

Robert Bruce Design.
14 Hope Place
Musselburgh
EH21 7QD

Mr Scanlan
1 East Rigg Farm
Balerno
EH14 7JR

Decision date: 18 March 2022

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

Erection of dwelling and garage/gym annex.
At 1 East Rigg Farm Balerno EH14 7JR

Application No: 21/05234/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 7 October 2021, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

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

Conditions:-

Reasons:-

1. The proposal is contrary to policy Env 10 of the Edinburgh Local Development Plan (LDP) in that it does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal does not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building.
2. The proposal is contrary to the non-statutory Guidance for Development in the Countryside and Green Belt as no functional need for such a dwelling has been established; it does not relate to meeting the needs of one or more workers employed in agriculture; it is not related to a rural activity or business, and it is not a brownfield site or a gap site within an existing cluster of dwellings.
3. The application site is not a sustainable location for the formation of a new dwelling house. It does not comply with the 13 SPP principles.

4. The proposal is contrary to policy Hou 1 of the Edinburgh Local Development Plan (LDP) as the site is not allocated, is not in the urban area and there is no housing land supply deficit.

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

Drawings 01-07, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposal does not comply with LDP policy Env 10 (Development in the Greenbelt and Countryside) and there are no exceptional planning reasons to justify its approval. The proposal also fails to comply with LDP Policy Hou 1 as the site is not allocated, is not in the urban area and there is no housing land supply deficit.

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

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

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



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

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

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

Report of Handling

Application for Planning Permission 1 East Rigg Farm, Balerno, EH14 7JR

Proposal: Erection of dwelling and garage/gym annex.

**Item – Local Delegated Decision
Application Number – 21/05234/FUL
Ward – B02 - Pentland Hills**

Recommendation

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

Summary

The proposal does not comply with LDP policy Env 10 (Development in the Greenbelt and Countryside) and there are no exceptional planning reasons to justify its approval. The proposal also fails to comply with LDP Policy Hou 1 as the site is not allocated, is not in the urban area and there is no housing land supply deficit.

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

SECTION A – Application Background

Site Description

The application site relates to land at No. 1 East Rigg Farm, Balerno. The plot previously had a range of non native trees present within it which have now been harvested. There are two residential properties that are present to the north-east of the application site. There are a range of trees to the north of the site that follow along the road and there are another group of trees to the north-east beyond the two existing dwellings. There is open farm land to the south.

The site lies within the Greenbelt, the Pentlands Special Landscape Area (SLA) and the Pentland Hills Regional Park.

Description Of The Proposal

The application is for planning permission for the erection of a one and half storey detached dwelling house with a detached one and half storey garage which shall also contain a gym and studio.

Supporting Information

- Design and Planning statement.

Relevant Site History

16/06261/FUL

1 East Rigg Farm

Edinburgh

EH14 7JR

Demolish existing metal barn at side of house and erection of house at same position.

Granted

17 February 2017

21/02175/FUL

1 East Rigg Farm

Edinburgh

Balerno

EH14 7JR

Conversion of existing integral garage to form additional habitable accommodation, including removal of existing garage door, infill opening and fit new window.

Construction of new detached double garage with roofspace storage above to side of existing house.

Granted

16 June 2021

Consultation Engagement

Edinburgh Airport Ltd

Environmental Protection

East Of Scotland Water

Archaeologist

Publicity and Public Engagement

Date of Neighbour Notification: 18 March 2022

Date of Advertisement: 22 October 2021

Date of Site Notice: Not Applicable

Number of Contributors: 2

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

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

a) The proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Design policies Des 1, Des 4 and Des 5.
- LDP Environment policies, Env 9, Env 10, Env 11, Env 12, Env 16, Env 17, and Env 21
- LDP Transport policies, Tra 2 and Tra 3.
- LDP Housing policies, Hou 1, Hou 2, Hou 3 and Hou 4.

The non-statutory Edinburgh Guidance for Development in the Countryside and Greenbelt and Edinburgh Design Guidance are a material consideration that is relevant when considering the above policies.

Principal

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

The proposal does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation purposes, and a countryside location is not an essential location for the construction of a dwelling house. The proposed development

of a dwelling house would create a new planning unit which is unrelated to the existing use or any other buildings within the site. In addition, the proposal does not involve the replacement of an existing building with a new building of the same use.

The proposal therefore does not comply with the criteria established under LDP policy Env 10.

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

The site previously had a range of tightly packed non native trees planted within it, which have now been harvested. However, the site has never had any permanent structures present within it and it therefore cannot be considered to be brownfield land.

The area directly surrounding the site is very open and has a highly rural feel. There are only two residential dwellings to the north-east of the site and therefore the plot does not represent a gap site within an existing cluster of dwellings.

Having regard to the above, there are no exceptional planning reasons for approving a new house in this location. Although the development of a new house would contribute to housing targets, there is no housing land supply deficit and the proposal is not required to meet a shortage. The proposal does not comply with LDP policy Env 10 or the Council's Guidance for Development in the Countryside and Green Belt. Whilst it is acknowledged that over time the range of planting proposed around and within the site will ensure that the development does not detract from the landscape quality and/or rural character of the area, this does not justify the breach in LDP policy Hou 10 or the Council's Guidance for Development in the Countryside and Green Belt. There are no overriding material considerations to justify/support the principle of housing in this location and as such the principle of the development is unacceptable.

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

Impact on Landscape, Wildlife and Trees

Landscape - The site lies within the Pentlands Special Landscape Area (SLA). It also falls within the Pentland Hills Regional Park.

LDP policy Env 11 states that planning permission will not be granted for development which would have a significant adverse impact on the special character or qualities of the Special Landscape Area.

The Local Landscape Designations states that *"The Pentland hills form a dramatic backdrop to the city of Edinburgh. They are one of the most prominent features of the city skyline and dominate the surrounding landscape. The hills rise from flanking woodland and farmland to merge into the rugged upland summits of the hill range and represent a significant recreational resource. The Pentlands cSLA provides an identifiable setting and containment to the city and surrounding settlements of Juniper Green, Currie and Balerno".*

The site is screened to the north by a range of trees, however to the south it is relatively flat and open and has view to the hills to the south. Any development on this site therefore has the potential to impact upon the special character or qualities of the SLA and the regional park. It is acknowledged that the introduction of a house would introduce a change to this rural setting. However, given that the proposal is for one dwelling house, which in time shall be screened to quite a high degree by proposed trees, it is not felt that the proposal would have a significant adverse impact upon the wider Pentlands SLA.

The proposal complies with LDP policy Env 11.

Trees - The site does not lie within a conservation area nor are any trees nearby covered by a TPO. The site has been cleared of the non native trees that were previously planted on it. As part of the felling license a number of native hardwood trees are now to be planted within the site. There are also a selection of native trees which are located close to where development is proposed and it has not been indicated that these trees are to be removed or pruned.

The proposal complies with LDP policy Env 12 (Trees).

Wildlife - The applicant provided a preliminary ecological appraisal with the application. This was assessed by the Councils ecologist.

In relation to breeding birds it recommended "In the event that development work takes place during the main nesting season it is recommended that a pre-works nesting bird check be carried out immediately beforehand, to identify and protect any active nests until the young fledge. If applicable all equipment should be used with noise suppression which will reduce the noise impact of the surrounding area. Active nesting sites should be inspected only by a suitably qualified ecologist. Natural buffer areas should be preserved as much as possible. In the event that any delay occurs, a further nesting bird check may be advisable, as birds may commence nesting at any time during the nesting season. If the works are carried out outwith these dates (1 March - 31 July), no further survey effort is required".

In relation to badgers it recommended *"Workers on site should be briefed about the possible presence of badgers and necessary actions to safeguard them."* The report also recommended that bat bricks, swift bricks and bee bricks be included as part of the development. If the application was to be approved, it is recommended that the above be applied as informatives.

The application complies with LDP policy Env 16 (Species Protection).

Scale, Form and Design

Policy Des 1 states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based upon an overall design concept that draws upon the positive characteristics of the area.

Policy Des 4 - Development Design states development should have a positive impact on its surroundings, having regard to height and form; scale and proportions, including the spaces between buildings; position of buildings and other features on the site; and materials and detailing.

LDP policy Hou 4 (Housing Density) sets out criteria for establishing whether the density of a proposed development is compatible with the character of the area.

The directly surrounding area has two low density properties which have large garden grounds. The proposal will also be a low density development.

It is noted that a number of alterations have been carried out to the original house at No. 1 and that the barn nearby was removed and a modern dwelling was constructed in its place. These properties are quite large and are well spaced out. The proposed dwelling and garage will also be large, however, they shall also be suitably spaced from the directly neighbouring properties and overall the proposal cannot be seen as overdevelopment of the wider plot.

The proposed dwelling will be one and a half storey in height and largely finished in traditional materials, like rubble stone walls and slate roofs, which are appropriate for a rural setting. Some areas of the walls shall also be finished in weatherboard cladding. The proposed garage shall also be large but it shall take the form of a traditional barn being finished in wood cladding and having a slate grey metal roof.

Overall, the proposed buildings designs shall be a mix of modern and traditional. Whilst large, it is noted that the new dwelling house nearby is also one and half storey, whilst the original property also has a substantial footprint.

Overall, the scale, height, proportions and proposed materials to be used on the building are acceptable. For the last 40 years the site was densely packed with non native trees. As part of the consent for their felling the applicant must replant the site with a range of native trees. The proposal has been designed to be integrated with the new planting that is proposed within the site and new hedging is also proposed along the boundary. Over time this will screen the development and it will ensure that the local landscape character and the rural feel of the area shall be maintained.

The proposal complies with LDP policy Des 1, Des 4 and Hou 4.

Amenity

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

LDP policy Hou 3 (private Greenspace) states that planning permission will be granted for development that makes adequate provision for green space to meet the needs of future residents.

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

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

The proposal will not result in the loss of daylight to neighbouring windows. Given the height of the proposal and its orientation in relation to neighbouring properties, it will not materially overshadow neighbouring amenity space. The proposal would not result in an unreasonable loss of neighbouring amenity and is acceptable in this regard.

If the application was to be approved it is recommended that a site investigation/contamination survey be carried out to ensure that the site is safe to house a residential dwelling.

The proposal complies with LDP policy Des 5 and Hou 3.

Archaeology

The Council's archaeologist was consulted as part of the assessment of the application. There are no known significant archaeological implications in regards to this application.

Parking and Road Safety

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

The Roads Authority did not provide comment on the application. It is noted that the car parking proposed is in excess of Council standards. If the application was to be approved it is recommended that the level of car parking proposed within the site be amended to meet Council guidance.

Cycle parking can be adequately provided within the site.

The proposal complies with LDP policy Tra 3.

Flooding

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

The SEPA flood maps do not identify this area as being at risk of flooding. However, the applicant has not provided a required surface water management plan (SWMP) for the proposed development. If the application was to be approved it is recommended that the application be conditioned with the requirement for a SWMP to be submitted for the written approval of the Council.

Conclusion in relation to the Development Plan

The proposal does not comply with LDP policy Env 10 (Development in the Greenbelt and Countryside) and there are no exceptional planning reasons to justify its approval.

The proposal also fails to comply with LDP Policy Hou 1 as the site is not allocated, is not in the urban area and there is no housing land supply deficit.

b) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The application site is relatively remote and it is not a sustainable location for a dwelling. The proposal does not comply with Paragraph 29 of SPP.

Emerging policy context

The Draft National Planning Framework 4 is being consulted on at present and has not been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

Material Representations - Support:

- Good design, will have no impact upon rural character of area or landscape quality. This is addressed in section a.
- Good to see planting of new trees- This is addressed in section a.
- No objections- Noted.

Overall conclusion

The proposal does not comply with LDP policy Env 10 (Development in the Greenbelt and Countryside) and there are no exceptional planning reasons to justify its approval.

The proposal also fails to comply with LDP Policy Hou 1 as the site is not allocated, is not in the urban area and there is no housing land supply deficit.

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons

1. The proposal is contrary to policy Env 10 of the Edinburgh Local Development Plan (LDP) in that it does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal does not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building.
2. The proposal is contrary to the non-statutory Guidance for Development in the Countryside and Green Belt as no functional need for such a dwelling has been established; it does not relate to meeting the needs of one or more workers employed in agriculture; it is not related to a rural activity or business, and it is not a brownfield site or a gap site within an existing cluster of dwellings.
3. The application site is not a sustainable location for the formation of a new dwelling house. It does not comply with the 13 SPP principles.
4. The proposal is contrary to policy Hou 1 of the Edinburgh Local Development Plan (LDP) as the site is not allocated, is not in the urban area and there is no housing land supply deficit.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 7 October 2021

Drawing Numbers/Scheme

01-07

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Consultations

NAME: Edinburgh Airport

COMMENT: The proposed development has been fully examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

We therefore have no objection to this proposal.

NAME: Environmental Protection

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

NAME: Scottish Water

COMMENT: Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water Assessment

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

Foul Assessment

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

NAME: Waste Services

COMMENT: On behalf of Waste and Cleansing, I have reviewed the plans for this application and provide these comments. For the single individual property proposed, individual kerbside collections would be the method of waste collection, as with the current and surrounding properties. Since we currently collect from the existing property, collecting the same from the new property on the same location should not be an issue.

However, for clarity, we would like confirmation that the individual (wheelie) bins would be presented on the kerbside/roadside.

They should consult our Waste and Recycling Instructions for Architects and Developers and ensure that they meet all the relevant criteria. This is available online: <https://www.edinburgh.gov.uk/wasteplanning>

The architects should consult us at the earliest possible time to develop a suitable waste strategy for this property, although it is likely to be a simple process, it is important to ensure we have all the details necessary.

NAME: Natural Environment
COMMENT: Consulted

NAME: Archaeology
COMMENT: Further to your consultation request I would like to make the following comments and recommendations concerning this application for the erection of dwelling and garage/gym annex.

The site occurs adjacent to the historic East Rigg Farm dating to the late 18th . early 19th century and depicted on the 1st Edition OS map of 1853. This map shows the site to the side of the main farm buildings. Given this and the potential significant impacts caused by the current tree plantation, it has been assessed that it is unlikely that significant archaeological remains will survive within this site.

Accordingly, although occurring within an area of archaeological potential it has been concluded that there are no, known, significant archaeological implications on this scheme.

Comments for Planning Application 21/05234/FUL

Application Summary

Application Number: 21/05234/FUL

Address: 1 East Rigg Farm Balerno EH14 7JR

Proposal: Erection of dwelling and garage/gym annex.

Case Officer: Robert McIntosh

Customer Details

Name: Mr Donald Mactaggart

Address: West Rigg House Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: No objection to plan.

Comments for Planning Application 21/05234/FUL

Application Summary

Application Number: 21/05234/FUL

Address: 1 East Rigg Farm Balerno EH14 7JR

Proposal: Erection of dwelling and garage/gym annex.

Case Officer: Robert McIntosh

Customer Details

Name: Dr George Mackie

Address: 23 crosswood crescent Balerno Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

My wife and I have lived in Balerno for 20 years and often walk along the Rigg Road passing the proposed development. We have often spoken to the current owners and think they have done a great job renovating the existing property over the years. We have reviewed the most recent planning application and think the proposed design is a very reasonable way to utilise the site now that it has been cleared of trees. The development has been well thought out and is sensitively designed in keeping with other buildings within the area. In particular the proposed landscaping including the planting of new trees will ensure that the property will be well screened and doesn't impact landscape quality or the rural character of the area. We are supportive of the proposed application.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100479780-006

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:	RBD		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	ROBERT	Building Name:	
Last Name: *	BRUCE	Building Number:	14
Telephone Number: *	01312589680	Address 1 (Street): *	HOPE PLACE
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	MUSSELBURGH
Fax Number:		Country: *	UK
		Postcode: *	EH21 7QD
Email Address: *	robbruce@clara.co.uk		

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" value="East Rigg Farm"/>
First Name: *	<input type="text" value="Mitch"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Scanlan"/>	Address 1 (Street): *	<input type="text" value="Balerno"/>
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" value=""/>	Postcode: *	<input type="text" value="EH14 7JR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

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="1 EAST RIGG FARM"/>
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="BALERNO"/>
Post Code:	<input type="text" value="EH14 7JR"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="663604"/>	Easting	<input type="text" value="315464"/>
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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 new build dwelling and garage/ gym annex building on site of recently felled forestry, including significant replanting program in line with felling license replanting plan.

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.

Please refer to the separate document "Statement of Grounds of Appeal-Planning ref.21/05234/FUL", which sets out all of the matters we'd like to be taken into account in determining the review.

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)

Statement of Grounds of Appeal -document, Design and Planning Statement -document, Location plan as existing- A3, Site plans as existing and proposed- A1, Long sections through site as proposed- A1, Floor plans as proposed- A1, Elevations as proposed- A1, Perspective view as proposed- A1, Site analysis as proposed- A3, Garage and studio annex floor plans and elevations proposed- A1, Ecological Survey 2022- document, Felling License- document, Derogation License- document

Application Details

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

21/05234/FUL

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

07/10/2021

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

18/03/2022

Review Procedure

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

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

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

It is difficult to photograph and present the site effectively from the unnamed road which runs along the northern boundary. We would therefore strongly recommend and welcome a site visit from the LRB to enable them to fully appreciate our original planning application and subsequent appeal. This can easily be arranged with the applicant.

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

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

Yes No

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

Yes No

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

Although the LRB would be able to undertake an unaccompanied site inspection, it would be easier to arrange access to the full site from the gate on the road to the North with the owner/ applicant.

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 ROBERT BRUCE

Declaration Date: 05/04/2022



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Scottish Natural Heritage
Species Licensing
Great Glen House
Leachkin Road
Inverness
IV3 8NW
01463725000
e-mail: licensing@snh.gov.uk

Bat Licence		
Licence Number: 25219	Valid from : 01-APR-14	Valid to : 31-AUG-14
This Licence has been amended from Licence Number : 24551		
Licence Holder : Mr David Dodds		
Address:	Easter Mosshat West Calder EH55 8LL	
Additional Persons		
Name	Role	Additional Conditions
Rebecca Brassey	Agent	
This Licence is Granted under the following Legislation:		
The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended): Regulation 44 (2) (e)		
Project Details		
This licence has been issued for the destruction of three soprano pipistrelle roosts during renovations at East Rigg, Balerno. All works must be undertaken as per the licence application, any correspondence between the applicant and SNH and any supporting documents including "East Rigg, Balerno. European Protected Species Survey Report (Supplement) July 2012" by David Dodds Associates Ltd, Ecological consultancy.		
Activities, species and locations covered by this licence are listed in Annex 1		
Conditions		
1	All working methods, mitigation and compensation measures must be carried out in accordance with those set out in the licence application and supporting documents as listed in the project details above, and any subsequent written correspondence between SNH and the applicant or consultant, but subject to modifications or amendments imposed by this licence.	
2	Prior to any works beginning which could affect bats or their roosts, at least one purpose-built bat-box, suitable for the species of bat present, must be erected on a suitable structure in a sheltered position within 100m of the site.	

3	The one-way excluder(s) must remain in place for a minimum of 7 days; the roost access point(s) must be blocked immediately after removal of the excluder(s).
4	Works that could affect bats or their roosts are not permitted to commence until the licensed bat worker, as part of a pre-works survey, has determined that in all likelihood, bats are not present in the building. If small numbers of bats are found during the survey, or at any time during works, they must either be excluded by the licensed bat worker in accordance with best practice guidelines, or if there are only thought to be small numbers (five or less) bats present, and it is possible to do so they should be removed and placed in a purpose-built bat box erected nearby. For health and safety reasons, bite proof gloves MUST be worn at all times when moving or handling bats.
5	If more than five bats are found, or if any bat species, roosts or roost types not covered by this licence are found, works must stop until SNH have agreed how to proceed.
6	The completed provision of the compensation and access points must be signed off in writing by the licensed bat worker. In signing this off the bat worker must either sign a detailed licence return or must submit a separate report to the licence holder to be integrated into the licence return sent to SNH.
7	All workers must be briefed about the likelihood of bats being found on site, the conditions attached to this licence, and what to do if bats are found at any time.
8	The name, licence number and signature of any bat worker employed must be included in any licence return to SNH.
9	The licensee may employ assistants or agents to work under the terms of this licence.
10	While engaged in work authorised by this licence, the licensee(s) and accredited agents if appointed, shall each carry a copy of the licence and produce it to any police officer, authorised person, or official of SNH on demand.
11	No later than one month after the date on which this licence expires or otherwise comes to an end, the Licensee must provide SNH with a report of the taken under this licence.
Notes	
Licence holders or any other persons covered by this licence should note the following;	
1	A licensed bat worker is a person holding a current, valid Bat Roost Visitor Licence for Scotland. All licensed bat workers should carry a copy of their licence with them when carrying out works permitted by it.
2	This licence is granted subject to compliance with the conditions as specified. Anything done otherwise than in accordance with the terms of the licence may constitute an offence.
3	Nothing in this licence shall confer any right of entry on to land or property.
4	If appointed, assistants must work under the personal supervision of the licence holder.
5	If appointed, accredited agents may work independently of the licence holder. It is the responsibility of the licence holder to ensure that accredited agents have the appropriate training and experience.
6	This licence may be modified or revoked at any time by Scottish Natural Heritage.

This licence is granted subject to compliance with the terms and conditions specified

Licence no:25219

Authorised on behalf of Scottish Natural Heritage by: Kieren Jones Date: 21-NOV-2013

Licence no:25219

Annex 1: Permitted activities

Action	Purpose	Species	Location	Grid Reference	Method
To disturb and take bats and to damage or destroy breeding or resting site	Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, property or fisheries	Soprano Pipistrelle	East Rigg House, Balerno	-	N/A

This licence is granted subject to compliance with the terms and conditions specified

Licence no:25219

Authorised on behalf of Scottish Natural Heritage by: Kieren Jones Date: 21-NOV-2013

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EAST RIGG, BALERNO

**PRELIMINARY ECOLOGICAL
APPRAISAL**

JANUARY 2022





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1 INTRODUCTION

This report refers to a “gap site” adjacent to East Rigg House, located just under 2km Southwest of the village of Balerno, found on the outskirts of Edinburgh. It is proposed to erect a dwelling house and an ecological survey is therefore required.

David Dodds Associates Ltd was commissioned on behalf of the owners to carry out a preliminary ecological appraisal, to identify any potential ecological constraints. This report details the methods and results, together with conclusions drawn and recommendations for further action.

Further information may be obtained from:



Charlotte Meyer-Wilson BA BSc MSc
Consultant Ecologist

David Dodds Associates Ltd, 3 Newhall Farm Cottages, Traquair, Scottish Borders, EH44 6PY

Email: Charlotte@daviddoddsassociates.com
Tel: 0131 608 0012

Report version	1.0
Issue date	31 January 2022
Expiry date	24 July 2023



2 SUMMARY

A preliminary ecological appraisal (PEA) was conducted at this site, as well as a desk study of the site and surrounding habitat. The PEA involved searching the site for signs of protected species, as well as assessing the likelihood of the site being used by protected or notable species. Lastly, any potential impacts on the site, its habitats and species were considered.

During the survey, the following observations were made:

- Records of four protected species were identified within 1km of the site.
- Hedgerows, trees and vegetation on and surrounding the site are likely to be used by nesting birds although no direct evidence of this was found.
- No trees containing Potential Roost Features (PFRs) suitable for roosting bats were identified.
- Evidence of badgers using the site for commuting and foraging was identified.
- It is not considered likely that there will be any significant impacts on protected species.

In the event that any works take place during the main nesting bird season (1 March – 31 July inclusive) a pre-works nesting bird check should be carried out prior to work commencing.

The results and conclusions of this report are valid until 24th July 2023.



3 LEGISLATION & GUIDANCE

Legislation relating to wildlife and biodiversity of particular relevance to this survey includes:

- The Conservation of Habitats and Species Regulations 2010 (as amended)
- The Nature Conservation (Scotland) Act (2004)
- The European Habitats Directive 92/43/EEC (1992)
- The Wildlife and Countryside Act 1981 (as amended)
- The Protection of Badgers Act 1992

The initial survey, evaluation and assessment of impacts have taken account of the following guidelines, where relevant:

Habitats and Flora

- Best Practice Guidance for Habitat Survey and Mapping (Smith et al., 2011).
- Ecological Guidance for Local Authorities and Developers (Scott Cawley, 2013).

Fauna

- Mitchell-Jones, A.J. (2004) Bat Mitigation Guidelines (English Nature, Peterborough)
- Bat Surveys: Good Practice Guidelines (Bat Conservation Trust, 2016).
- Environmental Planning and Construction Guidelines Series (National Roads Authority, 2005 –2011).



4 SURVEY METHODS

4.1 Desk study

Records of notable or protected species within 1km radius of the site were obtained from DDAL biological records. 1:25 000 and 1:10 000 Ordnance Survey maps were consulted, together with satellite pictures, in order to assess the surrounding habitat.

The Scottish Natural Heritage Sitelink website was consulted, to establish whether the site lay within or close to any designated sites.

Satellite pictures drawn from Google Earth (www.earth.google.co.uk) and Bing (www.bing.com/maps) were consulted to assess the site habitat. Understanding of this was validated with the project architect.

The DEFRA Magic Map and NatureScot websites were consulted, to establish whether the site lay within or close to any designated sites

4.2 Preliminary ecological appraisal

The site, including a 50m buffer zone, was systematically examined for evidence of protected species and habitats or structures likely to be used by protected or notable species. The survey area was extended to 1km once signs of badger were identified.

Evidence of the presence of invasive species was also noted.

The PEA further examined the existing baseline environmental character of the area likely to be affected by the proposed development through desk based and field studies.



5 RESULTS

5.1 Desk study

5.1.1 Designated sites

The survey site lies within the boundary of the Pentland Hills Regional Park (RP), which was last designated in 1986. This part of the RP is better known as Red Moss Nature Reserve and features several different habitats.

Balerno Common Site of Special Scientific Interest (SSSI) lies approximately 300m North and West of the survey site. The SSSI was last designated in 1986 to protect its raised bog, mesotrophic loch and transition open fen habitats and bryophyte assemblage.

5.1.2 Biological records

A search of DDAL biological records found a limited number of protected species within 1km of the site: Soprano Pipistrelle (*Pipistrellus pygmaeus*), Common Pipistrelle (*Pipistrellus pipistrellus*), Brown Hare (*Lepus europaeus*), and Eurasian Otter (*Lutra lutra*).

Further to this, records of birds within 1km of the site, include: Grey heron (*Ardea cinerea*), Oystercatcher (*Haematopus ostralegus*), Tufted Duck (*Aythya fuligula*), Coot (*Fulica atra*), and Buzzard (*Buteo buteo*).

No notable plant species have been recorded within 1km of the site. Plant records are limited but include Rowan (*Sorbus aucuparia*), Lady-fern (*Athyrium filix-femina*), and Hay-scented Buckler-fern (*Dryopteris aemula*).

5.1.3 Surrounding habitat

The site is bordered immediately to the north by a single-track, dead-end road that connects Mansfield Road to the nearby farms. The site is further surrounded by pasture fields, East Rigg house, and patches of woodland. The Red Moss Nature Reserve lies less than 200m Northeast of the site and is likely to provide foraging, commuting and resting places for a number of protected species, including bats, badgers, and otters.

Further afield to the north of the site are arable and pasture fields, and mixed and woodland connected by hedgerows, providing potential foraging and roosting opportunities for bat species, as well as badgers. There are also large areas of shrub which could provide potential nesting opportunities for ground nesting birds.

There is a small ditch that runs along the northern site boundary that although not dry, does not contain the depth and water levels required to make it suitable to be used by otters. It does have features suitable for water vole, however no evidence of this was found, and given the proximity to the road this ditch is unlikely to be used by water vole.

Finally, the nearest waterbody, Threipmuir Reservoir, lies approximately 500m Northeast of the site and is suitable to be used by otters, Daubenton's bats, and potentially great crested newts.



5.2 Preliminary ecological appraisal

Date of survey	24 January 2022
Weather conditions	Dry
Light conditions	Bright

The survey area is a “gap site” within the grounds of East Rigg house that was formerly a small conifer plantation, which in itself is poor in species diversity. What is left behind is an area of fenced in mulched woodland. The owners have already planted a number of native tree species on and near the site, and these will not be impacted by the proposed development. The site partially extends into the gardens of East Rigg house and includes four large mature trees that again are being retained and will therefore not be impacted.

The mixed woodland across the street from the site include species such as Silver birch (*Betula pendula*), Alder (*Alnus glutinosa*), Ash (*Fraxinus excelsior*), Rowan (*Sorbus aucuparia*), and Hazel (*Corylus avellana*).

Birds noted on and surrounding the site include Chaffinch (*Fringilla coelebs*), Blue Tit (*Cyanistes caeruleus*), Robin (*Erithacus rubecula*), Carrion Crow (*Corvus corone*), and Blackbird (*Turdus merula*). There is moderate potential for nesting birds to use the mature trees and hedges surrounding the site, however given the lack of vegetation within the site minimal impact to nesting birds using the site is anticipated.

Direct evidence of badger activity was identified on site. Snuff holes and a latrine were identified on the Northern and Northwestern site boundary as well as numerous mammal paths running across surrounding fields. The small woodland across the road from the site, 10m North, features many signs of badgers using it, and a more thorough search found an outlier hole approximately 500m Northeast of the site. The main sett was not found within a 500m buffer of the site, and the surrounding area was searched where safely accessible.

Given the surrounding habitat and signs of badgers it can be concluded that although badgers may have crossed over onto the site for foraging and commuting, the site does not offer any habitat for sett building, and the loss of this “gap site” is highly unlikely to have an impact on badgers.

The small ditch running along the northern site boundary was searched for signs of water vole, and none were identified. No signs of Greater crested newts were identified within the ditch or surrounding fields.

No potential roost features that may be used by bats were identified within the survey boundary. Other than badgers, no other signs of protected species were identified within the site, or a 500m buffer.

Overall, the “gap site” at East Rigg house has low suitability to be used by a limited range of protected species.



5.2.1 Site Plan

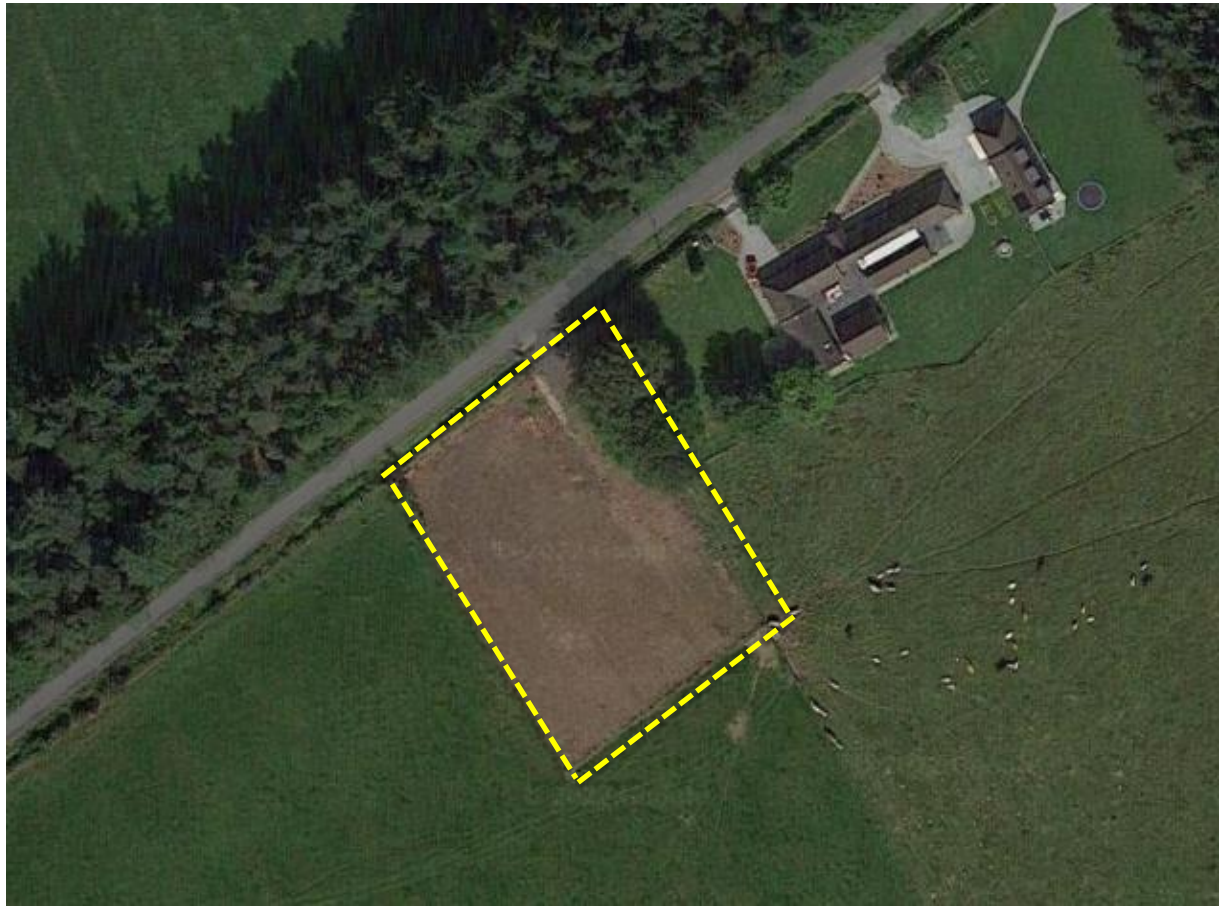


Fig. 1 – Site plan with approximate survey boundary marked by yellow line.



5.3 Photos



Fig. 2 – Looking Northeast across the site.



Fig. 3 – Looking Southwest across the site.



Fig. 4 – Looking Northeast across the site.



Fig. 5 – Looking North across the site.



Fig. 6 – Looking Southwest across the site.



Fig. 7 – Mature trees on the Northeast site boundary.



Fig. 8 – Looking South across the site.



Fig. 9 – Looking North across the site.



Fig. 10 – Gap under fence used by badgers to access the site.



Fig. 11 – Badger snuff holes.



Fig. 12 – Badger latrine.



Fig. 13 – Badger outlier hole.



5.4 Assessment of likely impacts

5.4.1 Habitats

Temporary impacts to natural resources from clearing and construction activities may include pollution from construction equipment, increased runoff and soil erosion, and noise.

The retained trees are vulnerable to damage during the construction phase, such as through ground compaction, damage to roots and limbs, however this is a short-term impact that is not deemed significant.

These activities and related impacts are not expected to disturb any designated sites.

No significant short-term or long-term adverse impacts are predicted on the habitats found on or adjacent to the site.

5.4.2 Protected Species

Bats

There will be no loss of habitat that could have an impact on foraging or roosting bat species. No trees with potential roosting features (PRFs) were identified within the survey boundary, and nearby buildings will not be impacted.

No significant long- or short-term negative impacts are predicted to impact bat species present on site.

Otters

No signs of otters were noted within the survey area. The small ditch that runs along the Northern site boundary is not likely to support otters due to its size and depth. If otters were to be using the ditch for commuting to nearby water bodies, they will not be impacted as the ditch will remain unchanged.

It is not anticipated that clearing and construction methods will have any significant short- term or long-term impacts on otters.

Brown Hare

Three instances of Brown Hare were recorded within 1km of the site, and the surrounding habitat is suitable to support them. The majority of the habitat will not be impacted; therefore, it is unlikely that Brown Hares will be impacted.

It is not anticipated that clearing and construction methods will have any negative short- or long-term impacts on Brown Hares.

Badgers

Evidence of badgers using the site for foraging and commuting was noted during the survey. Further survey of the area surrounding the site identified a badger outlier hole



approximately 500m Northwest of the site within the woodland located across the street. There may be short-term impacts to badgers, and the necessary steps should be taken to mitigate these.

It is anticipated that construction and clearing methods may have a short- term impact on badgers.

Other protected Species

There is no evidence of red squirrel, pine marten, water vole, great crested newts or any other protected species using the site.

The surrounding habitat has moderate potential to be used by a limited range of protected species.

It is not anticipated that clearing and construction methods will have any negative short- or long-term impacts on protected species.

Nesting Birds

Although no evidence of nesting birds was identified within the survey boundary, the trees found at the Northwest site boundary as well as hedges have the moderate suitability to be used by them.

Provided the clearance of any vegetation and trees takes place outwith the main nesting bird season (March – July), no short- or long-term negative impacts are predicted for nesting bird species on site.



6 DISCUSSION AND CONCLUSIONS

This survey has been carried out to a suitable standard, using methods which comply with current guidelines. The survey site lies within the Pentland Hills RP, and the desk study revealed biological records of four protected species within 1km of the site.

The site is rural, and the survey area comprises mostly wood chippings and mulch as the area has been clear felled. The “gap site” lies within the grounds of the existing East Rigg house.

It is proposed to erect a new dwelling house, for which a limited amount of vegetation may need to be cleared, however the majority of works are highly unlikely to have an impact on habitats found on and surrounding the site.

Temporary impacts to habitats and protected species may include pollution from equipment, increased runoff and soil erosion, and noise.

The potential direct impacts of habitat loss and habitat severance (i.e., disruption of ecological processes through fragmentation, isolation and barriers) were assessed as being not significant.

6.1 Nesting Birds

There is clear evidence of the presence of bird species, some of which are likely to nest in trees and vegetation bordering the site. Although no nests or nesting behaviors were identified during the survey, there is potential that birds may start nesting in vegetation and trees, before the end of July.

If work takes place during the primary nesting season (1 March – 31 July), it has the potential to disturb or destroy active bird nests.

Destruction of disturbance of an active bird nest before the young fledge is likely to constitute a criminal offence.

Recommendations are given below regarding actions to be taken.

6.2 Badgers

Evidence of badgers using the site was identified. Snuff holes and a latrine were found along the North and Northwest site boundary. Badgers have clearly pushed under the fence on the Northwest site boundary and are using the site for commuting and foraging.

The surrounding fields have clear signs of use by badgers, and a more in-depth search of the woodland habitat found across the road from the site identified an outlier hole approximately 500m Northeast of the site. The main badger sett was not identified, however is believed to lie outwith a 500m buffer of the site.

The habitat has moderate suitability to be used by badgers, and the appropriate recommendations regarding this can be found below.



6.3 Other protected species

There is no evidence for the presence of otters, brown hare, pine marten, red squirrel, great crested newts or water vole, within a 50m buffer of the site.

Although the ditch running along the northern site boundary has suitability to be used by water vole and great crested newts no signs of these were found. The nearest water body lies just under 500m North of the site and does have the potential to be used by great crested newts and water vole, as do the surrounding ditched and fields. However, the site itself consists almost entirely of mulched woodland and does not offer any suitable habitat to these species.

Potential impacts on protected species, habitats and designated sites were assessed in terms of direct habitat loss, mortality, and disturbance.

The assessment did not identify any significant impacts; however, several measures were identified to enhance the site ecologically.



7 RECOMMENDATIONS

7.1 Nesting birds

In the event that development work takes place during the main nesting season it is recommended that a pre-works nesting bird check be carried out immediately beforehand, to identify and protect any active nests until the young fledge.

If applicable all equipment should be used with noise suppression which will reduce the noise impact of the surrounding area. Active nesting sites should be inspected only by a suitably qualified ecologist. Natural buffer areas should be preserved as much as possible.

In the event that any delay occurs, a further nesting bird check may be advisable, as birds may commence nesting at any time during the nesting season. If the works are carried out outwith these dates (1 March – 31 July), no further survey effort is required

7.2 Badgers

Although no badger sett was identified during the preliminary ecological appraisal, badgers are clearly using the site for foraging and commuting. It is recommended that precautions are taken to minimize the risk of badgers being impacted during the construction phase of the development.

Construction impacts on all other biological resources can be minimized through the implementation of mitigation and following best practices for construction.

The following preventative measures would adequately address construction-related impacts to badgers:

- Workers on site should be briefed about the possible presence of badgers and necessary actions to safeguard them.

7.3 Ecological enhancements

There are a number of ways in which the site could be ecologically enhanced. Below are some of the things that can be done to improve biodiversity and enhance the ecology of the site.

Bats

The inclusion of bat bricks in the buildings will provide roosting habitat for bat species. The bat bricks/slates to be installed are integrated into the building and do not need to be maintained.

Temperature is known to be the major factor influencing successful uptake of artificial roosts by bats. In general, bats seek warm spaces to help them with rearing young, bat slates or bricks must therefore be South facing, or where most sunlight is likely to reach them on a particular site. Bat access slates or bricks must be placed at a minimum 5 meters above ground level. Placing these above windows, doors or climbing plants should be avoided as this will reduce the likelihood of predation by cats. A position near the eaves or gable apex of the dwelling would be preferable.



- Bat bricks, slates or boxes can be sourced from:
 - [Bat access slates](#)
 - [Bat access tiles](#)
 - [Bat access boxes, tiles, panels](#)

Birds

The inclusion of swift nesting sites in construction benefits the local swift population as suitable nesting sites are decreasing. Swift bricks can be integrated into the building and do not need to be maintained.

They can be fitted either on a side of the building that gets some shade during the day, or under an overhang or under the eaves, to give protection from heat, but not over windows or near to vents. They should be sited at least 5 meters above ground, with clear adjacent airspace so the Swifts can access them in high-speed direct flight (they usually fly straight in and out). Care should be taken that predators (cats, crows, magpies, squirrels, and rats) do not have easy access (e.g., by climbing up creepers or flying in from close perches).

- Bird boxes/bricks can be sourced from:
 - [Bird nest boxes](#)
 - [Swift boxes](#)

Hedgehogs

Boundaries around garden and between gardens should include regular 5 inch gaps to allow hedgehogs to enter and exit gardens and also move between gardens. This will benefit hedgehogs as they will have access to more food and will benefit residents as hedgehogs eat garden pests.

Planting

Flowers provide pollen and nectar for bees, butterflies and other insects that perform the vital task of fertilisation. Choosing plants that provide pollen and nectar for as long a season as possible, from spring (Crocus and Mahonia for example) through to autumn (Michaelmas daisy, Sedum spectabile and Ivy, which is particularly late to bloom and may provide food into early winter) will promote biodiversity. Any of the following would be a welcome pollinator-friendly addition to the site, Berberis, Blackthorn, Broom, Crab apple, Forsythia, Hawthorn, Hazel, Mahonia, Wild cherry, Winter honeysuckle, Rowan, and Willow.

Kilmarnock willow is often a good choice for smaller gardens with limited space as it tends to have a very compact shape. Similarly, Birch, hazel and willow trees are ideal for pollinators as they all sport fuzzy catkins and therefore an abundance of pollen and nectar when many other plants are still to flower.

- Where practicable native trees and wildflowers should be incorporated into the planning of the proposed development.



- Bee Bricks can be integrated into south-facing walls at a minimum height of 1m, with no vegetation obstructing the holes. In order to promote use of the bee bricks, bee friendly plants that provide food can be planted nearby. Lavender, honeysuckle and buddleia are all pollinator-friendly plants. Bee bricks will provide much needed nesting space for solitary bee species. Sources for bee bricks can be found below:
 - [Bee bricks](#)



8 REFERENCES

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9 APPENDIX I – LOCATION MAP

Nation Grid Reference (NGR): NT154636

Survey location marked in red.



(Ordnance Survey cartography reproduced under license number 100048711)



10 APPENDIX II – SATELITE VIEW OF THE SITE

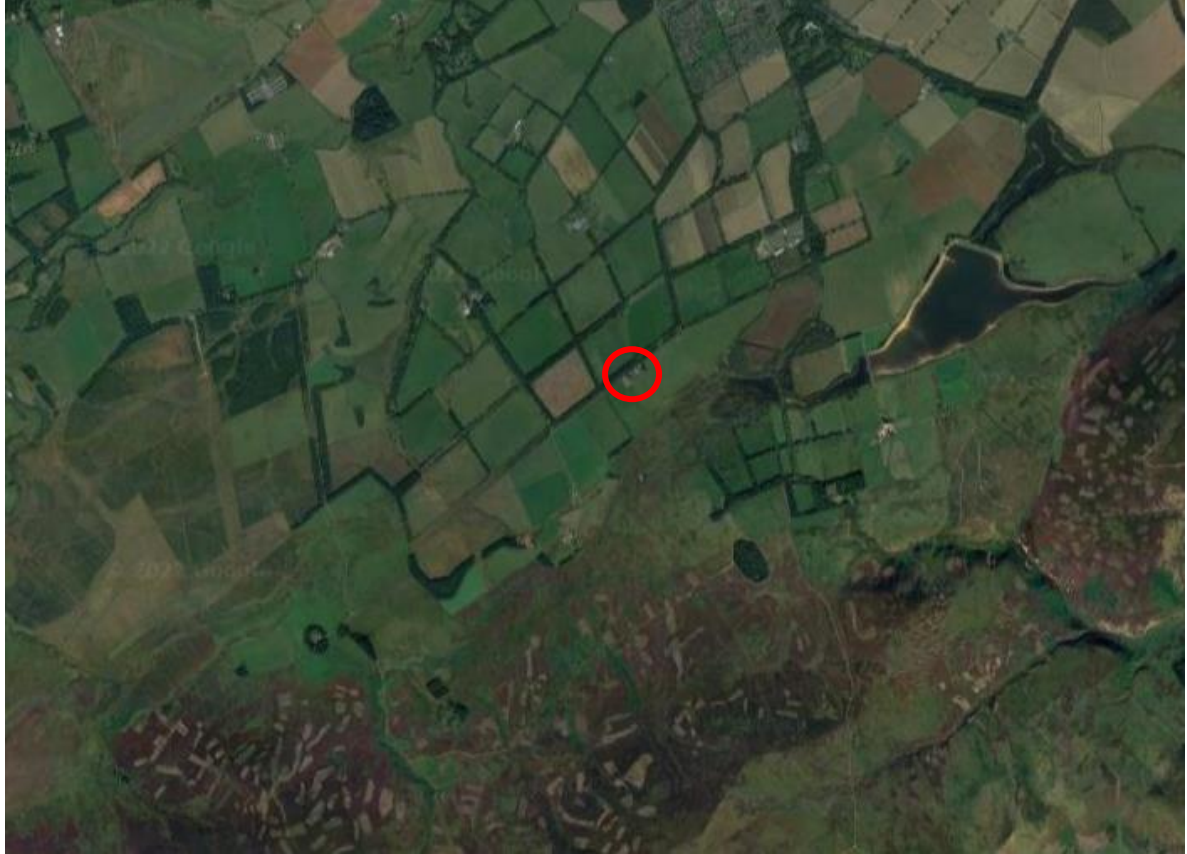
Approximate survey boundary is highlighted in red.





11 APPENDIX III – SATELITE VIEW OF THE SURROUNDING HABITAT

The approximate location of the site is circled in red.





Scottish
Forestry
Coilltearachd
na h-Alba

Central Scotland Conservancy
Scottish Forestry
Caird Park
Hamilton
ML3 0QA

0300 067 6006
centralscotland.cons@forestry.gov.scot
Conservator: Keith Wishart

Mr Mitchel Scanlan
East Rigg House
Balerno
Midlothian
Balerno
EH14 7JR

25-Mar-2021

Dear Mr Scanlan

Felling Permission Application (Forestry and Land Management (Scotland) Act 2018)

Case Reference: FPA-7863

Property Name: East Rigg House

I refer to your application referenced above and I now enclose the approved Felling Permission. If you are an agent receiving this Felling Permission on behalf of the owner, you are obliged to forward a copy to the owner for their retention.

We approved your application on the basis that we consider it has addressed all known issues relating to the application area, and demonstrates sustainable forest management in line with the principles of the UK Forestry Standard

Please note the felling approval period associated with this Felling Permission. If felling has not been completed by the end of this period, a new permission will be required.

If this application has been approved with conditions, and you do not agree with the stated conditions, then you may appeal our decision for these under section 68 of the Act. For more information please see our website or contact the issuing office.

Yours sincerely

Lizann McShane
Admin Officer

Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation

S e Coilltearachd na h-Alba a' bhuidheann-ghnìomha aig Riaghaltas na h-Alba a tha an urra ri poileasaidh, taic agus riaghladh do choilltearachd



Scottish Government
Riaghaltas na h-Alba
gov.scot



Permission to Fell Growing Trees

Permission Number:FPA-7863

To:
Mr Mitchel Scanlan
East Rigg House
Balerno
Midlothian
Balerno
EH14 7JR

This Felling Permission authorises you under section 27 of the Forestry and Land Management (Scotland) Act 2018 to fell the trees described below and shown on the attached map.

This Permission expires on: 24-Mar-2023

Part 1: Felling

Name of Property:East Rigg House
Name of Wood:East Rigg Shelterbelt
Central Grid Reference: NT154635
Nearest Town or Locality Name:Balerno
Local Authority:Edinburgh City
Council

Table 1: Felling Operations

Felling Site/Cpt	Type Of Operation	Species to be Felled	Marking Of Trees	Est. Area (ha)	Approx Age (years)	No of Trees	Est Volume (m3)
Cpt 1	CF - Clear Felling	Sitka spruce	-	0.03	40	40	12.00
Cpt 1	CF - Clear Felling	Scots pine	-	0.01	40	10	3.00
Cpt 2	CF - Clear Felling	Sitka spruce	-	0.02	40	15	5.00
Cpt 3	CF - Clear Felling	Sitka spruce	-	0.07	40	70	24.00
Cpt 2	FO - Felling Individual Trees	Scots pine	-	0.05	40	35	10.50

Total Felling Area (ha) **0.18**

Total Volume (m3) **54.50**

Note: Operations in Table 1 represent the total felling to be carried out within the approval period and not approval per year.

Part 2: Conditions

1. Site Preparation Conditions

The land on which felling took place, or the agreed alternative area, must be cleared, drained and prepared, as required, to allow restocking as specified in Table 2.

2. Restocking Conditions

Table 2 below details the restocking specification for each of the felled areas.

You must restock all felled areas as detailed in Table 2. Restocking must be completed by 30-Jun-2024

Table 2: Restocking Operations

Felling Site/Cpt	Restocking Proposal	Species	% of Site	Area (Ha)	Density (stems/Ha)	Number of Trees	Alternative Restocking Site/Cpt(s)
Cpt 1,2&3	AA - Plant an alternative area	Woody shrubs	16.6 7	0.03	1600	-	Area 1 & 2
Cpt 1,2&3	AA - Plant an alternative area	Bird cherry	16.6 7	0.03	1600	-	Area 1 & 2
Cpt 1,2&3	AA - Plant an alternative area	Holly	11.1 1	0.02	1600	-	Area 1 & 2
Cpt 1,2&3	AA - Plant an alternative area	Rowan	16.6 7	0.03	1600	-	Area 1 & 2
Cpt 1,2&3	AA - Plant an alternative area	Crab apple	11.1 1	0.02	1600	-	Area 1 & 2
Cpt 2	AAIT - Plant alt. area with ind. trees	Rowan	11.1 1	0.02	-	14	Area 3
Cpt 2	AAIT - Plant alt. area with ind. trees	Holly	5.56	0.01	-	7	Area 3
Cpt 2	AAIT - Plant alt. area with ind. trees	Bird cherry	5.56	0.01	-	7	Area 3
Cpt 2	AAIT - Plant alt. area with ind. trees	Crab apple	5.56	0.01	-	7	Area 3

3. Maintenance Conditions

For a period of 10 years from the restocking date the trees must be protected from all damage and weeded adequately to allow effective establishment.

Failures or losses must be replaced as necessary to maintain a stocking density not less than is specified in Table 2, evenly distributed across the site.

4. Other Conditions

All forestry operations carried out under this permission will be planned and implemented within the scope of the UK Forestry Standard.

You will provide a summary to Scottish Forestry of restocking carried out against this permission immediately after the works have been carried out, or by the restocking deadline in Part 2, whichever is sooner.

5. Additional Conditions

No additional conditions specified for this site.

Permission approved by: Tom Hobbs - Senior Operations Manager

Date: 24-Mar-2021

Central Scotland Conservancy
Scottish Forestry
Caird Park
Hamilton
ML3 0QA

0300 067 6006
centralscotland.cons@forestry.gov.scot
Conservator: Keith Wishart

Additional Notes:

1. If a Tree Preservation Order is placed on any of the trees after this felling permission is issued, the consent of the Local Authority must be obtained before they are felled.
2. Others involved with the felling should be told about this felling permission e.g. by giving a copy of the permission and map to the person felling the trees. If the land is sold, the new owner should also be told about this felling permission.
3. Please refer to the agreed routes for timber haulage. The agreed routes map can be viewed on the Timber Transport Forum website (<http://timbertransportforum.org.uk/>). As many routes are subject to consultation or restrictions you should discuss and agree your haulage plans (routes and volumes) with the local authority in advance of commencing operations.
4. Under the Nature Conservation (Scotland) Act 2004 as amended by the Wildlife and Natural Environment (Scotland) Act 2011, anyone planning, permitting or carrying out forest operations or other activities in woodlands should be aware of their wildlife protection responsibilities.
5. Under the Water Environment and Water Services (Scotland) Act 2003, anyone planning, permitting, or carrying out forest operations or other activities in woodlands should be aware of their responsibilities for the protection and improvement of water quality and aquatic ecosystems. See <http://www.forestrywaterscotland.com/> for more information.
6. If you are to fell Larch within the *P. ramorum* Zone 1 (outside the Management Zone) or Zone 2 areas where you are within 10km of a known infection (which are indicated on the regularly updated map), you must contact your local Conservancy Office before you begin felling to find out if the stand needs to be inspected to confirm the presence or absence of *Phytophthora ramorum*. The inspection cannot be carried out until the trees are fully in needle.



7. Forestry can be dangerous. The Forest Industry is working together to raise the standards of health, safety and welfare in the work place. More information can be found at: <http://www.ukfisa.com/>



UK Timber Regulation

Due Diligence checklist for timber grown in Great Britain

This document is intended to help meet the obligations placed on "operators" to undertake a risk assessment when placing timber or timber products on the market, as defined under UK legislation governing timber legality. It outlines the risk factors associated with timber grown in Great Britain (see overleaf).

The details of the timber species, timber volume etc. are listed on the Felling Permission or Forest Plan.

Evidence of Lawful Harvesting

1. Felling Permission Ref No(s) or Statutory Plant Health Notice (SPHN) number	Date Approved
FPA-7863	Wed, 24 Mar 2021

(If the recipient of the felling permission, or SPHN is felling the timber but not directly placing it on the market then the due diligence form must be passed to the agent or company who are doing so).

OR

2. Forest Management Plan Ref No (s)	Date Approved

Tom Hobbs

Date:

Senior Operations Manager, Scottish Forestry

Wed, 24 Mar 2021

3. In absence of felling permission, or SPHN or forest plan:
Where the timber came from :
Name & Address of Supplier/Land Owner:
Reason the timber does not derive from an approved felling permission or a forest plan:

Certification: If the timber is independently certified enter the certificate number below:

--

Additional Risk Factors: If there are any factors (not covered overleaf) that indicate a risk that the timber could be illegally harvested, enter these below with an explanation of how that risk has been mitigated.

Factor	Means of Mitigation

Declaration by the operator: I declare that the timber referred to above is grown in Great Britain. I have identified any additional risk factors and the action taken to mitigate that risk, and I have no reason to believe that there are further risks of the timber being illegal.

Signed:

Dated:

Further guidance on timber regulations can be found at:

<https://www.gov.uk/guidance/trading-timber-imports-and-exports-from-1-january-2021>

The timber described overleaf was produced from forests in Scotland, part of Great Britain, where the following risk factors apply.

1. **Illegality** - Forests in Scotland are regulated by Scottish Forestry, an executive agency of the Scottish Government. The incidence of illegal felling in Scotland is low, estimated at much less than 1% of the timber volume harvested.
2. **Governance** - Great Britain is ranked highly for good governance in independent assessments, such as The Worldwide Governance Indicators project (funded by The World Bank). Moreover forestry proposals in Great Britain are available for comment and Great Britain is well served by bodies from civil-society that contribute specialist knowledge and opinion to the assessment of forestry proposals.
3. **International Perspective** - There is no UN Security Council ban on timber exports from Great Britain and Great Britain is not associated with or designated as a source of 'conflict timber', both of which are key international indicators of illegality.
4. **Forest Regulation** - Scotland has specific forest laws (principally, The Forestry and Land Management (Scotland) Act 2018) which convey powers to regulate forestry activities, control felling, administer woodland grants and to manage state forests. The Forestry Commission issued a revised UK Forestry Standard (UKFS) in 2017 which provides a benchmark against which forestry is regulated and is explicit in terms of legal requirements and the assurances of legality and sustainability that can be given by the process of forest regulation. Scottish Forestry are the competent authority with respect to Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017. The Forestry Commission reports on behalf of the United Kingdom the sustainability of UK/Great Britain forests in the Global Forest Resources Assessment and Forest Europe indicators and compiles annual statistical information. Scottish Forestry contributes to this reporting. These various sources of information indicate that forests in Scotland, part of Great Britain/UK, are managed on a sustainable basis.
5. **Endangered Timber Species** - There are no endangered timber species present in Great Britain.
6. **Assessment of UK grown timber by the certification schemes** - The two major international certification schemes, FSC and PEFC, have assessed Great Britain as being of low risk in terms of their "Controlled Wood" and "Avoidance of Controversial Sources" respectively. This allows up to 30% of non-certified home grown timber to enter supply chains. Approximately 80% of timber coming to the market in Great Britain has been independently certified as coming from well managed forests. This is in addition to the regulatory processes outlined above.

Notes for completion of form

The person who first places timber / timber products on the market or uses them is defined as an 'Operator' under the Regulation:

If you are a landowner, harvesting and selling the trees, then complete this form and keep it with the felling permission/forest plan or other details (as appropriate) together with details of the contract for sale of the timber.

If you are buying the timber 'standing' and harvesting the trees, then complete this form, ask for a copy of the felling permission or forest plan approval from the owner and keep this form together with details of the contract for purchase of the timber.

It is important to keep a record for at least 5 years, as required by the legislation, of timber sales and purchases.

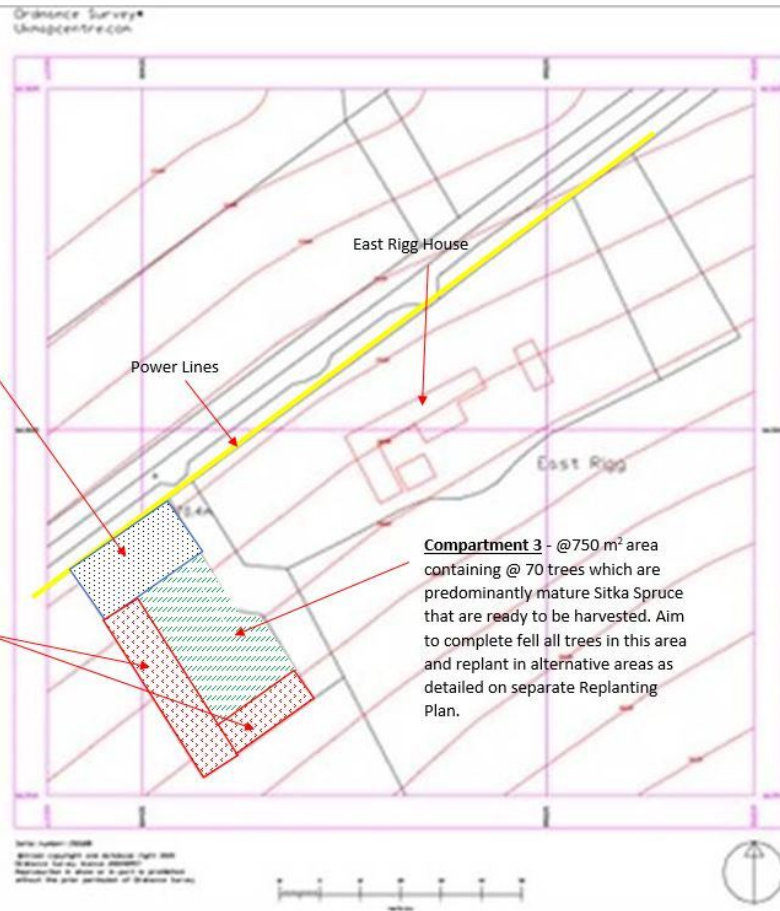
Felling Map(s)

Felling Plan:

Compartment 1 - @375 m² area (15m x 25m) containing @ 50 trees predominantly Sitka Spruce with some Scots Pine. These are mature trees up to 30m high and with the south-west prevailing wind they represent a significant risk of being blown onto overhead power lines. Aim to complete fell all trees in the area under the power lines. Trees will be replanted as detailed on separate Replanting Plan.

Compartment 2 - @670m² area (67m x 10m) containing @50 trees growing along the west and southern boundaries of the plot. The majority of the trees are Scots Pine (@35 trees) with some Sitka Spruce (15 trees). Aim is to complete fell all trees in this area, however whenever possible, we would like to retain any Scots Pine that we believe are not susceptible to wind blow. If Scots Pine trees are unable to be retained individual trees will be replanted along western boundary as detailed on separate Replanting Plan.

Compartment 3 - @750 m² area containing @ 70 trees which are predominantly mature Sitka Spruce that are ready to be harvested. Aim to complete fell all trees in this area and replant in alternative areas as detailed on separate Replanting Plan.



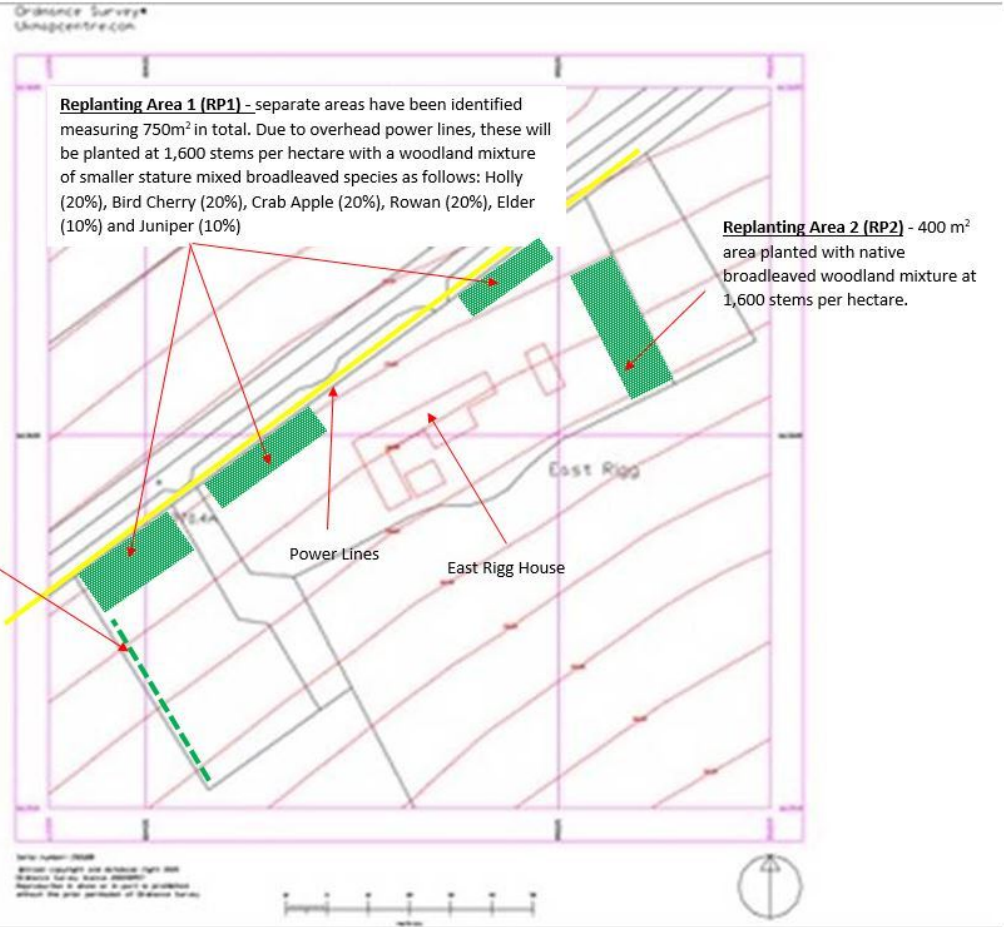
Alternative Restocking Map(s)

East Rigg Replanting Plan

Replanting Area 3 (RP3) – Ideally, we would like to retain existing Scots Pine wherever possible to maintain some shelter for the site from prevailing south-westerly winds. If this is not possible propose to plant a line of individual trees along the western boundary using the same species proposed in RP1.

Replanting Area 1 (RP1) - separate areas have been identified measuring 750m² in total. Due to overhead power lines, these will be planted at 1,600 stems per hectare with a woodland mixture of smaller stature mixed broadleaved species as follows: Holly (20%), Bird Cherry (20%), Crab Apple (20%), Rowan (20%), Elder (10%) and Juniper (10%)

Replanting Area 2 (RP2) - 400 m² area planted with native broadleaved woodland mixture at 1,600 stems per hectare.



Planning
City of Edinburgh Council
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

Ref.241.1-PL-00
10.04.2021



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DESIGN & PLANNING STATEMENT

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Land to West of 1 East Rigg Farm, Balerno, Edinburgh, EH14 7JR
 Grid ref. NT15405 63551

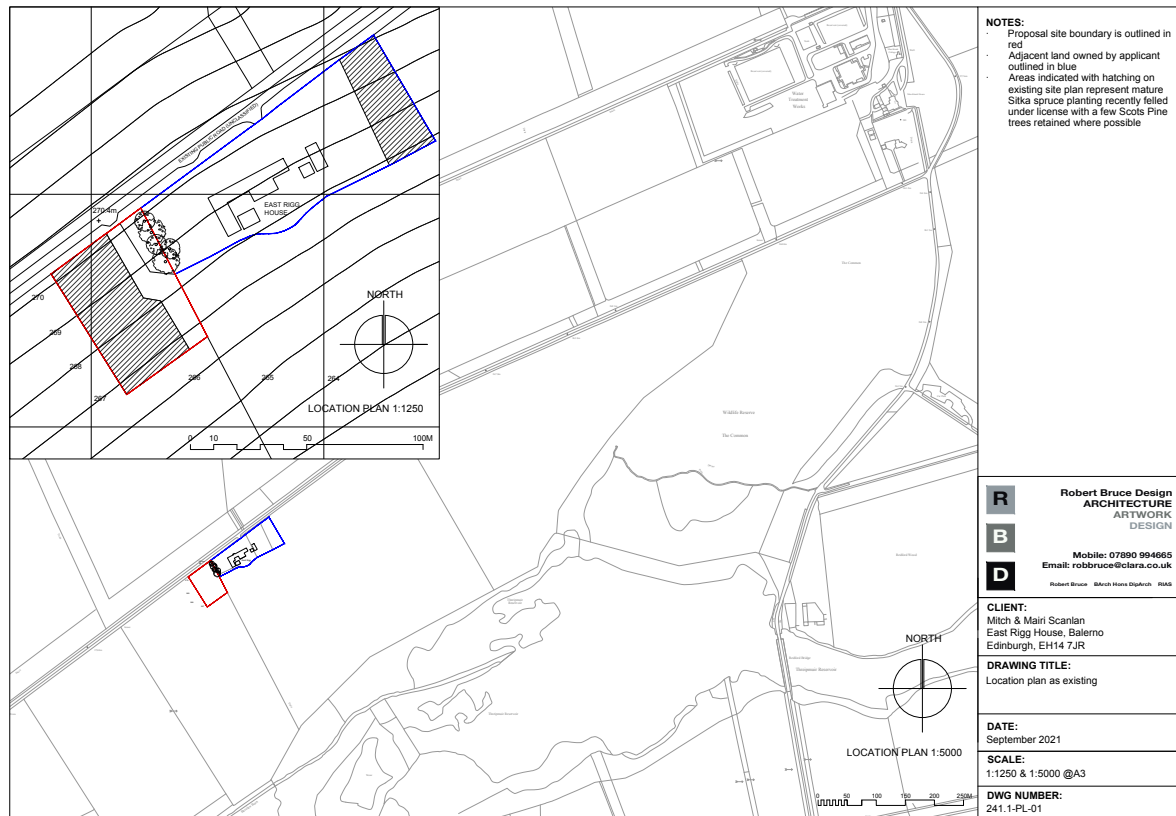


Fig.1 Location & site plan as existing

1.0 INTRODUCTION

The applicants Mitch & Mairi Scanlan own all of the land outlined on the location plan dwg.241.1-PL-01. The land sits on the boundary between the Countryside designated area and the Pentlands Hills Regional Park and since they acquired the site in 2011, they have carried out extensive renovation and development to the main residence East Rigg House a single storey 4-bedroom family home and a separate 3-bedroom annex with garage.

Unfortunately, in April 2019 Mitch Scanlan was diagnosed with cancer a life changing event which resulted in the need for him to retire much earlier than anticipated and for him and his wife to re-evaluate their retirement plans. Although, they have modernised and remodeled East Rigg House and the annex, the property is very large, expensive to heat and maintain sustainably and due to their change in circumstances they would like to build a more efficient, well designed and environmentally responsible home on the site for them to live in during their retirement.

If the applicants are successful with their application, they intend to sell East Rigg House and the garage annex which will release equity to finance the proposed new development.



Fig.2 Extent of site owned by applicant viewed from South

They have identified a plot of land to the west of the site outlined in red on the location plan for the proposed new development. The plot is non-agricultural land that was planted approximately 40 years ago with a mixed crop of Sitka Spruce and Scots Pine. These trees had reached maturity and were harvested and sold in July / August 2021 under Felling Permission FPA -7863 (see attached). The felled area has subsequently been cleared of stumps and brash and as a condition of the Felling Permission the applicants are required to replant an alternative area of native Scottish hardwood trees across the site. The replanting plan which is also shown in FPA-7863 includes replanting 0.17 hectares with a mixture of smaller stature Scottish hardwood trees at a density of 1,600 stems per hectare. These include Holly (20%), Bird Cherry (20%), Crab Apple (20%), Rowan (20%), Juniper (10%) and Elder (10%).

In addition to this the applicants have received a grant from The Woodland Trust to plant 150m of Scottish hedge mix along the boundaries of the plot, this hedge will include Rowan trees planted every 6 metres that will be allowed to mature to full height.



Fig.3 Site viewed from South prior to felling

The applicants have also recently completed a course in beekeeping with the Edinburgh & Midlothian Beekeepers Association and have joined The Scottish Native Honey Bee Society (SNHBS) a registered charity which has been established to encourage beekeeping using Scottish native honey bees. The applicants plan to set-up an apiary on the site in 2022 suitable for up to x5 hives and work with the SNHBS to support the conservation and reinstatement of Scottish native honey bees.

The proposed planting of native Scottish trees and hedges and establishment of the apiary will create an attractive landscaped area sympathetic to the location which will provide screening, shelter and increase biodiversity of the local environment. The replanting of the new trees and hedges and establishment of the apiary is expected to be completed during 2022.



Fig.4 Site viewed from North after felling

2.0 DESIGN

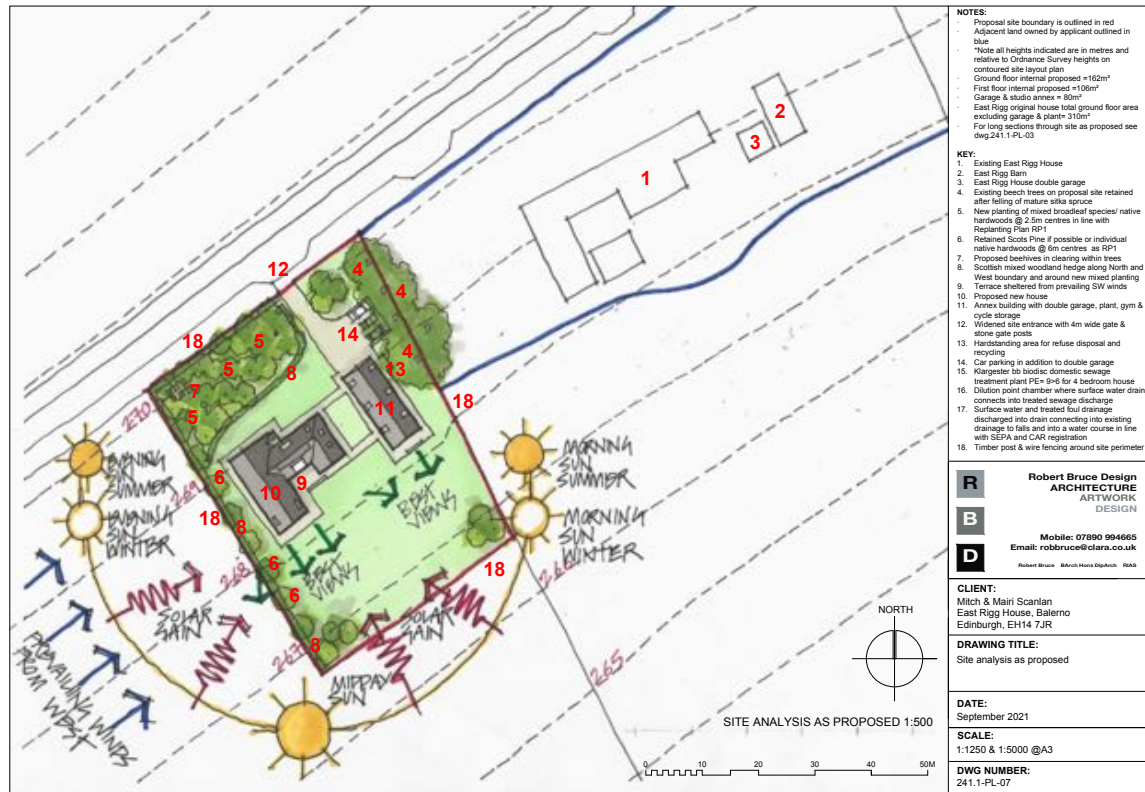


Fig.5 Site analysis as proposed

2.1 Design Proposal

The site analysis dwg.241.-PL-02 refers to the proposal site, identifying key issues and demonstrating how the proposed building will be integrated into the landscape.

The site falls quite gently from North-West to South-East as indicated by the contours. The building forms a small courtyard, enclosed on two sides by sections running NW to SE, with a linking section running SW to NE. The house is sited approximately 1 metre below the existing access road level, reducing its' visual impact and nestling into the lie of the land. South facing terraces adjacent to the building follow the natural stepping of the landscape.

The double garage and gym building is orientated NW to SE in line with the house, with the NW elevation sitting in line with the NW elevation of the 2 storey section of the house.

The prevailing wind is from the South-West and the taller section of the proposed house is orientated to act as an effective barrier to the wind, creating shelter and enclosure.

The building is designed and organised to maximise on solar gain, with South/ SW and SE facing glazed openings.

Sited on the boundary of the Pentland Hills Regional Park, the site benefits from outstanding views and the building is organised to make the most of these to the West, South and East.



Fig.6 Perspective view from South

An important driver in the design was to avoid the use of dormer windows on the first floor, so that the buildings read as a contemporary take on traditional highland farm steadings or sheds. The 1 ½ storey sections and the garage and gym building are visually subservient to the 1 ¾ storey wing finished in stone, being lower and less visible and have been finished in dark grey cladding boards which together with the slate roof will help to reduce their visual impact.

The decision to separate the garage and gym building from the main house was also taken to reduce the buildings footprint and visual impact on the site. This also contributes to the argument that once built, the proposals will read as a cluster of rural buildings, consistent with the traditional pattern of development in this area. Existing clusters of traditional farm buildings can be seen close by at Bavelaw Mill Farm, Easter Bavelaw, Marchbank House, Mansfield cottages and West Rigg (See OS location plan extract).



Fig.7 Perspective view from East



Fig.8 Perspective view from North



Fig.9 Extract from OS map showing wider location

The materials proposed for the building are a slate roof, with locally sourced rubble stone walls and dressed stone door and window surrounds, dark grey horizontal Cedral lap fibre-cement wall cladding, aluclad framed doors and windows in dark grey to complement the stone and slate and clean profiled dark grey painted fascia, bargeboards and other timber detailing.

Avoidance of the “big box house”, complex roof forms and the adoption of a traditional 42-degree roof pitch, the use of a limited palette of both locally sourced

and sustainable materials, a narrow floor plan, a tendency against intricate and fussy detailing are all examples of how the proposal comply with the EDC guidance documents “Guidance for development in the Countryside & Green Belt” and the Scottish Government Planning Advice Note “Housing in the Countryside”.

While respecting and making use of some traditional features such as roof form, pitch, material choices we do not want to create some kind of pastiche of a Scottish countryside dwelling. The proposals are for a contemporary family home that meets the greater expectations of comfort, space and amenity now afforded by technology regarding glazing. As stated, the site benefits from stunning views across the Pentland Hills and the design attempts to harness these views, framed in triple-glazed doors and fixed windows, with smaller, vertically proportioned opening windows primarily for ventilation.

2.2 Access

Access to the site makes use of an existing access, which has been widened to facilitate site lines and vehicle access. Parking will be in the proposed double garage and to the North-East of the site, screened under the existing tall beech trees. Areas of hardstanding required for vehicle access, parking and refuse container provision have been kept to a minimum to the NE corner of the site to reduce their visual impact and maximise the natural landscaping. There will also be ample provision for cycle storage within the garage gym building.

2.3 Landscaping

In addition to the Sitka Spruce referenced above, there are a number of beech trees on the site. The mature beech trees to the east of the application site are to be retained mostly within the boundary of the proposal site but with one falling within the original East Rigg House site. The applicant intends to implement the replanting plan agreed with Scottish Forestry, with a woodland mixture of mixed broadleaf species to the North-West of the proposal site, existing Scots Pine to the South-West retained if possible and if not planted with a line of mixed broadleaf at 6 metre intervals to provide some shelter to the site from the prevailing S-W winds.

The applicant has received some grant funding from the Woodland Trust to plant 150m of Scottish hedge mix along the boundaries to the North and West and around the Southern perimeter of the mixed broadleaf.

External features proposed include simple terraces connecting the house to the landscape to the South which also follow the natural contours. These would be finished in a simple palette of natural stone paving and low-level rubble stone walling made up from salvaged stone.

To the North of the house, we propose to use a combination of gravel and compacted hardcore for the designated areas of hardstanding for car parking and refuse disposal, recycling and collection. Through careful siting of the buildings, the amount of hardstanding area on the site has been kept to a minimum.

The applicant would like to build simple rubble stone gate pillars and walls at the entrance off the access road, running into the existing beech hedge along the North boundary. Any new fencing required should be in timber post and wire.

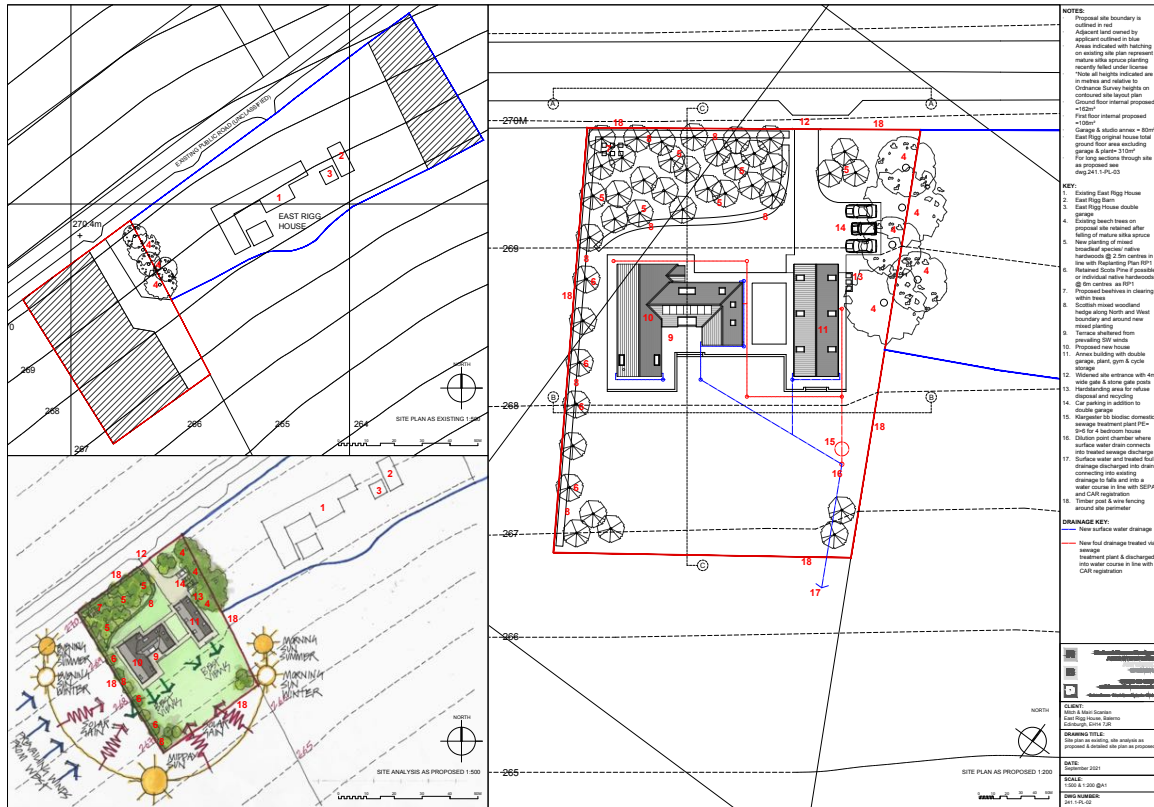


Fig.10 Site plan as existing, analysis & site plan as proposed

2.4 Services

The applicant has received quotes for a private borehole water supply, similar to the one already supplying East Rigg House and intend to discuss this with the relevant authorities should the application be successful.

Existing power lines pass through the proposal site suggesting that electricity connection should not be an issue.

There is sufficient space within the site to accommodate a new water sewage treatment plant. This could feed into the existing system which formed part of the planning application for the works to East Rigg House ref. 15/03903/FUL, depending on what is agreed with SEPA. Surface water drainage could also feed into this system.

2.5 Sustainability

The proposed house represents an opportunity to build with low impact on the existing landscape, with a minimal amount of moulding and cutting and a building that effectively integrates and moulds into the existing landscape and contours.

The opportunity to carefully site the building means that it will benefit from a high degree of south facing solar gain in the main living spaces. By specifying high performing (low U value) glazing and insulation we can ensure that the building performs well in terms of minimal heat loss and low CO₂ emissions.

The applicant intends to install PV solar panels on South facing roof pitches which would contribute to the building's heating system and reduce its carbon footprint. They are also interested in installing an air source heat pump.

Perhaps one of the best arguments for sustainability is to build to the highest standards of design and construction, using appropriate and robust materials that last and that future generations will want to continue to use and maintain.

3.0 PLANNING

3.1 Planning History

- 21/02175/FUL- Planning approved for conversion of garage/ annex building to provide further habitable accommodation and construction of new detached double garage.
- 16/06261/FUL- Planning permission granted for the demolition of existing metal barn at side of house and erection of house at same position.
- 15/03903/FUL- Planning permission granted for extensive renovation and development of existing house.
- 13/00244/FUL- Planning permission granted for alterations and extension to existing house, including removal of existing extensions and entire roof.
- 12/03211/FUL- Planning permission granted for demolition of existing metal barn to side of house and construct new garage/annex building at the position of same. (as amended)
- 12/00372/FUL- Planning permission granted for demolition of existing house and outbuildings and construction of new replacement dwelling house, with associated landscaping works (not carried out).

3.2 Pre-Planning Advice

The applicants made a Pre-Planning Advice Application for the proposed house in December 2020 which was informative and helpful, prior to felling of the trees in July 2021.

The Pre-Application Advice response was mixed and can be summarised as follows:

- As originally presented the proposals do not appear to comply with Edinburgh Local Development Plan Policy Env10 (Development in the Green Belt and Countryside), specifically the principle of housing on a Green Belt site.
- The site also lies within the Pentlands Special Landscape Area as such LDP policy Env 11 (Special Landscape Areas) applies. It would have to be shown that the proposal would not have a significant adverse impact on the special character or qualities of the special landscape area.
- The site also lies within the Pentlands Hills Regional Park. As such LDP policy Env 17 (Pentlands Hills Regional Park) applies. It would have to be shown that the proposal would have no unacceptable impact on the character and landscape quality of the park.
- Design – The house will need to be designed to fit in with the landscape character of the area. The proposed building is large but does not have a footprint larger than

the existing East Rigg property. It is also noted that the new property approved within the site under 16/06261/FUL is one and half storey in height. The external materials shown of slate and stone are also acceptable.

- The landscaping of the site will be crucial and the boundary treatment will be especially important. The principles set out in design policies and the Edinburgh Design Guidance should be followed.
- The information suggests that the new house will be near the existing houses and this would be a requirement so that the new house does not appear as a standalone house in the countryside but as part of a cluster of houses.
- Amenity of occupiers - this should meet the standards set out in the Edinburgh Design Guidance (EDG). It is envisaged a new house here would have high quality amenity.
- Amenity of neighbours - this should meet the standards set out in the Edinburgh Design Guidance. It is envisaged a new house here would have no adverse impact on neighbouring amenity.
- Roads and Access – This should accord with the standards set out in the EDG. Cycle parking will also be required. The site access should include sightlines for safe access and egress. Ideally there would not be a shared access through the gardens of the site.
- Trees and Landscaping – It is acknowledged that many of the trees within the site are not native and are commonly planted for harvesting at maturity. However, contact should be made with Scottish Forrestry to see whether a felling license would be required in this instance. The trees must also be assessed in terms of potential bat roosts or any other protected species potentially residing within the site before any felling was to take place. It is noted that there are also native trees worthy of merit either within or near to the site. As a result a tree survey will also be required in the form specified in BS 5837:2012 for all trees with a stem diameter of 75mm or more, at 1.5m above ground on the site or within 12m of its boundary. Trees should then be categorised in accordance with their quality and suitability for retention. Further details can be found in the EDG page 113.
- The Council will expect a good level of landscaping to be provided with any areas of hardstanding kept to a minimum. Opportunities to increase biodiversity should be taken e.g. introduction of hedges around the site and to either keep the existing small trees to the front boundary of the site or to introduce hedging instead of any walls. The front of the house should be largely soft landscaping with parking kept to the side or rear rather than the front of the house.

3.3 Policies used for assessment

The Pre-Application advice also helpfully listed the LDP policies that will be used to assess the application:

- Principle of Development- Env10 (Green Belt and Countryside); Env11 (Special Landscaped Areas); Env17 (Pentlands Hills Regional Park)
- Design- Des 1 (Development Quality and Context); Des 4(Development Design - Impact on Setting); Des 5 (Development Design - Amenity)
- Private Green space - Policy Hou 3 (Private Green Space in Housing Development)
- Transport - Tra 2 (Private car parking) and Tra 3 (Cycle parking)
- Trees, Landscaping, flooding and Ecology - Env 12 (Trees); Env 16 (Protected species); Env 21 (Flood Protection)

The proposal will also be assessed against the Edinburgh Design Guidance which informs design policies. Information on the following key issues can be found in the EDG:

- Design and layout p. 43
- Trees p. 113
- Ecology p. 106
- Parking standards p.63
- Open space p.104
- Reference should also be made to Development in the Countryside and Green Belt.

3.4 Responses to Pre-Planning Advice and Policy

In this section of the Design & Planning Statement we intend to demonstrate how each of these policy issues has been addressed by the proposals for this planning application. Where relevant examples of planning precedent have been cited to support the application.

As well as the Edinburgh LDP and other guidance referred to in the Pre-Planning Advice letter, we have also looked at Scottish Planning Policy SPP20.

Scottish Planning Policy 2020 (SPP20)

Para 28- Presumption in favour of sustainable development

“This SPP introduces a presumption in favour of development that contributes to sustainable development.”

“The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.”

Para 29- Principles that policies and decisions should be guided by

The guidance goes on to list the principles by which policy and decisions should be guided including:

- supporting good design and the six qualities of successful place (see para 41);
- making efficient use of existing capacities of land, supporting delivery of accessible housing;
- improving health and well-being by offering opportunities for social interaction and physical activity;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;

- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

It is our contention that where relevant to rural development, the proposals submitted adhere to this guidance.

Para 33- Proposals for sustainable development as a material consideration

“ Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.”

It is our contention that a presumption in favour of development that contributes to sustainable development should be a material consideration when assessing the proposals against the ELDP (Env10).

Para 41- Planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place

These are listed as Distinctive, Safe and Pleasant, Welcoming, Adaptable, Resource Efficient, Easy to Move Around and Beyond. We believe that where relevant to rural development, the proposals submitted demonstrate these 6 qualities, as evidenced by the site analysis (figure 1), application drawings and design statement (section 2).

Para 95- Plans should encourage opportunities for home working

The proposals demonstrate a flexible arrangement of living spaces with scope for home working and potential for micro-businesses.

Edinburgh Local Development Plan Policies (LDP)



Fig.11 Extract from ELDP Map

ENV10- Principle of development in Green Belt & Countryside

“It is necessary to control the type and scale of development in the green belt to enable it to fulfil its important role in terms of landscape setting and countryside recreation as described in Part 1. However, the purpose of the green belt is not to prevent development from happening. This policy sets out the circumstances in which development in the green belt can be supported.”

“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 Council’s guidance ‘Development in the Countryside and Green Belt’ provides more detailed advice.”

As highlighted in the Pre-Planning Advice, for planning approval to be given the proposals need to demonstrate material considerations to support development in the green belt and countryside.

The publication “Guidance in the Countryside and Green Belt” states the following:

“New houses not associated with countryside use will not be acceptable unless there are exceptional planning reasons for approving them. These reasons include the re-use of brownfield land and gap sites within existing clusters of dwellings.”

The proposal site is within the boundary of a defined area of land that forms a small cluster of 3 buildings. As explained in the section 2.2, the site has been recently cleared of trees which were planted as a commercial crop around 40 years ago. Having felled the trees, the site has become a gap site within the curtilage of the land owned by the applicant.

When considered with the other 3 buildings on the site, the proposals form a cluster of houses consistent with other rural developments close by and cited in section 2.1.

It is therefore our contention that the site is a gap site within an existing cluster of dwellings and that this constitutes a material consideration when assessing the application against policy Env10, and that the proposals as presented do not detract from the landscape quality and/or rural character of the area.

ENV11- Principle of development in Special Landscaped Areas

“Planning permission will not be granted for development which would have a significant adverse impact on the special character or qualities of the Special Landscape Areas shown on the Proposals Map”

It is our contention that the proposals as presented do not have an adverse impact on the special character or qualities of the SLA. If, beyond the detailed information provided in the proposed site plan, the Scottish Forestry restocking plan and the perspective view drawings, a landscape and visual impact assessment is required by planning then the applicant would be willing to commission one as a planning condition.

ENV12- Trees

“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.”

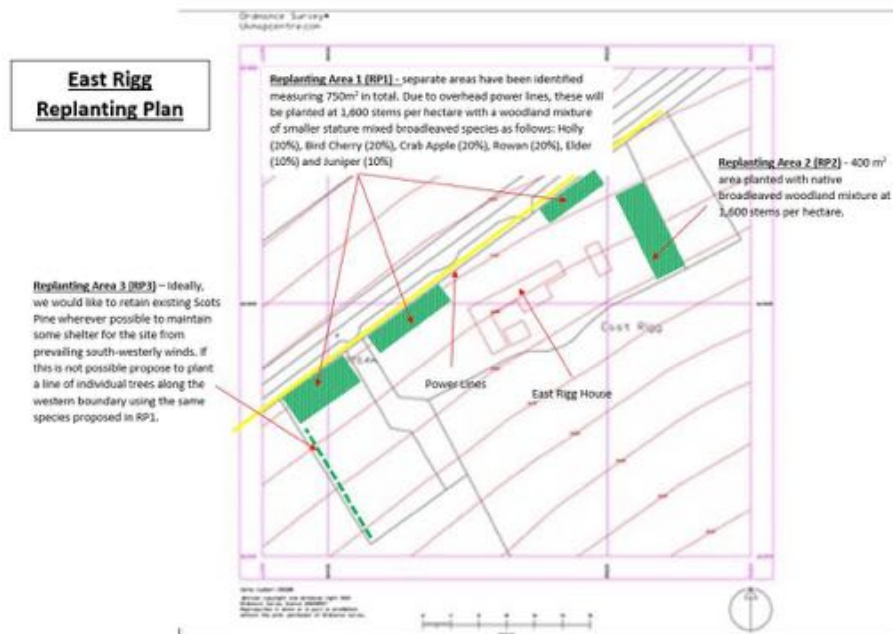


Fig.12 Extract from Scottish Forestry Replanting Plan

As advised in the Pre-Planning Advice, the applicant engaged with Scottish Forestry and applied for Felling Permission for the harvesting of sitka spruce on the site which was approved 25.04.2021 ref. FPA- 7863. A tree survey was carried out and a restocking plan was agreed with Scottish Forestry and incorporated into the proposed site plan. This sets out which trees are to be preserved and a replanting plan for the site in line with Env12.

ENV16- Protected species

As a condition of planning application 13/00244/FUL, for alterations and extension to the existing house granted 23.04.2013, the applicant carried out a European Protected Species EPS Survey Report (included with this application) and SNH issued a Derogation License ref. 25219, issued 21.11.2013 (also included).

The applicant carried out the requirements of the license in 2014, including provision for a bat roost in the existing mature trees and bat roost tiles in the roof of 1 East Rigg house. These are still in situ to support roosting bats and will be unaffected by the new proposals.

ENV17- Principle of development in Pentland Hills Regional Park

See responses to Env10 and Env11.

ENV21- Flood Protection

The SEPA flood risk map attached shows no specific risk of flooding from river, coastal or surface water sources.

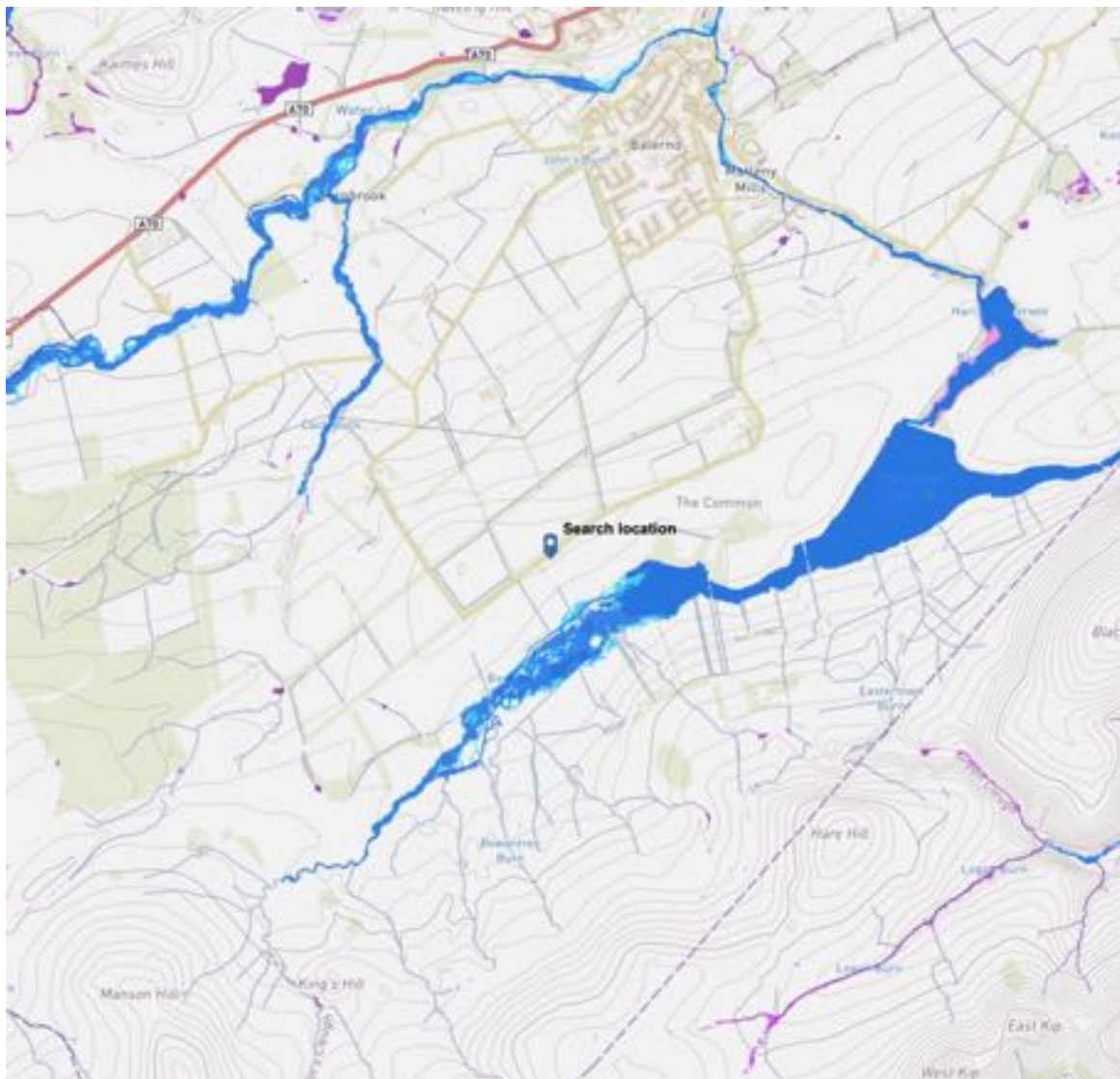


Fig.13 Extract from SEPA Flood risk map



Fig.14 Aerial perspective from South

DES1- Design development quality & context

Design complies in terms of sense of place, detailed site analysis demonstrating relationship with neighbouring buildings and landscape, design quality and appropriateness.

DES4- Development design impact on setting

Design complies in terms of height and form, scale and proportions, position of building and other features on site, materials and detailing.

DES5- Development design amenity

Design complies in terms of not affecting neighbours in relation to noise, daylight, sunlight privacy or outlook; flexibility for potential future use; clear distinction between public space; refuse, recycling, cycle storage and sensitive integration of plant, services, low carbon and other technologies into the design.

HOU3- Private green space in housing development

Ample provision see site plan 241.1-PL-02

TRA2 Transport private car parking

See provision on site plan 241.1-PL-02

TRA3 Cycle parking

Provision within proposed annex building 241.1-PL-02.

EDINBURGH DESIGN GUIDANCE (EDG)

Guidance on design & layout, trees, ecology, parking standards and open spaces has all been followed as demonstrated in the application drawings and section 2 of this document.

DEVELOPMENT IN THE COUNTRYSIDE & GREEN BELT (DCGB)

Guidance on biodiversity and trees, Justification for new Build (see Env10) and general design have all been followed as demonstrated in the application drawings and section 2.

3.5 Planning Precedent

We can also cite 3 recent examples of planning precedent of planning approval for similar developments with comparable reasons given for their approval on Green Belt sites.

Planning for a new build 1.5 storey dwelling and double garage was granted on appeal at 87 Cammo Road, Lennie Mains ref.14/ 01832/FUL. The site is within the Edinburgh Green Belt and on the boundary of but within an area of Outstanding Landscape quality. Reasons for the reversal of the original decision included:

- No significant loss of agricultural land.
- Local Plan consideration within the Green Belt for suitable “plots on which to build individually designed houses” (SPP15).
- Proposal generally followed the guidance given in “Edinburgh Design Guidance” and “Development in the Countryside & Green Belt”.

Planning for a new build 5 bedroom, 2 storey house was granted on appeal at Old Dairy House, Dundas Home Farm ref. 15/ 05159/ PPP. The site is the Green Belt and the reasons for the reversal of the original decision included:

- The application site was for a single house in a part of the Green belt which has other houses nearby. There would be no harm to the Green belt provided the new house was of a design and form that suitably integrated with the surrounding houses.
- The proposal is for a small family house in the garden of the Old Dairy House. It is a suitable site for development.

Planning was approved for a new build 4 bedroom, 2 storey dwelling to NE of 64 Johnsburn Road, Balerno ref. 16/ 05222/FUL. The site is within the Green Belt and on the boundary of but within an area of Outstanding Landscape Quality. The reasons for the decision included:

- The proposal is acceptable in principle as it involves the intensification of an existing use in the green belt and is located within the defined curtilage of an existing dwelling house.
- The development will not have an adverse impact on the flora fauna and landscape features of the Local Nature Conservation Site, or a detrimental impact on the setting of the existing listed building.
- The proposed dwelling house is of an acceptable design, will result in the creation of a satisfactory residential environment and does not raise any issues in respect of road safety or flood prevention.
- The proposal complies with policies Des 1, Env 3, Env 10, Env 12, Env 15, Env 21 and Tra 2 of the adopted Edinburgh Local Development Plan (LDP), the Edinburgh Design Guidance (EDG) and the Council's Non-Statutory Parking Standards.

4.0 CONCLUSION

Planning Pre-Application Advice made it clear that in order to support this planning application for the development of a house on a Green Belt site, we would need to provide clear evidence of material considerations for approving development. The proposal would also need to be shown to comply with other relevant policies within the adopted LDP.

Key points that provide clear evidence and show policy compliance in this Design and Planning Statement are:

- A presumption in favour of development that contributes to sustainable development should be made as a material consideration when assessing the proposals against the ELDP.
SPP20: Para 28, 29, 33
- Material consideration of the site as a gap site within the curtilage of the property boundary following the felling of the commercial crop of non-native trees.
ELDP: Env10, "Development in the Countryside and Green Belt" p7
- Demonstrated that the proposals as presented would not have an adverse impact on the special character or qualities of the SLA, or on the character and landscape of the regional park.
ELDP: Env11, Env17
- Sense of place, detailed site analysis demonstrating relationship with neighbouring buildings and landscape, design quality and appropriateness; height and form, scale and proportions, position of building and other features on site, materials and detailing; noise, daylight, sunlight privacy or outlook; flexibility for potential future use; clear distinction between public space; refuse, recycling,

cycle storage and sensitive integration of plant, services, low carbon and other technologies into the design.

ELDP: Des 1, Des 4, Des 5

- Demonstrated adherence to other relevant policy guidance cited in the Pre-Application Advice.
ELDP: Env12, Env16, Env21, Hou 3, Tra2, Tra3, “Edinburgh Design Guidance”, “Guidance for Development in the Countryside & Green Belt”
- Clear precedent of planning approval for similar new build developments with comparable reasons given for their approval on Green Belt sites at:
 - 87 Cammo Road, Lennie Mains ref. 14/01832/FUL
 - Old Dairy House, Dundas Farm ref.15/05159/PPP
 - Land to NE 64 Johnsburn Road, Balerno ref.16/05222/FUL

Robert Bruce for RBD

DRAWINGS SUBMITTED:

- 241.1-PL-01-(A3) Location plan as existing
- 241.1-PL-02-(A1) Site plan as existing, site analysis & detailed site plan proposed
- 241.1-PL-03-(A1) Long section/ elevations AA, BB, CC as proposed
- 241.1-PL-04-(A1) Ground floor, first floor & roof plans as proposed
- 241.1-PL-05-(A1) Elevations as proposed
- 241.1-PL-06-(A1) Perspective views as proposed
- 241.1-PL-07-(A3) Site analysis as proposed

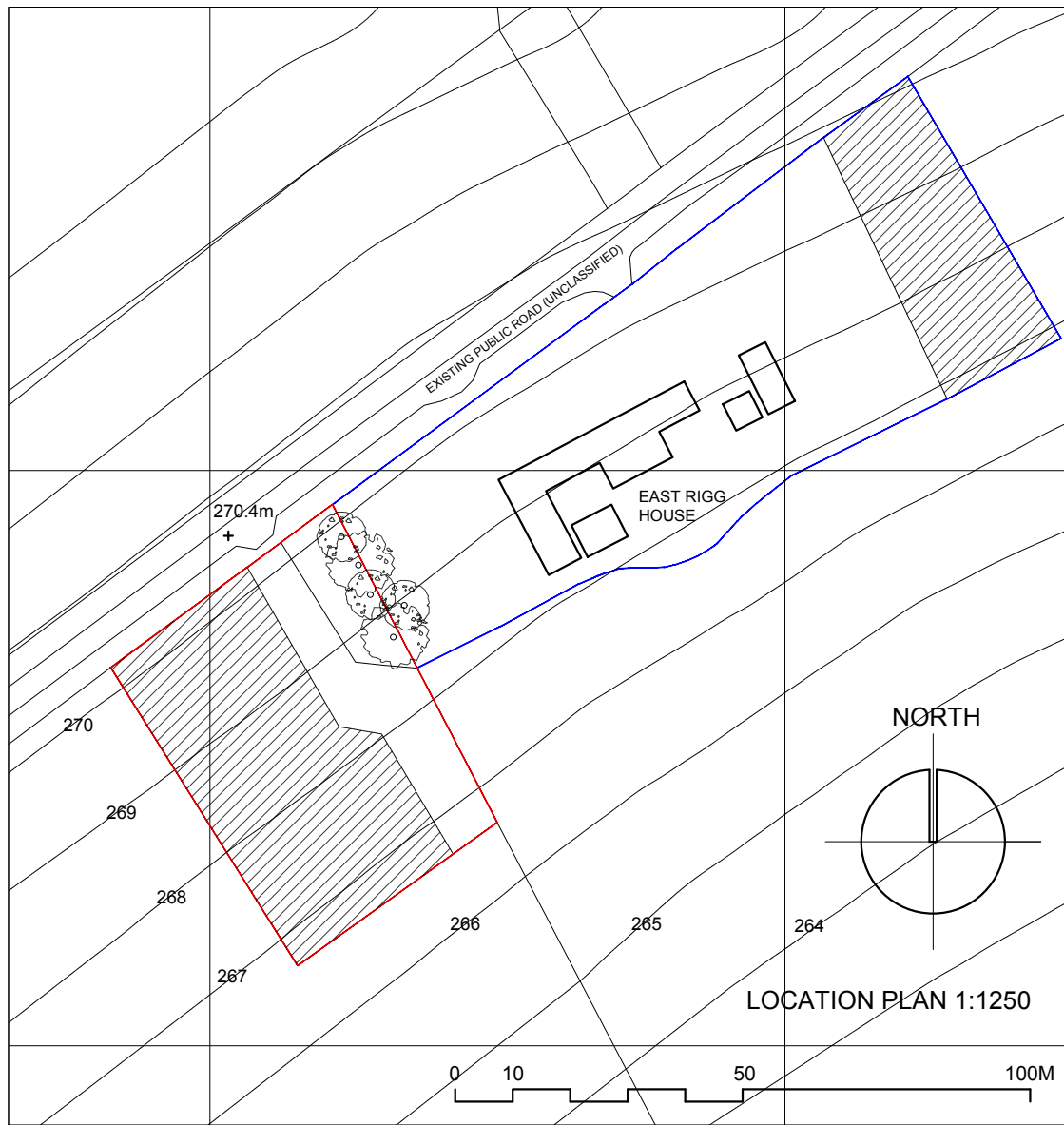
OTHER DOCUMENTS SUBMITTED:

- 241.1-PL-00 Design and Planning Statement
- EPS Survey Report March-May 2012
- EPS Survey Report Supplement July 2012
- SNH Derogation License ref. 25219 issued 21.11.2013
- Scottish Forestry Felling Permission ref. FPA-7863 issued 25.03.2021

LIST OF PUBLICATIONS CONSULTED :

- Scottish Planning Policy 2020
- City of Edinburgh Council “Edinburgh Local Development Plan” 2016
- CEC “Edinburgh Design Guidance” 2020
- CEC “Guidance for Development in the Countryside & Green Belt 2019”
- Scottish Government Planning advice note “Housing in the Countryside”
- “Scottish Forestry Felling Permission Application Guide”

- NOTES:**
- Proposal site boundary is outlined in red
 - Adjacent land owned by applicant outlined in blue
 - Areas indicated with hatching on existing site plan represent mature Sitka spruce planting recently felled under license with a few Scots Pine trees retained where possible



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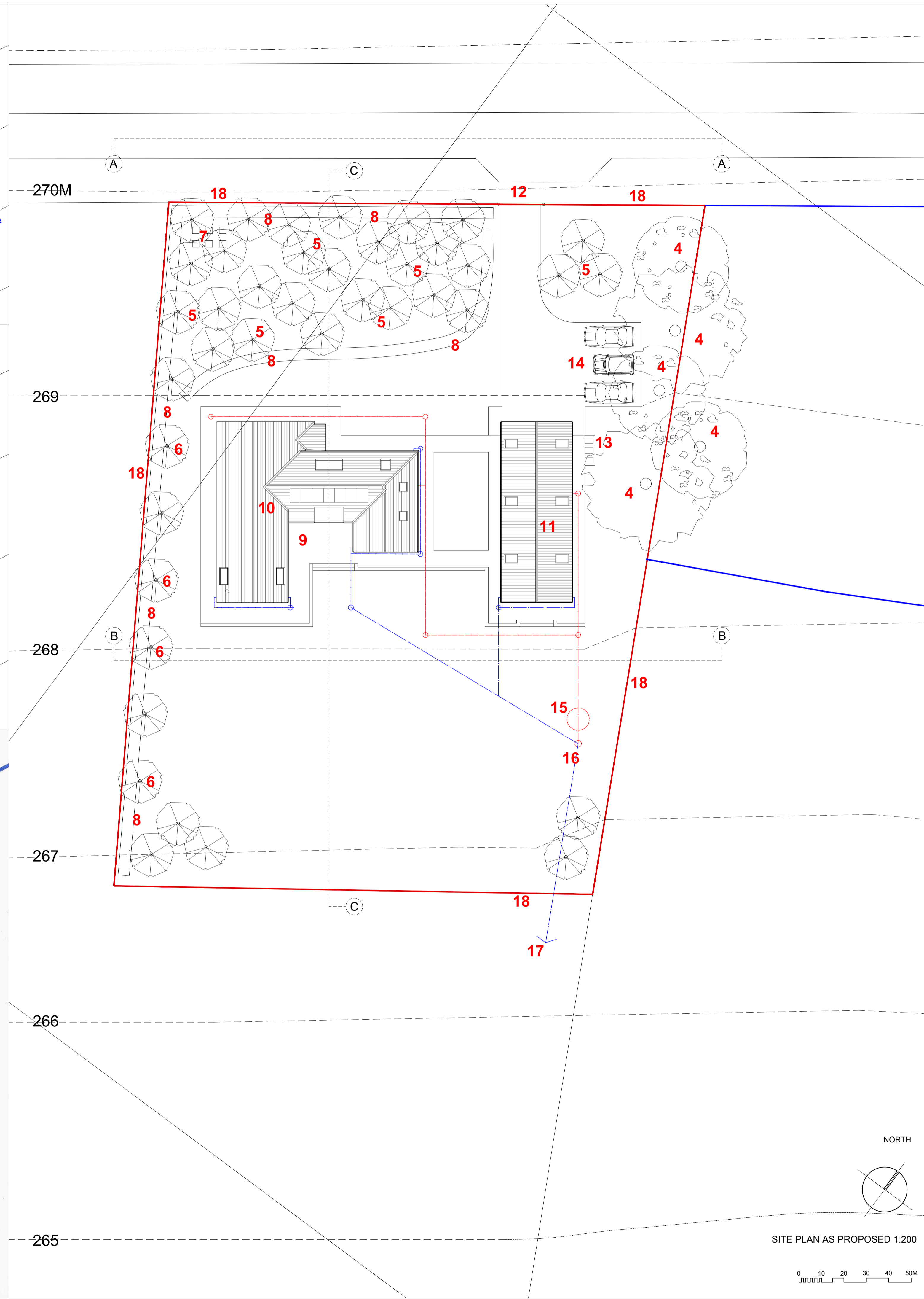
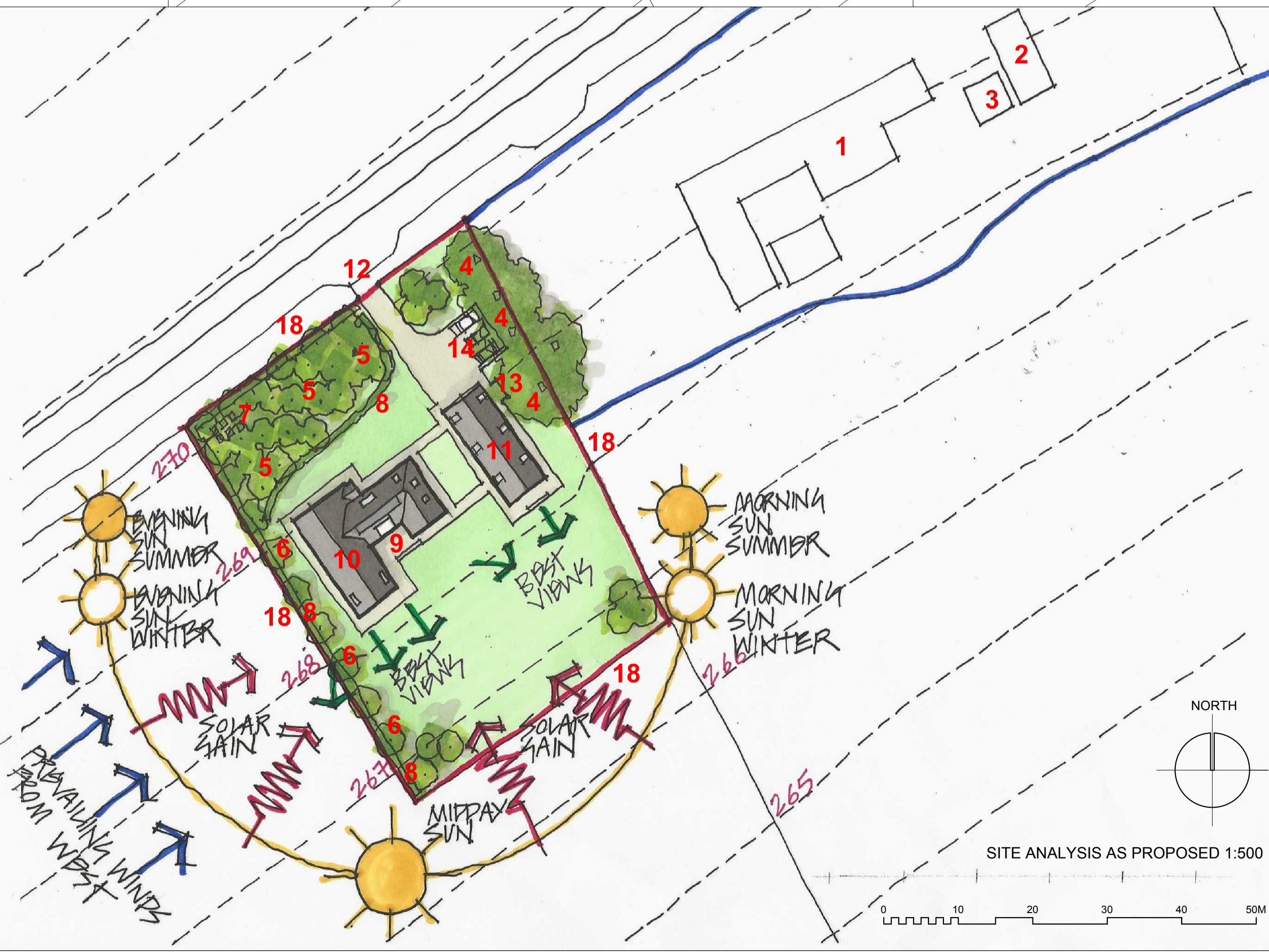
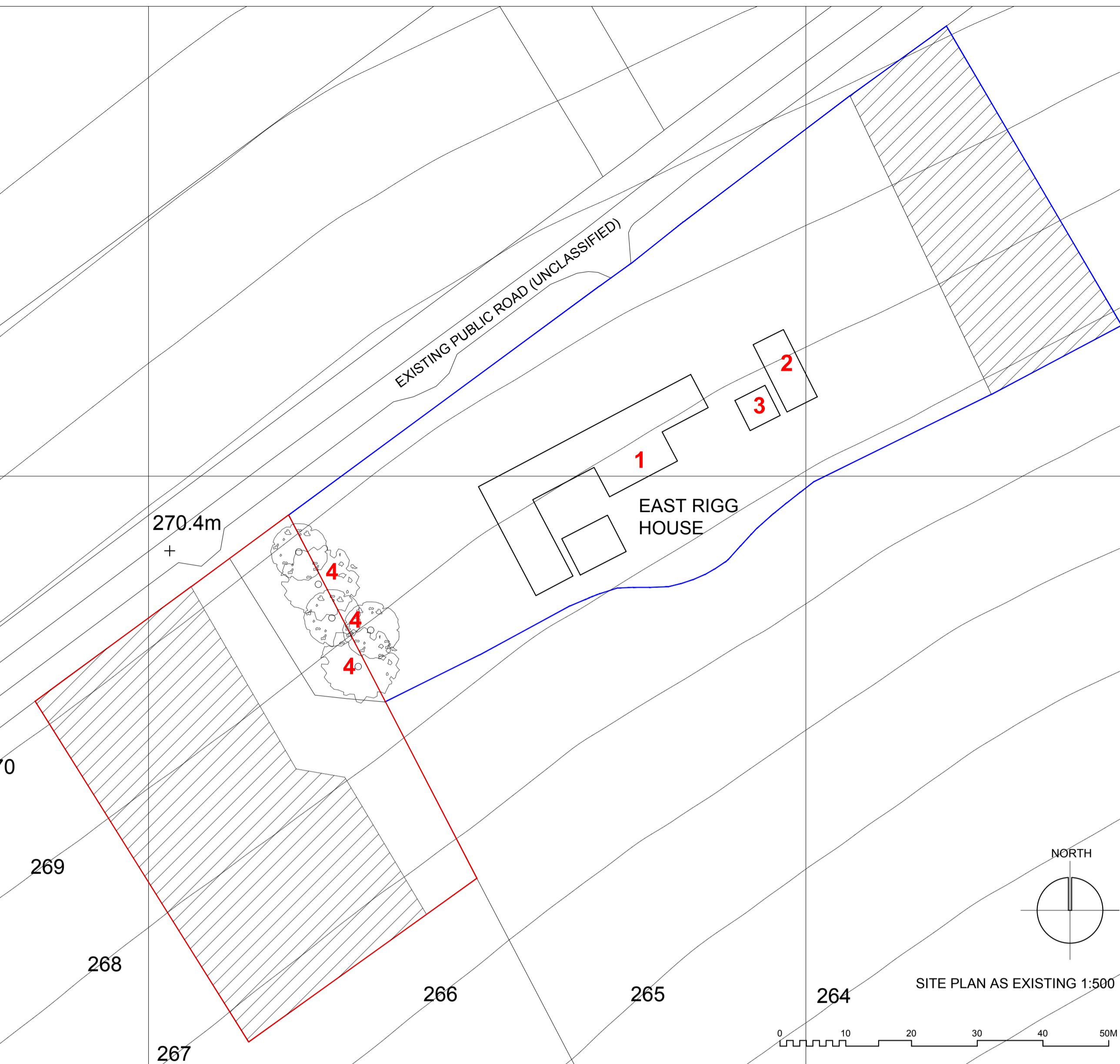
CLIENT:
Mitch & Mairi Scanlan
East Rigg House, Balerno
Edinburgh, EH14 7JR

DRAWING TITLE:
Location plan as existing

DATE:
September 2021

SCALE:
1:1250 & 1:5000 @A3

DWG NUMBER:
241.1-PL-01



NOTES:

- Proposal site boundary is outlined in red
- Adjacent land owned by applicant outlined in blue
- Areas indicated with hatching on existing site plan represent mature sitka spruce planting recently felled under license
- *Note all heights indicated are in metres and relative to Ordnance Survey heights on contoured site layout plan
- Ground floor internal proposed = 162m²
- First floor internal proposed = 106m²
- Garage & studio annex = 80m²
- East Rigg original house total ground floor area excluding garage & plant = 310m²
- For long sections through site as proposed see dwg.241.1-PL-03

- KEY:**
- Existing East Rigg House
 - East Rigg Barn
 - East Rigg House double garage
 - Existing beech trees on proposal site retained after felling of mature sitka spruce
 - New planting of mixed broadleaf species/ native hardwoods @ 2.5m centres in line with Replanting Plan RP1
 - Retained Scots Pine if possible or individual native hardwoods @ 6m centres as RP1
 - Proposed beehives in clearing within trees
 - Scottish mixed woodland hedge along North and West boundary and around new mixed planting
 - Terrace sheltered from prevailing SW winds
 - Proposed new house
 - Annex building with double garage, plant, gym & cycle storage
 - Widened site entrance with 4m wide gate & stone gate posts
 - Hardstanding area for refuse disposal and recycling
 - Car parking in addition to double garage
 - Klargester bb biodisc domestic sewage treatment plant PE= 9>6 for 4 bedroom house
 - Dilution point chamber where surface water drain connects into treated sewage discharge
 - Surface water and treated foul drainage discharged into drain connecting into existing drainage to falls and into a water course in line with SEPA and CAR registration
 - Timber post & wire fencing around site perimeter

DRAINAGE KEY:

- New surface water drainage
- New foul drainage treated via sewage treatment plant & discharged into water course in line with CAR registration

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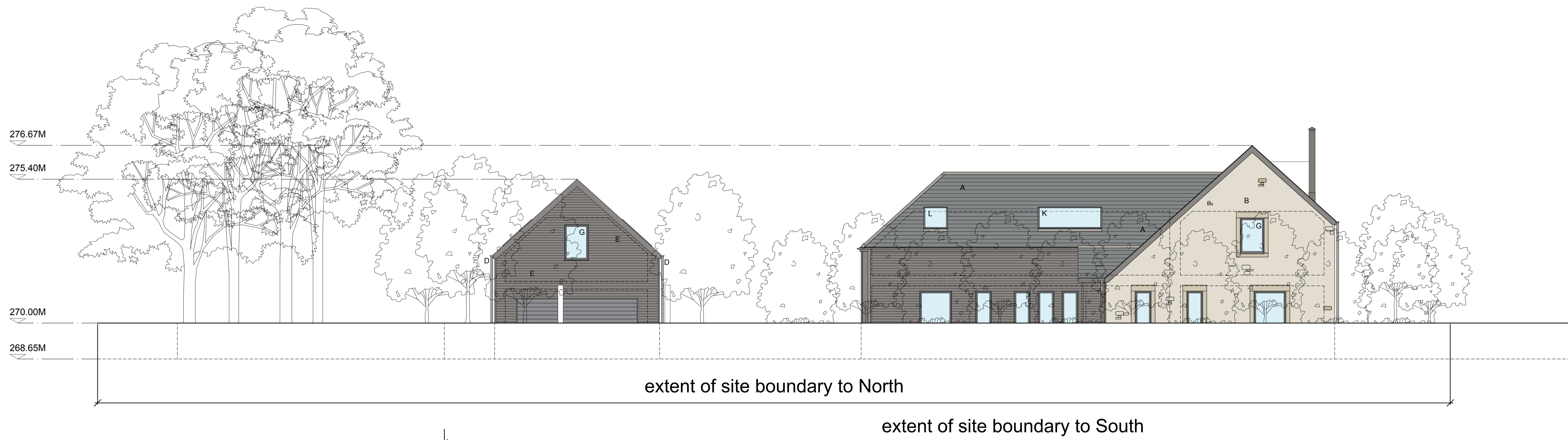
CLIENT:
 Mitch & Mairi Scanlan
 East Rigg House, Balerno
 Edinburgh, EH14 7JR

DRAWING TITLE:
 Site plan as existing, site analysis as proposed & detailed site plan as proposed

DATE:
 September 2021

SCALE:
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DWG NUMBER:
 241.1-PL-02



SECTION/ ELEVATION A-A AS PROPOSED



SECTION/ ELEVATION B-B AS PROPOSED



SECTION/ ELEVATION C-C AS PROPOSED

- NOTES:**
- New works indicated in colour
 - Ground floor internal proposed as marked on plans
 - First floor internal proposed as marked on floor plans
 - Garage & studio annex= 80m²
 - For site plan as proposed see dwg.241.1-PL-02

- KEY:**
1. Entrance porch
 2. Coats & boots
 3. Store
 4. Clothes hanging & shelves
 5. Double glazed sliding doors
 6. Wood-burning stove
 7. Pocket sliding door
 8. Linen store/ HWC
 9. Rooflight over
 10. Roof terrace
 11. Outdoor terrace

- A. Spanish Cupa or similar slate to match Scottish slate
 B. Local rubble stone walls with dressed margins
 C. Lead to latest LSA recs.
 D. Galvanized steel gutters and downpipes by Lindab or similar
 E. Cedar lap weatherboard cladding in forest grey
 F. Aluclad framed triple glazed fixed windows in dark grey by Nordan or similar
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 H. Aluclad framed triple glazed sliding doors in dark grey by Nordan or similar
 I. Framed & lined hardwood door
 J. Half glazed framed & lined door
 K. Fixed double glazed rooflight by Glazing Vision or similar
 L. Opening double glazed rooflight
 M. Cladco 13/3 PPC roof sheeting in slate grey
 N. Photovoltaic solar panels
 O. Frameless glass balustrade

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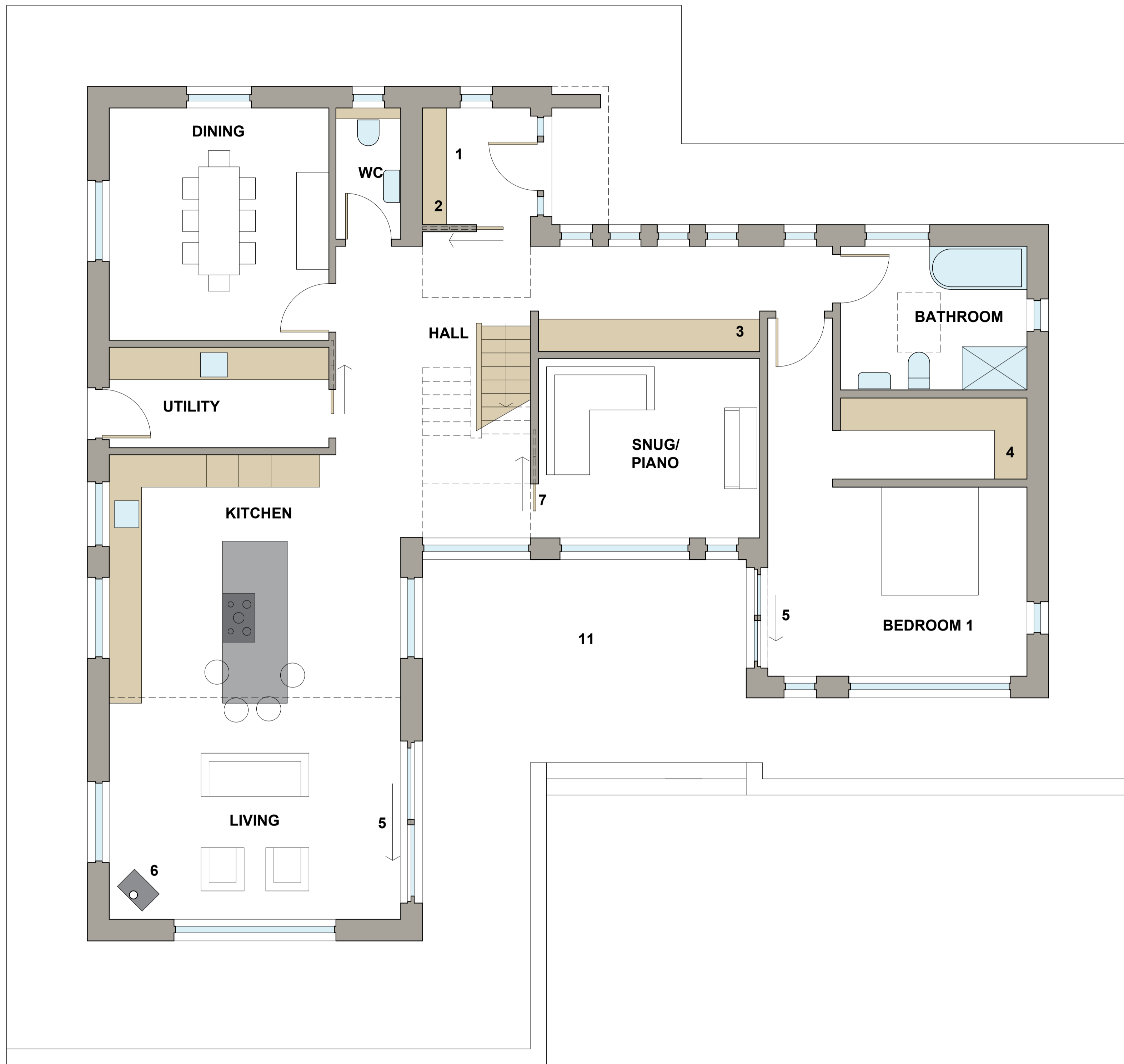
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 Mitch & Mairi Scanlan
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 Edinburgh, EH14 7JR

DRAWING TITLE:
 Long section/ elevations AA, BB & CC
 through site as proposed

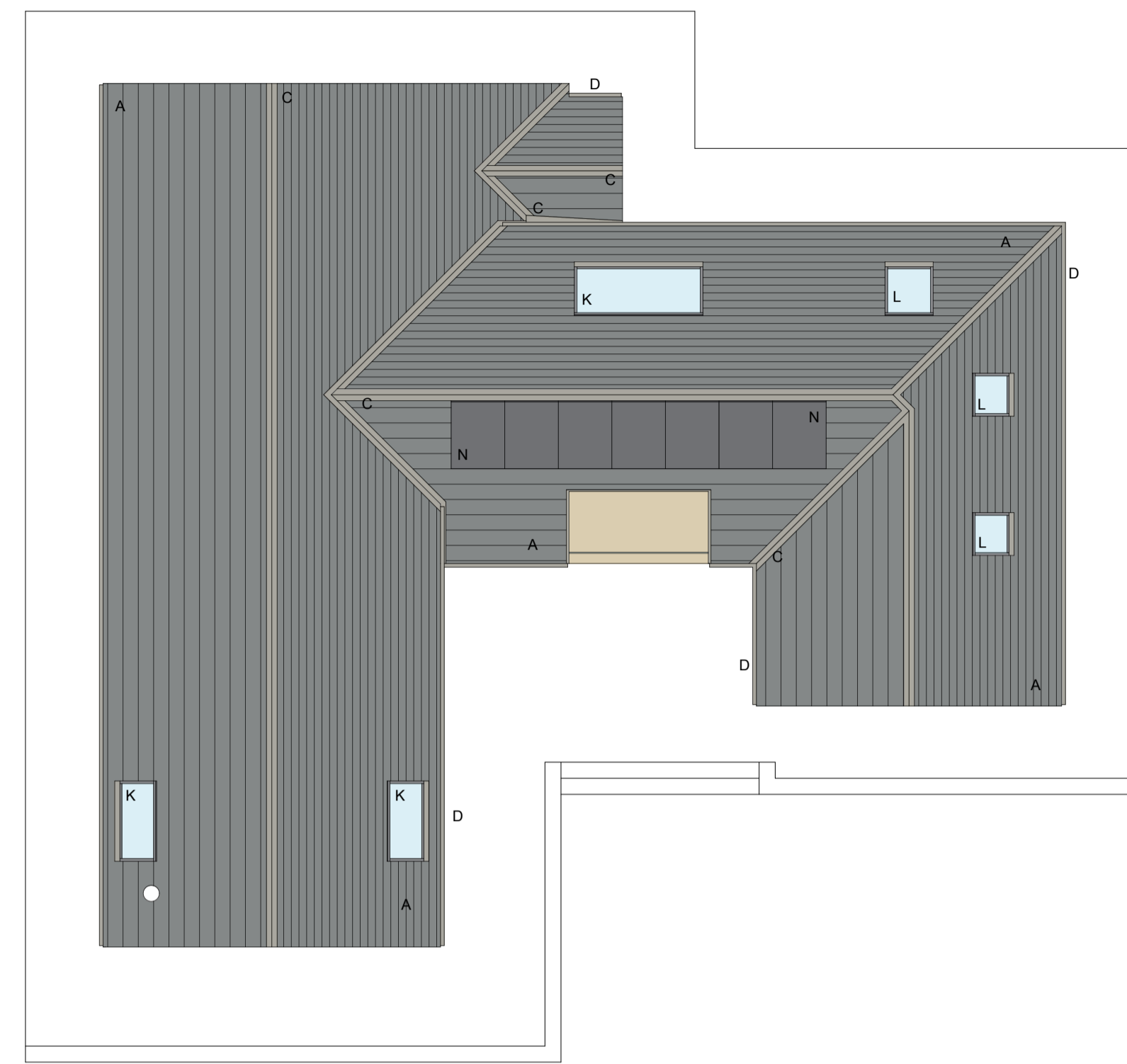
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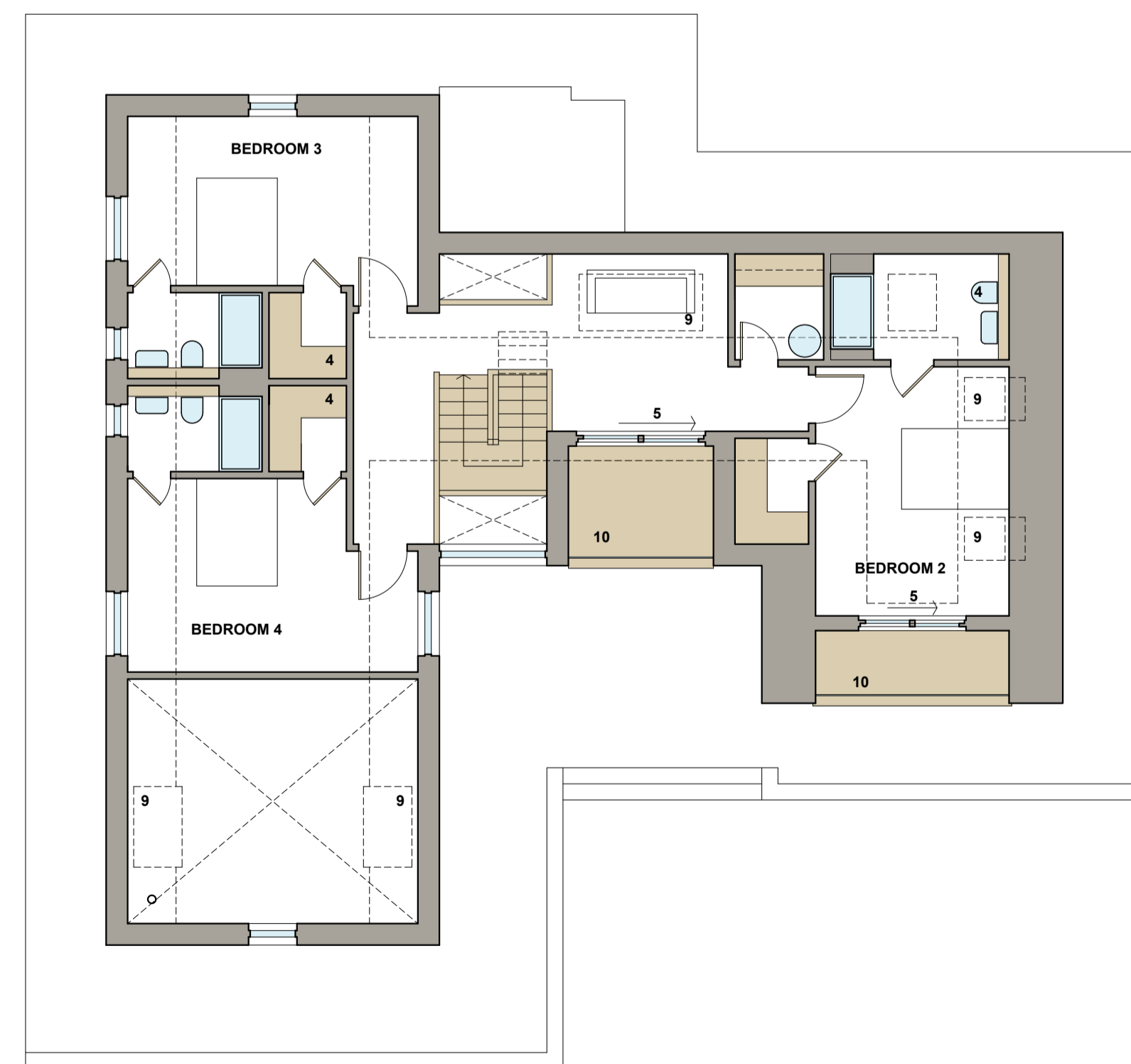
DWG NUMBER:
 241.1-PL-03



GROUND FLOOR PLAN AS PROPOSED
*162m² internal area



ROOF PLAN AS PROPOSED



FIRST FLOOR PLAN AS PROPOSED
*109m² internal area

- NOTES:**
- New works indicated in colour
 - Ground floor internal proposed as marked on plans
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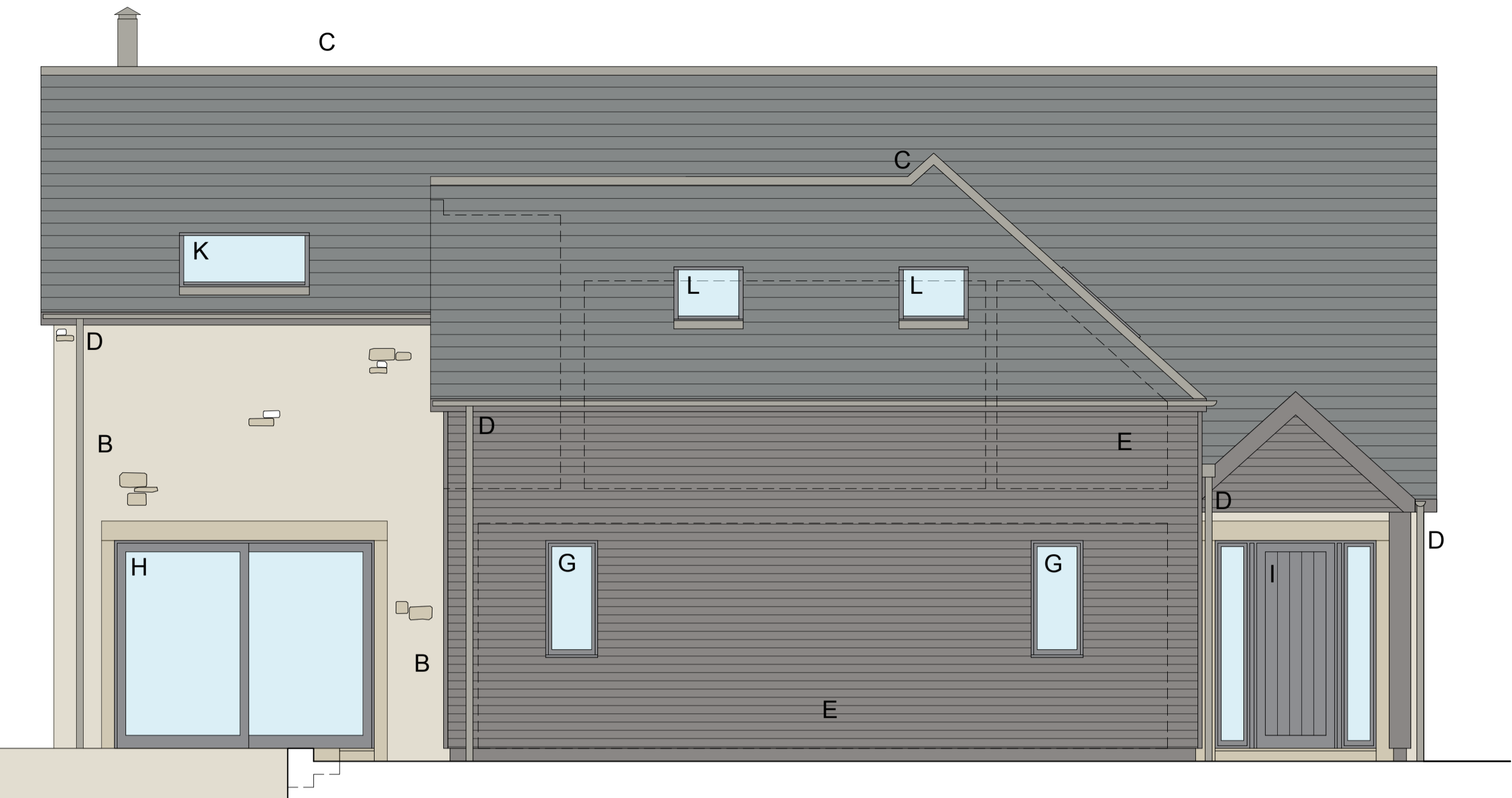
CLIENT:
Mitch & Mairi Scanlan
East Rigg House, Balerno
Edinburgh, EH14 7JR

DRAWING TITLE:
Ground floor, first floor & roof plans as proposed

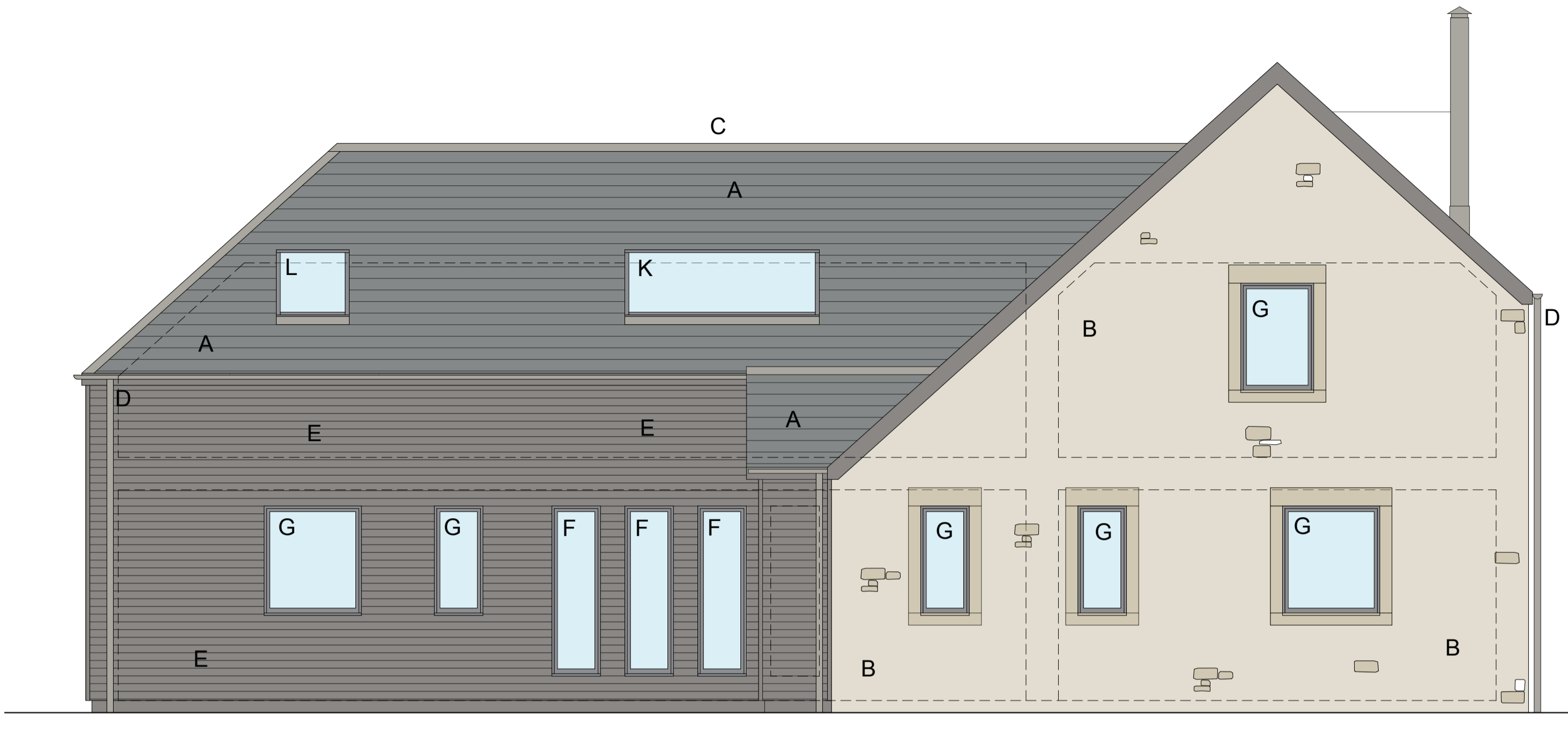
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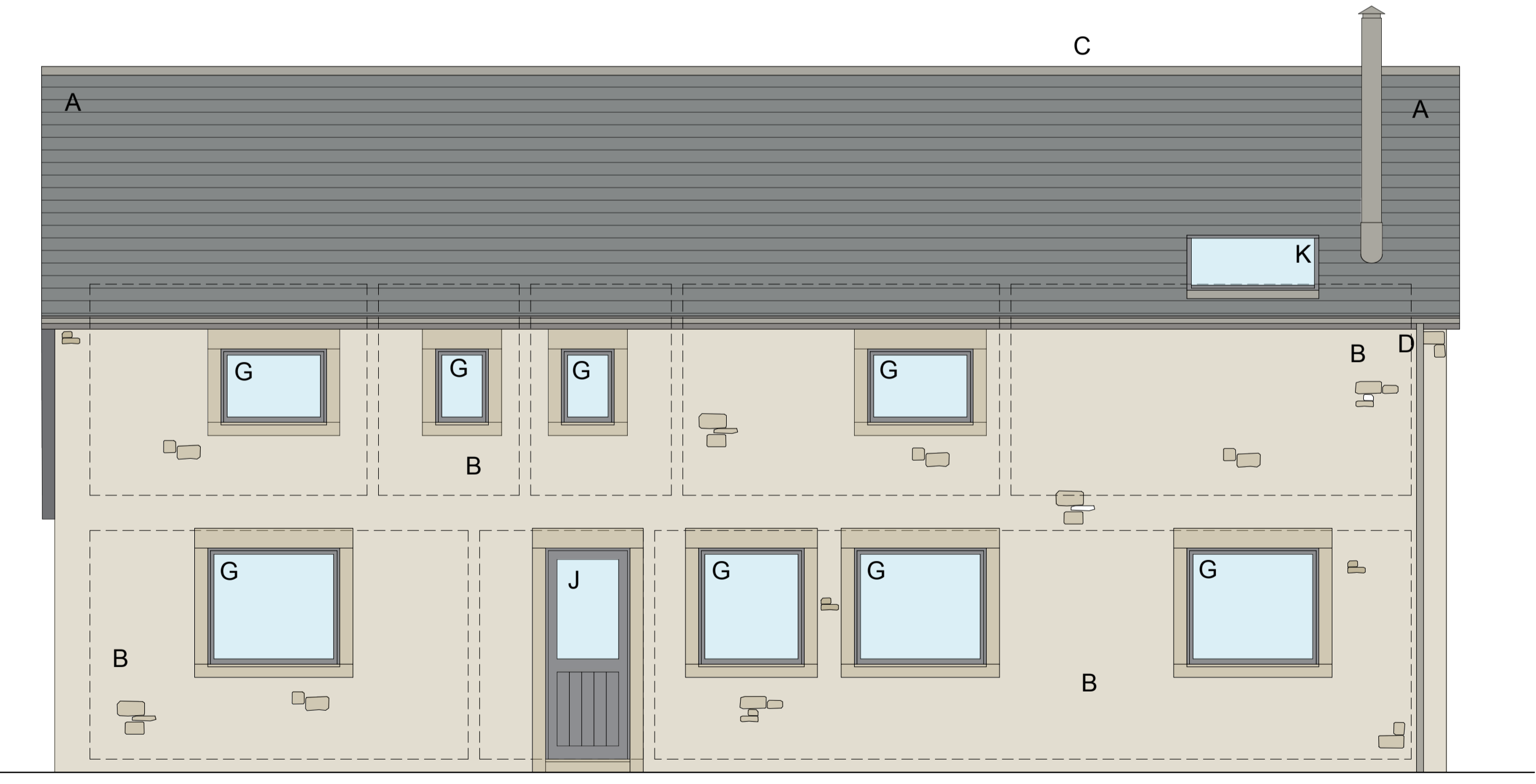
DWG NUMBER:
241.1-PL-04



NORTH-EAST ELEVATION AS PROPOSED



NORTH-WEST ELEVATION AS PROPOSED



SOUTH-WEST ELEVATION AS PROPOSED



SOUTH-EAST ELEVATION AS PROPOSED

- NOTES:**
- New works indicated in colour
 - Ground floor internal proposed as marked on plans
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DRAWING TITLE:
 Elevations as proposed

DATE:
 September 2021

SCALE:
 1:50 @ A1, 1:100@A3

DWG NUMBER:
 241.1-PL-05



Aerial view from South-East



View from South



View from South-East



Aerial view from South



View from East



View from North



Aerial view from North-West



View from North-West



View from South-West

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Robert Bruce Design Architects Ltd

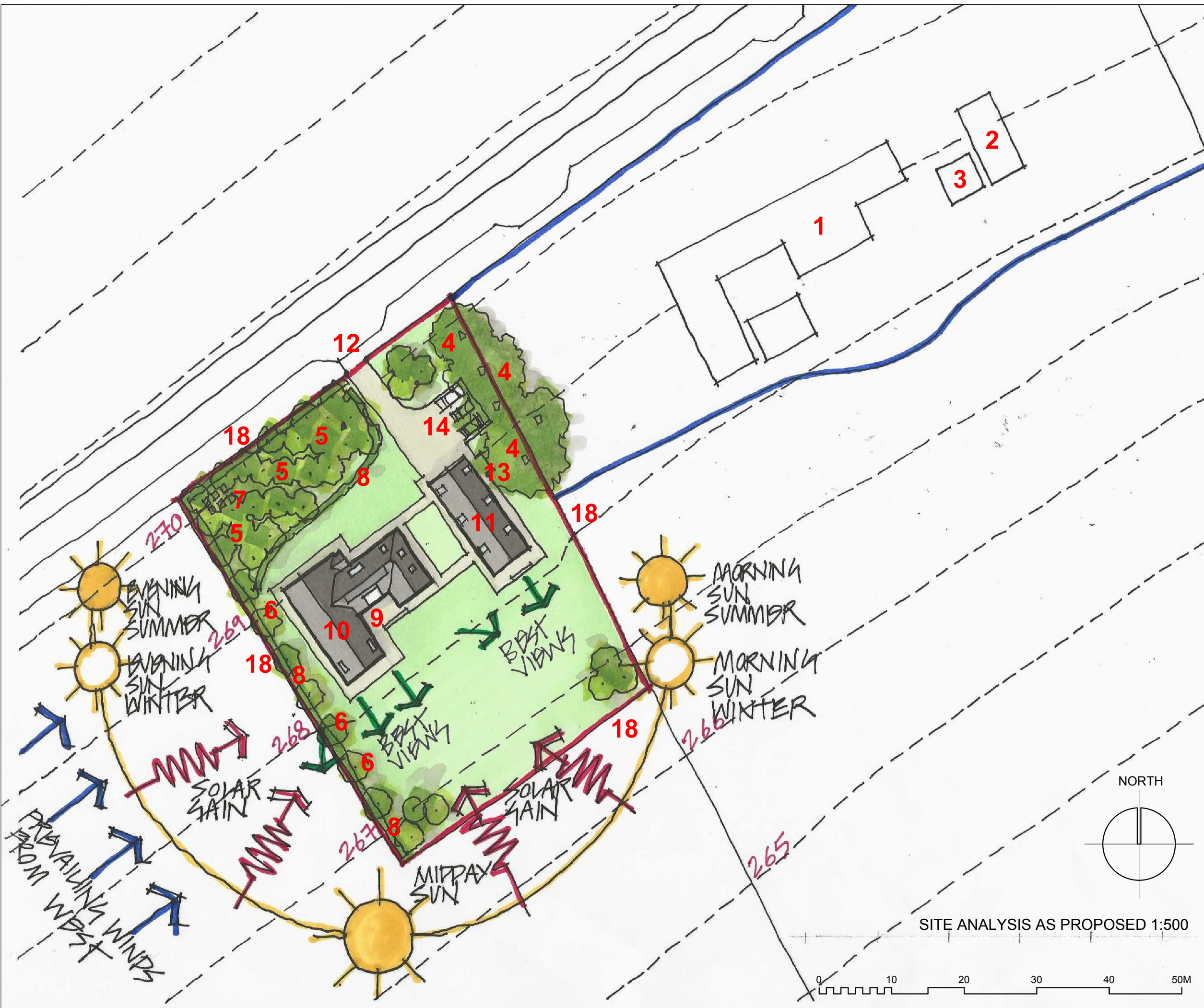
CLIENT:
Mich & Mairi Scanlan
East Rigg House, Balemò
Edinburgh, EH14 7JR

DRAWING TITLE:
Perspective views as proposed

DATE:
September 2021

SCALE:
@ A1 & @A3

DWG NUMBER:
241.1-PL-06



NOTES:

- Proposal site boundary is outlined in red
- Adjacent land owned by applicant outlined in blue
- *Note all heights indicated are in metres and relative to Ordnance Survey heights on contoured site layout plan
- Ground floor internal proposed = 162m²
- First floor internal proposed = 106m²
- Garage & studio annex = 80m²
- East Rigg original house total ground floor area excluding garage & plant = 310m²
- For long sections through site as proposed see dwg.241.1-PL-03

- KEY:**
- Existing East Rigg House
 - East Rigg Barn
 - East Rigg House double garage
 - Existing beech trees on proposal site retained after felling of mature sitka spruce
 - New planting of mixed broadleaf species/ native hardwoods @ 2.5m centres in line with Replanting Plan RP1
 - Retained Scots Pine if possible or individual native hardwoods @ 6m centres as RP1
 - Proposed beehives in clearing within trees
 - Scottish mixed woodland hedge along North and West boundary and around new mixed planting
 - Terrace sheltered from prevailing SW winds
 - Proposed new house
 - Annex building with double garage, plant, gym & cycle storage
 - Widened site entrance with 4m wide gate & stone gate posts
 - Hardstanding area for refuse disposal and recycling
 - Car parking in addition to double garage
 - Klargester bb biodisc domestic sewage treatment plant PE= 9>6 for 4 bedroom house
 - Dilution point chamber where surface water drain connects into treated sewage discharge
 - Surface water and treated foul drainage discharged into drain connecting into existing drainage to falls and into a water course in line with SEPA and CAR registration
 - Timber post & wire fencing around site perimeter

R **Robert Bruce Design**
ARCHITECTURE
ARTWORK
DESIGN

B

D

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 Email: robbruce@clara.co.uk

Robert Bruce BArch Hons DipArch RIAS

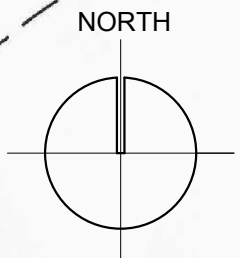
CLIENT:
 Mitch & Mairi Scanlan
 East Rigg House, Balerno
 Edinburgh, EH14 7JR

DRAWING TITLE:
 Site analysis as proposed

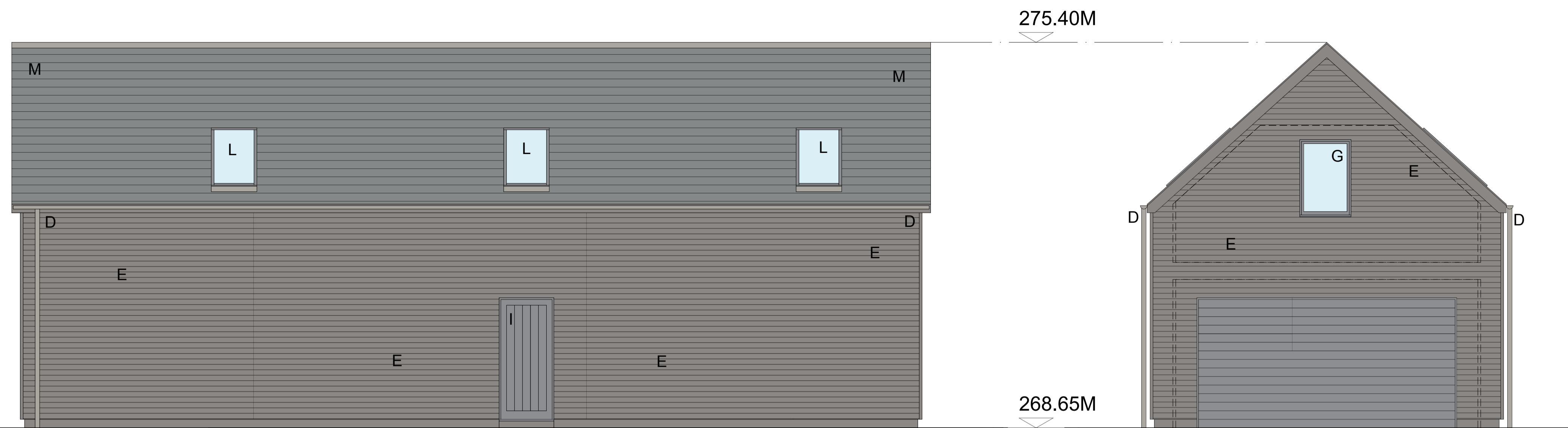
DATE:
 September 2021

SCALE:
 1:1250 & 1:5000 @A3

DWG NUMBER:
 241.1-PL-07

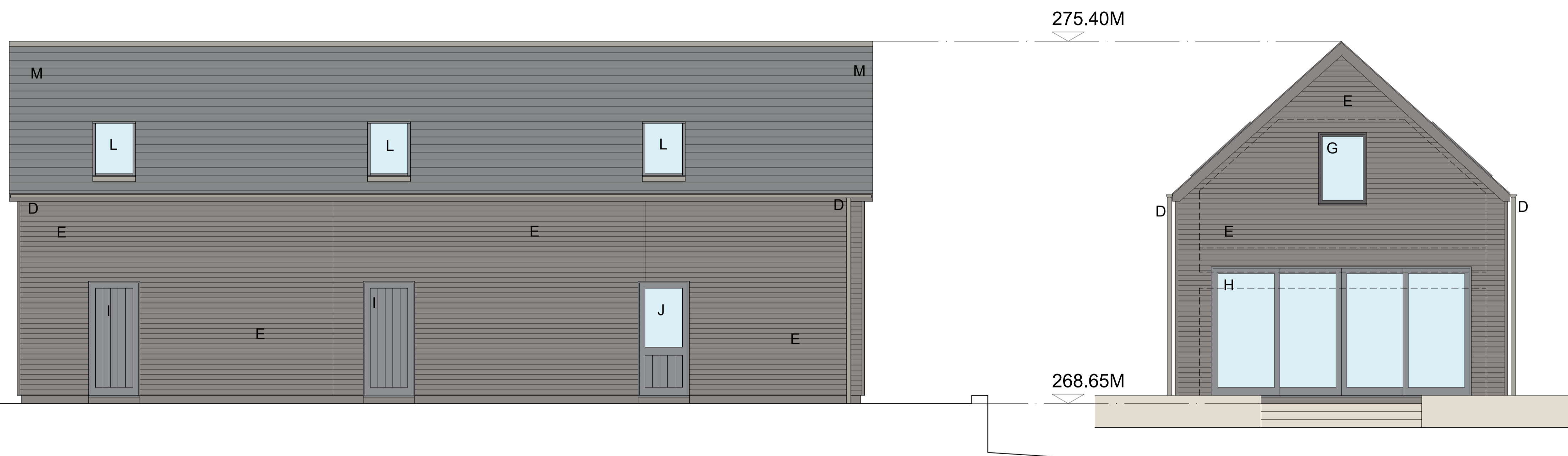


SITE ANALYSIS AS PROPOSED 1:500



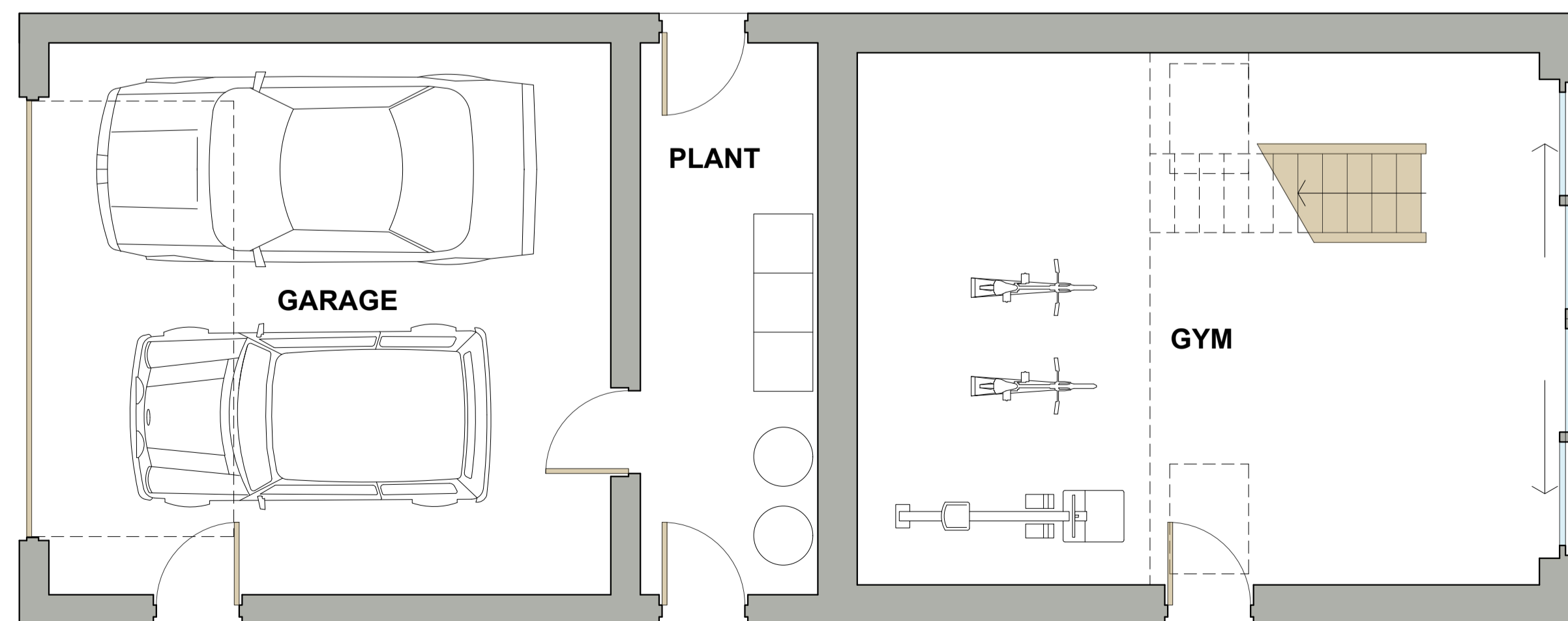
NORTH-EAST ELEVATION AS PROPOSED

NORTH-WEST ELEVATION AS PROPOSED

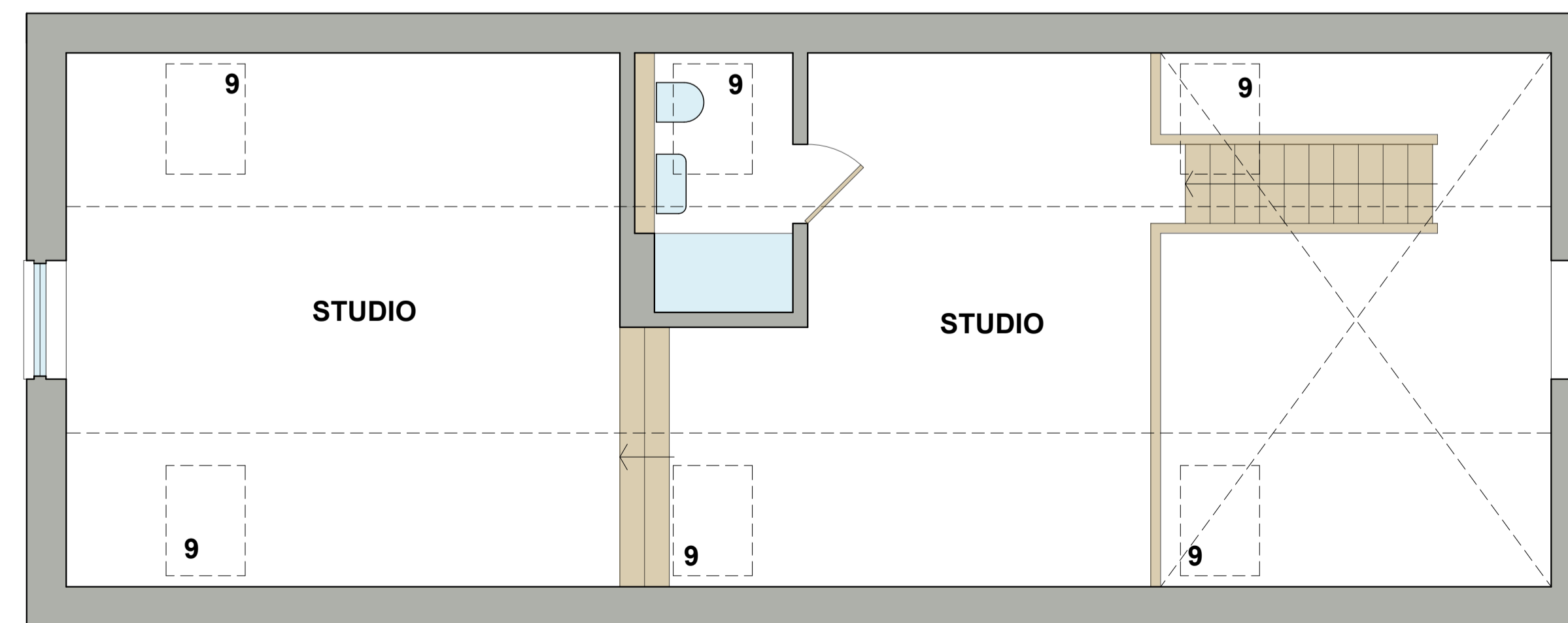


SOUTH-WEST ELEVATION AS PROPOSED

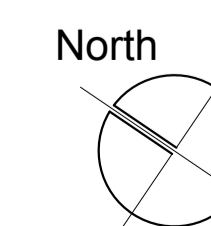
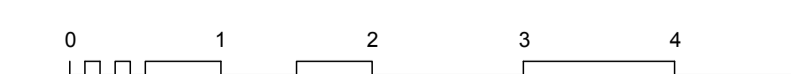
SOUTH-EAST ELEVATION AS PROPOSED



GROUND FLOOR PLAN AS PROPOSED



FIRST FLOOR PLAN AS PROPOSED



- NOTES:**
- New works indicated in colour
 - Ground floor internal proposed as marked on plans
 - First floor internal proposed as marked on floor plans
 - Garage & studio annex= 80m²
 - For site plan as proposed see dwg.241.1-PL-02

- KEY:**
1. Entrance porch
 2. Coats & boots
 3. Store
 4. Clothes hanging & shelves
 5. Double glazed sliding doors
 6. Wood-burning stove
 7. Pocket sliding door
 8. Linen store/ HWC
 9. Rooflight over
 10. Roof terrace
 11. Outdoor terrace
- A. Spanish Cupa or similar slate to match Scottish slate
 B. Local rubble stone walls with dressed margins
 C. Lead to latest LSA recs.
 D. Galvanized steel gutters and downpipes by Lindab or similar
 E. Cedar lap weatherboard cladding in forest grey
 F. Aluclad framed triple glazed fixed windows in dark grey by Nordan or similar
 G. Aluclad framed triple glazed opening casement window in dark grey by Nordan or similar
 H. Aluclad framed triple glazed sliding doors in dark grey by Nordan or similar
 I. Framed & lined hardwood door
 J. Half glazed framed & lined door
 K. Fixed double glazed rooflight by Glazing Vision or similar
 L. Opening double glazed rooflight
 M. Cladco 13/3 PPC roof sheeting in slate grey
 N. Photovoltaic solar panels
 O. Frameless glass balustrade

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D Robert Bruce - Bath House Design - RBA

CLIENT:
 Mitch & Mairi Scanlan
 East Rigg House, Balerno
 Edinburgh, EH14 7JR

DRAWING TITLE:
 Double garage & studio annex floor plans & elevations as proposed

DATE:
 December 2021

SCALE:
 1:50 @A1, 1:100 @A3

DWG NUMBER:
 241.1-PL-08

Planning
City of Edinburgh Council
Waverley Court
4 East Market Street
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EH8 8BG

Ref.241.1-PL-11
04.04.2022



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STATEMENT OF GROUNDS OF APPEAL - PLANNING REF. 21/05234/FUL

Further to the recent refusal of Planning Application 21/05234/FUL we would like to formally appeal this decision to the Local Review Board (LRB). The application for the erection of a new house in Green Belt was refused for the following reasons:

1. The proposal is contrary to policy Env 10 of the Edinburgh Local Development Plan (LDP) in that it does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal does not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building.
2. The proposal is contrary to the non-statutory Guidance for Development in the Countryside and Green Belt as no functional need for such a dwelling has been established; it does not relate to meeting the needs of one or more workers employed in agriculture; it is not related to a rural activity or business, and it is not a brownfield site or a gap site within an existing cluster of dwellings.
3. The application site is not a sustainable location for the formation of a new dwelling house. It does not comply with the 13 SPP principles.
4. The proposal is contrary to policy Hou 1 of the Edinburgh Local Development Plan (LDP) as the site is not allocated, is not in the urban area and there is no housing land supply deficit.

Further to feedback from our pre-planning application and ongoing discussions with our Planning Officer Robert McIntosh we believe that for our appeal to be upheld by the LRB it is important to successfully address items 1 & 2. We were slightly surprised by the inclusion of items 3 & 4 as these had not previously been referenced during either our pre-planning application or ongoing planning discussions and were only raised for the first time in the refusal letter. Our understanding from subsequent discussions with our Planning Officer is that items 3 & 4 are only relevant if we are unable to successfully address items 1 & 2, consequently, our appeal focuses on addressing the key issues highlighted in items 1 & 2. We believe that if we can successfully address these key items, then a clear argument that the site is a sustainable location for a new house can be made in response to item 3. Similarly, if the same argument is upheld regarding compliance with Env 10, then a case can be

made for the application site coming under the description given in Hou 1 paragraph 222, as a valid site for consideration for housing.

This appeal supported by the original Design and Planning Statement (DPS) focuses on addressing the concerns raised in the same order presented above. We hope that after considering this information the LRB will uphold our appeal and planning permission will be granted.

1. ENV10- Principle of Development in Green Belt & Countryside

2. Guidance for Development in the Countryside and Green Belt

The policy states that the key test is ***“to ensure that the development does not detract from the landscape quality and/or rural character of the area.”*** The guidance publication “Development in the Countryside and Green Belt” provides more detailed guidance on exceptional reasons for approving planning on Green Belt sites. These reasons include ***“the re-use of brownfield land and gap sites within existing clusters of buildings”***.

We believe the carefully considered scale, form, massing and material choices (Section 2.1 of the DPS) & Fig 1 below) are in keeping with neighbouring clusters of farm buildings.

Figure 1 – Perspective view from North



Figure 2 – Replanting from North West

Furthermore, in addition to the proposed building design, the extensive replanting agreed with Scottish Forestry which is described in section 2.3 of the DPS will result in a development that enhances the landscape quality and rural character of the area. The replanting is currently underway (Figure 2) and when complete will include approximately 180 native



Scottish hardwood trees and 150m of mixed Scottish Woodland hedge.

We also believe our proposal represents a valid material consideration of the site as a gap site within the curtilage of the property boundary. Following discussions with our Planning Officer, there does not appear to be a clear definition of what a gap site is, either in the Local Development Plan (LDP) or associated guidance documents.

Figure 3 – Aerial view of Proposed Gap Site



In the absence of a clear definition we believe that the recent harvesting of the mature non-native woodland described in **section 2.3** of the DPS, has created a gap site as presented in Figure 3 . This gap site has never formed part of the surrounding farmland and has always been part of the house site, as demonstrated in the 1985 Land Disposition submitted with the planning application. When considered with the other 3 buildings on the site, the

proposal forms a cluster of buildings consistent with other rural developments close by and cited in 2.1 of the DPS submitted for planning.

In preparing our application we researched other recent similar developments on Green Belt sites within Edinburgh Local Development Plan (LDP) area which have gained approval. These are described in detail in Section 3.5 of the DPS and are also summarised in Table 1 below. Whilst we accept that every application is unique and must be assessed independently, many of the reasons given for supporting these other applications are consistent with our proposal and we therefore believe they provide additional evidence to support our appeal.

Table 1 – Recent similar developments approved on Green Belt.

Reference	Address	Reasons stated for supporting approval
14/01832/FUL	87 Cammo Road	<ul style="list-style-type: none"> – Local consideration within Green Belt for suitable plots on which to build individually designed houses. – Proposals follow guidance in the Edinburgh Design Guide and Development in the Countryside & Green Belt. – No significant loss of agricultural land.
15/05159/PPP	Old Dairy House	<ul style="list-style-type: none"> – Proposal for a single house in part of Green Belt that has other houses nearby. – Proposal is for a family house in the garden of the Old Dairy House. It is suitable for development.
16/05222/FUL	64 Johnsburn Road	<ul style="list-style-type: none"> – Acceptable as involves intensification of an existing use in the Green Belt – The development will not have an adverse impact on the flora, fauna and landscape features of the Local Nature Conservation Site, or a detrimental impact on the setting of an existing listed building. – Acceptable house design.

In particular we would like to specifically highlight the greenbelt development at 87 Cammo Road Reference 14/01832/FUL shown in Figure 4 below which was very

similar to our proposal. Planning was initially rejected and successfully granted on appeal.

Figure 4 – 14/01832/FUL Greenbelt Site at 87 Cammo Road where development of the site highlighted under the white arrow was successfully granted on appeal.



3. Scottish Planning Policy 13 SPP Principles

The SPP introduces a presumption in favour of development that contributes to sustainable development, and sets out 13 principles to guide policy and decision making. If the argument already made in response to items 1 and 2 is upheld, then it follows that the application site is sustainable development, complying with most of the 13 principles where relevant.

4. LDP Hou 1

Paragraph 222 of LDP Hou 1 states:

“Policy Hou 1 reflects the emphasis on delivery of the identified land supply. However, it also sets out a mechanism through which to bring forward additional land if a 5 year supply is not maintained. The criteria which apply reflect the considerations already established through SESplan (Policy 7) as well as the Scottish Planning Policy presumption in favour of sustainable development. Whilst the green belt is established by the plan this should not automatically preclude housing development where the relevant balance of considerations points to approval and the objectives of the city wide designation of green belt are maintained.”

So again, if our contention that the proposals do in fact comply with Env 10 and the Guidance for Development in the Countryside and Green Belt is accepted, then it would be reasonable to consider the site for housing as described in para 222.

Conclusion:

Our proposal received no objections and two letters of support. The development will have no impact on the green belt as the site is situated within the curtilage of an existing property. There will be no loss of agricultural land as the site has never been used for this purpose and a preliminary ecological survey did not identify any constraints that could impact the proposed development.

We believe that our proposal does not detract and will enhance the landscape quality and/or rural character of the area. Furthermore, we believe that we have demonstrated that the site should be considered a gap site within an existing cluster of buildings, and as such a material consideration in favour of development.

There have been a number of recent similar developments on green belt sites within the Edinburgh LDP where the reasons given to support these developments are in many cases consistent with the arguments presented in our proposal and we believe that these provide additional evidence to support and uphold our appeal.

Finally, our proposal is a sustainable development as presented in detail in Section 2.5 of the DPS. Scottish Planning Policy 2020 (SPP20) *“introduces a presumption in favour of development that contributes to sustainable development”*. We believe this should be considered as an additional material consideration when assessing our appeal.

Thankyou for your time and attention.
Robert Bruce for RBD