permission as a minor departure from LDP policy.

1.16 The Appellant also wishes to highlight that the removal of any trees on Council land is subject to the consent of the Council as part of the terms of the sale of the land, separate from the grant of planning permission in principle.