

# Development Management Sub Committee

Wednesday 4 August 2021

## Application for Planning Permission 21/00674/FUL at 4 Clifton Road, Newbridge, EH28 8LQ. Replacement dwelling house

Item number

Report number

Wards

B02 - Pentland Hills

### Summary

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Whilst the application does not comply with LDP policy Env 10, the site is brownfield land within a cluster of dwellings. There is therefore exceptional planning reasons for approving the development. The proposal complies with all other relevant policies of the adopted LDP as well as the Guidance for Development in the Countryside and Greenbelt. It will provide a suitable residential environment for future occupiers and will not materially harm the amenity of any neighbouring dwellings.

There are no material considerations that would justify the refusal of the application.

### Links

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[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES03, LDES04, LDES05, LEN09, LEN10, LEN12, LEN16, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LTRA02, LTRA03, LTRA04, NSG, NSGCGB, NSGD02,

# Report

## **Application for Planning Permission 21/00674/FUL at 4 Clifton Road, Newbridge, EH28 8LQ. Replacement dwelling house**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site extends to 0.24 acres and is located within the designated countryside.

The site currently comprises a single storey semi-detached cottage and garden grounds and the remains of an adjoining semi-detached cottage and garden ground which was destroyed by a fire. The defined curtilage of the burnt down cottage is, however, still intact.

The existing site is bounded by a stone dyke along the southern and eastern boundaries. The site is bounded along the northern and western boundaries by a hedge. An existing access track to the field behind the site is located adjacent to the southern boundary, with a group of residential buildings beyond. Clifton Road runs along the eastern boundary of the site. Agricultural fields bound the site to the north and west.

The site is located to the south west of the village of Newbridge (approximately 2km from the site) and to the south of the M8 Motorway (approximately 300m from the site). Clifton Hall School is located to the west of the site.

The site is accessed directly from Clifton Road, which connects to the B7030 (Cliftonhall Road) to the east. There are currently two points of access into the site from Clifton Road.

#### **2.2 Site History**

6 November 2015 - Application for planning permission to redevelop a pair of semi-detached cottages was withdrawn (Application number: 14/01988/FUL).

## Main report

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### 3.1 Description of the Proposal

The application is for planning permission for the erection of a replacement dwelling house.

The proposal is to replace both the burned-out remains of the southern cottage and existing cottage with one single dwelling house. The replacement dwelling house will be built on the same approximate footprint as the pair of semi-detached cottages (pre-fire).

The proposed replacement dwelling house is a single storey cottage with a detached double garage. It will be designed as a traditional countryside cottage, with a pitched roof which replicates the scale and proportions of the existing dwelling house (to be replaced) on site.

The replacement dwelling house will be built using traditional materials. The roof will be natural slate. The external walls will be finished in light dry dash render. The proposed windows will consist of a stone base course, window jambs, cills and lintols. Timber cladding will also be located on the external wall of the dining room bay and the entrance porch.

### 3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

### 3.3 Assessment

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

- a) The principle of the development is acceptable;
- b) The proposed scale, form and design are acceptable;
- c) The proposal will provide a suitable residential environment;
- d) The proposal will have a detrimental impact on the amenity of neighbouring residents;
- e) The proposal will have any impact in terms of trees or protected species;
- f) The proposal raises any concerns in respect of sustainability, parking or road safety;

- g) The proposal raises any concerns in respect of flood prevention;
- h) There are any other material matters;
- i) All public comments received have been addressed.

#### a) Principle of Development

The site is designated as being located within the Countryside in the adopted Edinburgh Local Development Plan (LDP).

LDP Policy Env 10 (Development in the Greenbelt and Countryside), states that within the Greenbelt and Countryside shown in the proposals map, development will only be permitted where it meets certain criteria and would not detract from the landscape quality and/or rural character of the area. Criteria (a) to (c) do not apply in this case.

Criterion (d) states the development should be *for the replacement of an existing building with a new building in the same use provided:*

- 1) *the existing building is not listed or of architectural merit;*
- 2) *the existing building is of poor quality design and structural condition;*
- 3) *the existing building is of domestic scale, has a lawful use and is not a temporary structure and*
- 4) *the new building is of a similar or smaller size to the existing one, lies within the curtilage of the existing building and is of high quality design.*

The existing building on the site is not listed or of architectural merit. The condition of the remaining building has been compromised since the adjoining property burned down. It is of domestic scale, has a lawful use and is not a temporary building.

It is acknowledged that the proposed building shall be larger than the single building that still exists and therefore it does not comply with criterion (d) of LDP policy Env 10. However, it is noted that the proposal will have a very similar footprint to the buildings originally on the site and it will be a high quality design.

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

The site is clearly brownfield land and it will be located within the existing cluster of dwellings. It will enhance the rural character and landscape quality of the countryside by removing a derelict structure. There are therefore exceptional planning reasons for approving the development contrary to policy Env 10. The proposal complies with the Edinburgh Guidance for Development in the Countryside and Greenbelt.

## b) Scale, Form and Design

LDP policy Des 1 (Design Quality and Context) states that *planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has special importance.*

LDP policy Des 3 (Development Design- Incorporating and Enhancing Existing and Potential Features) states that *Planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.*

Paragraph 153 of the LDP states *The incorporation of existing features including built structures, archaeology, trees and woodland, landscape character, views and biodiversity can enhance a developments sense of place and contribution to the wider habitat and green network.*

Policy Des 4 (Development Design- Impact on Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact upon views having regard to

- (a) height and form,
- (b) scale and proportions, including the spaces between buildings
- (c) positioning of buildings and other features on the site
- (d) materials and detailing

Policy Hou 4 (Housing Density) states that the Council will seek an appropriate density of development on each site having regard to its characteristics and those of the surrounding area.

Paragraph 183 of the LDP states *The key test for all proposals in the green belt and countryside areas will be to ensure that the development does not detract from the landscape quality and/or rural character of the area.*

The Edinburgh Guidance for Development in the Countryside and Greenbelt states that *proposed dwellings will not detract from the open, rural character of the green belt or countryside and will not increase activity to a level that would detract from the rural character of the green belt or countryside in terms of traffic or amenity*

The proposal is single storey and of traditional design, scale and form, similar to that of the two buildings that were previously on the site and broadly similar to the directly neighbouring property. Overall, the proposal will help create and contribute towards a sense of place and will not harm the rural character or appearance of the surrounding area.

It is noted that a detached garage is also proposed to the rear of the site. Many of the other nearby properties also have detached garages. The proposed garage will have a pitched roof and will be finished in appropriate materials.

The proposal complies with LDP policy Des 1, Des 3, Des 4, Hou 4, the Edinburgh Design Guidance and the Edinburgh Guidance for Development in the Countryside and Greenbelt.

#### c) Residential Environment for future occupants

LDP policy Des 5 (Development Design-Amenity) states that planning permission will be granted for development where future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

The Edinburgh Design Guidance also seeks to address the criteria of an acceptable level of amenity for future occupiers of the development.

The proposed dwelling will have large windows to its front, rear and side elevations. It will provide adequate levels of sunlight/daylight for any future occupiers and will also provide adequate internal floor space. It would have to comply with the building regulations in terms of adaptability and sustainability and it meets the other criteria of Des 5.

The proposal complies with LDP policy Des 5 and the Edinburgh Design Guidance.

LDP policy Hou 3 (Private Green Space in Housing Development) states that planning permission will be granted for development that makes adequate provision for green space to meet the requirements of future residents.

The proposed property will have good sized garden grounds.

The proposal complies with LDP policy Hou 3.

#### d) Neighbouring amenity

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

The proposed property is positioned a suitable distance away from other dwellings in order to ensure that there are no concerns in relation to its potential impact on neighbouring properties in terms of noise, sunlight, privacy and immediate outlook.

The proposal complies with LDP policy Des 5.

## e) Impact on Protected species and Trees

### *Trees*

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 any other tree or woodland worthy of retention.

There were previously two large trees within the site. However, these have already been removed due to issues with them intruding onto overhead wires. No trees will be removed or harmed as part of the application.

The proposal complies with LDP policy Env 12.

### *Ecology*

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

An ecological survey of the site was carried out. It states that the proposal will have no impact upon protected species. The Council's Ecologist raised no concerns in this regard.

The proposal complies with LDP policy Env 16.

## f) Parking and Road Safety

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

The Roads Authority was consulted as part of the assessment of the application. It raised no objections to the development.

Secure cycle parking can be adequately provided within either the house or within the proposed garage.

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

## g) Flooding

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

The SEPA flood maps indicate that the area surrounding the Union Canal is of high risk of surface water flooding. The applicant has provided a Surface Water Management Plan and Flood Risk Assessment. Flood Planning was consulted as part of the assessment of the application and raised no concerns after assessing the information provided.

The proposal complies with LDP policy Env 21.

#### h) Other material matters

##### *Archaeology*

LDP policy Env 9 (Development of sites of Archaeological Significance) is to protect and enhance archaeological remains where possible.

The Council's archaeologist has confirmed that he has no objections to the proposal

The proposal complies with LDP policy Env 9.

##### *Airport Safety*

Due to the proximity of the site to the airport, Edinburgh Airport Safeguarding was consulted. It confirmed that the proposed development has been fully examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. A recommended informative relating to the use of cranes has been attached.

#### i) Representations raised

None.

#### Conclusion

Whilst the application does not comply with LDP policy Env 10, the site is brownfield land within a cluster of dwellings. There is therefore exceptional planning reasons for approving the development. The proposal complies with all other relevant policies of the adopted LDP as well as the Guidance for Development in the Countryside and Greenbelt. It will provide a suitable residential environment for future occupiers and will not materially harm the amenity of any neighbouring dwellings.

There are no material considerations that would justify the refusal of the application.

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

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

#### **Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).
5. Any wood burning stove proposed must be installed and operated in accordance with the Clean Air Act.
6. It is noted that the proposed double garage will have photo voltaic and solar panels erected on the roof. The applicant should consider linking these panels to energy storage and/or a 7KW (type2 plug socket) electric vehicle charging point.
7. An air-source heat pump/exchanger is also proposed. It should be noted that air sourced heat pumps will generate some plant noise. If possible, you may want to relocate the proposed location of the neat pump as it nearest the existing neighbours and could cause disturbance. However, overall the integration of this onsite renewable heat and energy is welcomed.
8. Space should be allowed within the plot for the housing of the below bins out with collections.

140 litre non recyclable waste bin

240 litre recycling waste bin

44 litre box for glass collections

25 litre food waste kerbside box

The Architect should inform the developer / builder to contact Waste Services directly 12 weeks prior to residents moving in to arrange for the purchase and delivery of the bins and to add these to the systems for collection.

## **Financial impact**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

There is no pre-application process history.

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

No representations have been received.

## **Background reading/external references**

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

## **Statutory Development Plan Provision**

**Date registered** 22 February 2021

**Drawing numbers/Scheme** 01a,02a,03a,04a,

Scheme 1

### **David Givan**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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## **Links - Policies**

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### **Relevant Policies:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** DEVELOPMENT IN THE COUNTRYSIDE AND GREEN BELT, provide guidance on development in the Green Belt and Countryside in support of relevant local plan policies.

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

# Appendix 1

## **Application for Planning Permission 21/00674/FUL At 4 Clifton Road, Newbridge, EH28 8LQ Replacement dwelling house**

### **Consultations**

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#### **Edinburgh Airport**

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

#### *Cranes*

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

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

#### **Archaeology**

*The application area comprises the site of formally two 20th century semi-detached cottages, the southern one of which has been demolished by fire recently. Historic mapping shows that the cottages were constructed on farmland adjacent to the small group of 19th century cottages of Nellfield constructed either side of the bridge carrying Clifton Road over the Union Canal.*

*Although within an area of archaeological potential, given the construction and demolition history of this site it is considered that it is unlikely that significant insitu archaeological remains will be impacted upon by this development. Therefore, I have concluded there are no known archaeological implications regarding this application.*

#### **Environmental Protection**

*The applicant proposed replacing an existing damaged residential property with a new build residential building. Environmental Protection have provided advice for a similar proposal on this site previously. The comments made then are still valid. The advice*

*was given that if a wood burning stove was being proposed that it must be installed and operated in accordance with the Clean Air Act.*

*It is noted that the proposed double garage will have photo voltaic and solar panels erected on the roof. The applicant should consider linking these panels to energy storage and/or a 7KW (type2 plug socket) electric vehicle charging point. An air-source heat pump/exchanger is also proposed. It should be noted that air sourced heat pumps will generate some plant noise. If possible, you may want to relocate the proposed location of the neat pump as it nearest the existing neighbours and could cause disturbance. However, overall the integration of this onsite renewable heat and energy is welcomed.*

*Therefore, Environmental Protection offer no objection.*

### **Historic Enviroment Scotland**

*Thank you for your consultation which we received on 23 February 2021. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:*

*Ref Name Designation Type*

*SM11097 Union Canal, Fountainbridge to River Almond Scheduled Monument*

*You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.*

### **Our Advice**

*We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.*

### **Roads Authority**

*No objections to the application.*

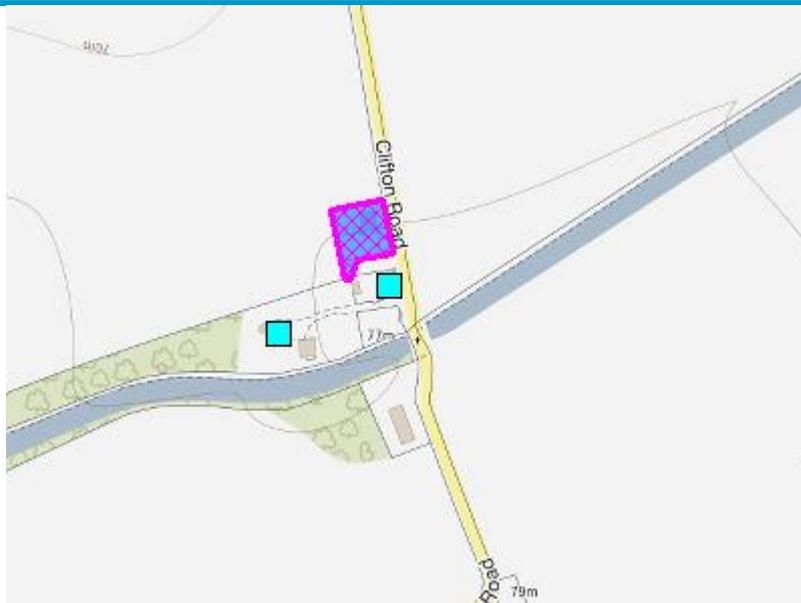
*Note on car parking provision: The applicant has indicated two car parking spaces, in the form of a double garage. Whilst this is above the maximum stated in the parking guidelines (maximum of one car parking space per dwelling), transport do not offer any objections to this proposal given the location of the development.*

### **Flood Planning**

*Thank you for forwarding the additional information. This satisfies our previous comments. This application can proceed to determination, with no further comments from Flood Prevention.*

## Location Plan

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