



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 100614370-001

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

Type of Application

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

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

Description of Proposal

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

DETAILED PLANNING APPLICATION FOR 2 DWELLINGS, Access & Landscaping

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Felsham Planning and Development		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Philip	Building Name:	
Last Name: *	Neaves	Building Number:	1
Telephone Number: *		Address 1 (Street): *	1 Western Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH12 5QF
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	C	Building Number:	39
Last Name: *	Hardy	Address 1 (Street): *	Turnhouse Road
Company/Organisation	Corstorphine Building & Roofing	Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	eh12 0ae
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

NEWHOUSE FARM

Address 2:

LONG DALMAHOY ROAD

Address 3:

DALMAHOY

Address 4:

Address 5:

Town/City/Settlement:

KIRKNEWTON

Post Code:

EDINBURGH

Please identify/describe the location of the site or sites

Northing

667922

Easting

314961

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

4326.50

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

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

Scrub land and grass field

Access and Parking

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

☒ Yes ☐ No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.	
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	<input style="width: 100%;" type="text" value="0"/>
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	<input style="width: 100%;" type="text" value="6"/>
Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? * <input type="checkbox"/> Yes – connecting to public drainage network <input checked="" type="checkbox"/> No – proposing to make private drainage arrangements <input type="checkbox"/> Not Applicable – only arrangements for water supply required	
As you have indicated that you are proposing to make private drainage arrangements, please provide further details. What private arrangements are you proposing? * <input checked="" type="checkbox"/> New/Altered septic tank. <input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed). <input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).	
What private arrangements are you proposing for the New/Altered septic tank? * <input type="checkbox"/> Discharge to land via soakaway. <input checked="" type="checkbox"/> Discharge to watercourse(s) (including partial soakaway). <input type="checkbox"/> Discharge to coastal waters.	
Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: * <div style="border: 1px solid black; height: 100px; margin-top: 5px; padding: 5px;"> Drainage will go into the septic tank and into the burn see drawing for details. </div>	
Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) * Note:- Please include details of SUDS arrangements on your plans Selecting 'No' to the above question means that you could be in breach of Environmental legislation.	

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

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

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

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

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☒ Yes ☐ No

If Yes or No, please provide further details: * (Max 500 characters)

Domestic waste will be collected within the curtilage of the property and collected by the Council.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☒ Yes ☐ No

How many units do you propose in total? *

2

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ☐ Yes ☒ No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? * ☐ Yes ☒ No

Is any of the land part of an agricultural holding? * ☒ Yes ☐ No

Do you have any agricultural tenants? * ☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? * ☒ Yes ☐ No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

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

or –

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

Name:

Address:

Date of Service of Notice: *

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed: Philip Neaves

On behalf of: Corstorphine Building & Roofing

Date: 16/02/2023

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☒ Other.

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

Planning Statement

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Planning Statement

Declare – For Application to Planning Authority

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

Declaration Name: Mr Philip Neaves

Declaration Date: 16/02/2023

Payment Details

Online payment: [REDACTED]

Payment date: 16/02/2023

Created: 16/02/2023

PROPOSED RESIDENTIAL DEVELOPMENT
at
NEWHOUSE FARM, LONG DALMAHOY ROAD
EDINBURGH
EH27 8EE



JOHNSTON-HARRIS ARCHITECTS
31 SHORE EDINBURGH EH6 6QN 0131 554 1151

February 2023

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INTRODUCTION & SITE DESCRIPTION

The application site is shown on drawing DHOX 206 230120 [A4].

This application is subsequent to approval 19/04036/FUL which was granted on 18/06/2021.

The site is in the middle of a small settlement which results from the sporadic development of a traditional farming 'toun' dating from the 1750's. Farm buildings have been extended, added and re-developed. A range of cottages (Newhouse cottages) extends to the east.

- To the North, the site is bounded by the housing development as noted above.
- To the east and west it is bounded by farmland.
- To the South it is bounded by farmland.

PLANNING HISTORY

14/02783/CLE

application for certificate of lawfulness (builders yard)
withdrawn by applicant

15/03260/FUL

application for the erection of 7 dwelling houses
withdrawn by applicant

15/05455/FUL

application for the erection of 7 dwelling houses
granted at review 21/07/2016

17/02707/FUL

application for the erection of 7 dwelling houses
granted 9/11/2017

19/02869/FUL

application for the omission of 3 dwelling houses previously approved; erection of 4no
new dwelling houses; formation of wastewater treatment works
withdrawn 23/08/2019 for procedural reasons

19/04036/FUL

application to alter an existing residential layout: form sewage treatment works and erect
8 (eight) houses (amendment to 17/02707/FUL) (as amended). At Newhouse Farmhouse
Long Dalmahoy Road Kirknewton EH27 8EE
granted on 18/06/2021

AREA CHARACTER APPRAISAL & ASSESSMENT OF CONTEXT

The settlement contains a variety of building forms and materials reflecting its historical development.

BUILDING FORMS

- Farm buildings form two courtyards which present relatively blank rubble walls to the road. The roofs are generally pitched. Buildings are one and 2 storeys high. A substantial farmhouse is incorporated into the East courtyard.
- “Tui Steading” (residential) also presents a rubble wall to the road with a gated access. Buildings are 1 and 1.5 storeys high.
- Newhouse cottages are single storey with front areas, some planted. A continuation of the steading rubble masonry wall fronts the road.

EXTERNAL MATERIALS

- The settlement contains a variety of materials:
- original farm buildings are generally rubble-walled; roofs are pantiled or clad with galvanised corrugated iron or profiled steel sheeting
- other farm buildings have timber boarded and galvanised corrugated iron walls, profiled steel sheeting, asbestos cement sheeting
- the farmhouse is lime-washed rubble with pantiled and slated roofs
- “Tui steading” is stone with an interlocking concrete tiled roof
- Newhouse cottages have rendered walls with pitched / slated and flat roofs

PROPOSALS

SUMMARY

This application develops beyond approval 19/04036/FUL and seeks approval for:

- re-location of waste water treatment works and SUDS installation
- increased area for shared open space
- erection of 2no houses

LAND USE

- The principal of housing use on the adjacent site has been approved as noted above, and the current application seeks approval for a reasonable extension of that proposal.
- The vehicular access is via the pre-existing vehicular accesses at the north-west and north-east corners of the overall site. Existing sight-lines are maintained. Car parking is provided at a rate of 200% (16/8) and includes 2no disabled parking bays.

BUILT FORM

- The format of the proposed houses matches that of houses 2 + 3 of approval 19/04036/FUL. The arrangement of houses within the original site is not changed.
 - Houses 3, 4, 5 and 8 are retained from that approval
 - Houses 1 and 2 are mirrored from approved houses numbered 3 & 4 on this application
 - Houses 6 and 7 are detached variations of the terrace houses of 17/02707/FUL.
- There are no windows serving habitable rooms facing East and West boundaries or impinging on the privacy of neighbouring properties.
- All car parking has been kept off the main street.

EXTERNAL MATERIALS

- The intention is to maintain the character of approved scheme 19/04036/FUL. The proposal uses:
 - natural slate roofing
 - single ply roofing on dormers
 - grey metal gutters
 - buff sandstone rubble walling with dressed quoins
 - buff render
 - grey stained timber weatherboarding
 - painted softwood windows
 - painted softwood doors
 - stained softwood decking
 - concrete flagged pavings
 - interlocking concrete block shared surface vehicular and pedestrian access

APPLICABLE POLICIES AND COMPLIANCE

GENERAL

Approval of application 19/04036/FUL demonstrates compliance with applicable policies. To the extent that the current proposals are substantially similar to the approved scheme, we believe approval 19/04036/FUL is a material consideration in respect of the following policies at least:

- Des 2 (also see further observations below)
- Env 10 (also see further observations below)
- Env 16 (also see further observations below)
- Hou 4
- Hou 6
- Hou 10

In addition we note the following relevant matters confirmed in the above approval:

- there is a park and ride facility nearby
- a stage 1 bat survey has been submitted
- pre-start conditions for approval 19/04036/FUL have been satisfied except for archaeological assessment and monitoring.

Des 1 Design quality and context

- The design incorporates built forms and materials which match those approved in permission 19/04036/FUL.

Des 2 Co-ordinated development

- The proposals do not constrain effective development of land to the South.
- The proposals do not compromise the development of other parts of the settlement.

Des 4 Development Design - Impact on setting

- The current proposals continue the design vocabulary approved in permission 19/04036/FUL. The proposed houses will be 1.5 storeys high and of a style and scale that is in keeping with other buildings in the settlement.
- Viewed from the landscape, the development will continue to present a silhouette which is broken up and layered.

Env 10 Development in the Green Belt

- We believe approvals 15/05455/FUL and 19/04036/FUL are a material consideration.
- We believe that the proposals do not detract from the landscape quality or rural character of the area, but enhance it by:
 - use of natural materials selected from those already used in the locale
 - use of built forms which reflect those in the settlement

Env 16 species protection

- A stage 1 bat survey was submitted with the review of application 15/05455/FUL.

Hou 2 Housing Mix

- The settlement contain a range of house sizes. The proposed houses provide accommodation for larger and growing families. The proposal includes
 - 2no 4 bedroomed houses
- In accordance with design guidance all houses include:
 - level access from car park areas and public roads
 - fully featured ground floor principal living levels
 - facilities for growing families
 - accessible garden areas

Hou 3 Private garden space

- All houses have clearly identifiable private garden space with a southerly aspect.
- The south part of the site is landscaped to provide common open space.

SUMMARY

These proposals develop on the basis of approved scheme 19/04036/FUL .They continue the use of materials and built forms, and extend the scheme to incorporate land occupied by a non-confirming use.

The additional land area is used

- to accommodate two additional houses
- to create a larger open space for the use of residents
- to re-locate waste water treatment works and SUDS installation.

TOWN AND COUNTRY PLANNING ACT 1997 (AS AMENDED)

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

**DETAILED PLANNING APPLICATION FOR 2 DWELLINGS, ACCESS &
LANDSCAPING**

SITE AT LONG DALMAHOY ROAD, EDINBURGH, EH27 8EE

**PLANNING STATEMENT ON BEHALF OF CORSTORPHINE BUILDING &
ROOFING**

FEBRUARY 2023

1.0 Introduction

Felsham Planning & Development Ltd (FPD) are planning advisor to Corstorphine Building & Roofing (the applicant). We are instructed to prepare this planning statement in support of a planning application for:

Detailed Planning Application for 2 dwellings, access and landscaping

At land to the south of Long Dalmahoy Road, Edinburgh, EH27 8EE.

A description of the proposals is set out in the Design Statement which has been submitted with this planning application. This report is set out in the following order:

- Section 2 describes the existing site
- Section 3 describes the proposed development.
- Section 4 outlines the basis for determining a planning application.
- Section 5 sets out the relevant planning policy.
- Section 6 assesses the key issues associated with the planning application.
- Section 7 sets out the conclusions.

The information included within this Planning Statement should be considered in the context of all other formal and supporting drawings and documents that have been submitted with this planning application which include:

- Design Statement prepared by Johnston-Harris Architects Feb 2023
- Drawing Numbers:
 - Location Plan
 - Block Plan
 - Site Layout
 - House Type 2 - 212.230120
 - House Type 3 – 213.230120

2.0 The Site

The site is located to the south of an existing development of 8 dwellings within the small settlement of Newhouse. There is an existing grouping of residential dwellings and farm buildings to the south of Long Dalmahoy Road and Dalmahoy Golf Course (the "Site"). The site is approximately 1.069 acres (4326.5sq.m).

The site forms part of an irregular corner of an agricultural field. The site is bounded to the north by residential development, to the west and east by field margins / tracks with agricultural land further afield to the west. To the east by horse pasture, and farm land. Electricity pylons run west / east to the south of the site boundary. Electricity poles run west / east to the north of the site boundary.

The topography of the site is relatively flat but runs to the . Access to the site is from the existing access from Long Dalmahoy Road to the north.

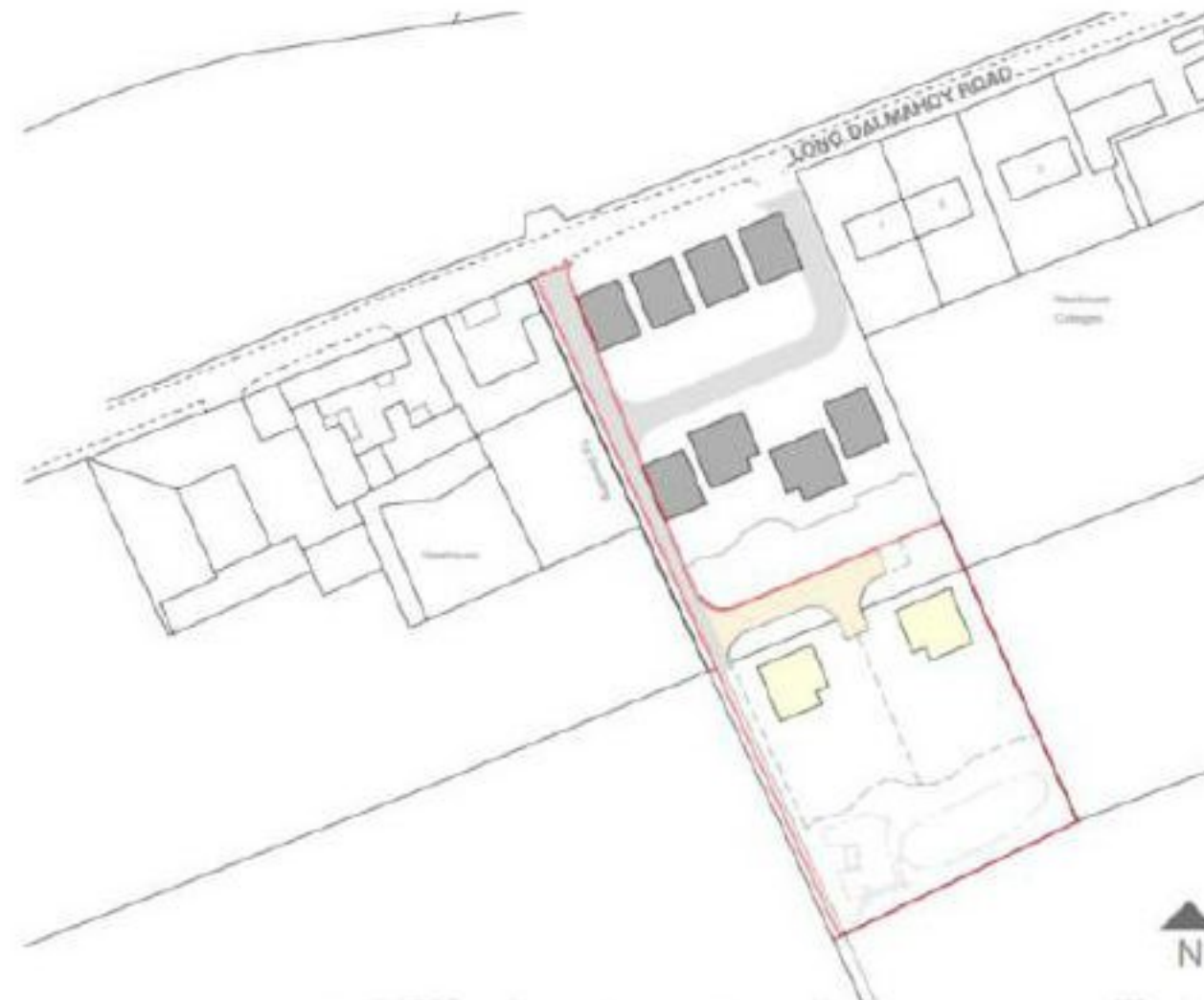


Figure 1 – Site Location

The following can be noted from a record search for the site:-

- The site is covered by the following designations:
 1. The site is not within the conservation area;
 2. It is not in the Native woodland – Integrated Habitat Network
 3. Forestry Commission Scotland designation of Woodlands In and Around Towns (WIAT) and Conservancy Boundaries.
 4. Central Scotland Green Network (CSGN) boundary.
- There are no nearby Scheduled Ancient Monument (SAM) or listed buildings.
- The site does not have any river flooding or coastal flooding issues.

3.0 The Proposal

The Proposal

The proposal consists of a residential development of 2 dwellings. The dwellings consist of 2 no. 5 bedroom dwellings. The proposed plots face south across the open agricultural land. The detached houses each have two in-curtilage parking spaces within the front gardens (north) and 2 visitor spaces.



Figure 2 – Indicative Layout (red line denotes site boundary)

Elevations and materials proposed are shown on the Design Statement and drawings mentioned in

Section 1 above submitted in support of the planning application.

4.0 Basis for Determining a Planning Application

Section 25 of the Town & Country Planning (Scotland) Act 1997 states:

'Where in making any determination under the Planning Act, regard is to be had to the Development Plan that determination shall be made in accordance with the Development Plan unless material considerations indicate otherwise'.

Section 37 should be read alongside Section 25. Section 37 (2) states:

'In dealing with an application, the Planning Authority shall have regard to the provisions of the Development Plan so far as material to the application and to any other material considerations.'

The House of Lords in its judgement in the City of Edinburgh Council v Secretary of State for Scotland case 1998 (SLT120) ruled that if a proposal accords with the Development Plan and no other material considerations indicate that it should be refused, planning permission should be granted. It ruled that:

'Although priority must be given to the Development Plan in determining a planning application, there is built in flexibility depending on the facts and circumstances of each case.'

The judgement set out the following approach to determining a planning application:

1. Identify any provisions of the Development Plan that are relevant to the decision;
2. Consider them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies;
3. Consider whether or not the proposal accords with the Development Plan;
4. Identify and consider relevant material considerations for and against the proposal; and
5. Assess whether these considerations warrant a departure from the Development Plan.

This judgement sets out a clear and methodical approach to determining a planning application and clarifies how the Development Plan should be used.

The determining authority must first consider whether the proposal accords with the Development Plan. It is important to consider not only the detailed wording of policy, but the aims and objectives of the policy maker. If a proposal is considered to accord with the Development Plan, it follows that consent should be granted unless any site-specific matters preclude consent.

The House of Lords has ruled that material considerations must satisfy two tests:

1. They must be planning considerations, in other words, they must have consequences for the use and development of land or the character of the use of the land; and
2. They must be material to the circumstances of the case and they must relate to the proposed development.

There may be circumstances where the achievement of one policy objective requires another policy to be waived or reduced in impact.

In assessing this proposal would be successful, we believe that it is also relevant to refer to two further court decisions Tesco Stores v. Dundee [2012] PTSR 983.

Paragraph 18 of the Dundee decision states:

The development plan is a carefully drafted and considered statement of policy, published in order to inform the public of the approach which will be followed by the planning authority in its decision making unless there is good reason to depart from it. It is intended to guide the behaviour of developers and the planning authority... the policies which it sets out are designed to secure consistency and direction in the exercise of discretionary powers, whilst allowing a measure of flexibility to be retained.

Paragraph 19 continues:

The development plan should be interpreted objectively in accordance with the language used...that is not to say that such statements should be construed as if they are statutory or contractual provisions. Although a development plan has a legal status and legal effects it is not analogous in its nature or purpose to a statute or contract... development plans are full of broad statements of policy many of which may be mutually irreconcilable, so that in a particular case one must give way to another... many of the provisions of the development plan are framed in language whose application to a given set of facts requires the exercise of judgement. Such matters fall within the jurisdiction of planning authorities.

The Court ruled that the interpretation of planning policy is a matter of law but the application of planning policy is a matter of planning judgment, therefore provided the planning authority demonstrates a proper understanding of policy in its reasoning it can proceed as it sees fit and weigh one policy against another and/or give weight to factors other than policy in its determination.

The key is that the Courts have confirmed that the development plan provides the planning authority with discretionary powers and these can be used flexibly. It is not sufficient to conclude that in the planning authority's view the proposal does not comply with elements of policy. Instead the Courts require the 5-step procedure set out in the 1998 City of Edinburgh Council House of Lords case to be followed. The planning authority must take a view on a case by case basis with the development plan the starting point for its assessment but not the concluding point. It may be the case that a policy intended to apply across the Local Plan area is clearly not applicable to specific circumstances of a particular site.

5.0 Planning Policy

A planning authority must make a decision on a planning application on the basis of the proposals in accordance with the Development Plan unless material considerations state otherwise.

In this instance the Development Plan is:

- The Edinburgh LDP (LDP) was adopted in November 2016.

Emerging Development Plan: Proposed City Plan 2030

The proposed City Plan 2030 sets out the strategy for development, proposals and policies to shape development and inform planning decisions in the city over the next 10 years and beyond. The LDP will replace the Local Plan Adopted in 2023. The representation period for the proposed City Plan 2030 ran for a 6 week period and concluded on 20 December 2021. The Council submitted the plan for examination on 9 December 2022. Following the Examination the DPEA will issue a Report of Examination. This will contain recommended modifications that the Council must include in publishing the Plan to be adopted.

Local Plan (LP) - Site Specific Policies

The site is shown on the Proposals Map as within the greenbelt.

The relevant policies within the LDP are:-

- Des 1: Design quality and context
- Des 2: Co-ordinated development
- Des 4: Development Design - Impact on setting
- Env 10: Development in the Green Belt
- Hou 2: Housing Mix
- Hou 3: Private garden space

Material Considerations**Edinburgh City Plan (*emerging LDP*) 2023 (Est)**

The emerging LDP will replace the Local Plan Adopted in 2023 (estimate).

The policies contained within the Proposed Plan are subject to change within this examination and Adoption period and therefore we have not outlined them here. The issues and aims of the emerging LDP are similar to the LDP but we believe that the policies are clear that the proposals should be supported.

6.0 Assessment**Planning Policy**

We anticipate that the determining issues for redevelopment of the site will include whether:

1. the principle of the proposed development is acceptable;
2. the proposal would have an adverse impact on the landscape;
3. the proposal would have an impact on the surrounding environmental designations;
4. there are any other material considerations that justify approval or refusal.

Currently the emerging LDP is with the DPEA for examination. It is anticipated that the plan will be adopted in 2023. The window of opportunity for making a submission to the Proposed Plan is closed. The development potential can be tested through the planning process.

Identify any provisions of the Development Plan that are relevant to the decision – the policies that are relevant to determination of the application are:-

Des 1 Design quality and context aims to ensure development contributes to a sense of place and is good design. The design incorporates built forms and materials which match those approved in adjacent permissions. It does not alter and maintains a consistent frontage to Long Dalmahoy Road and respects the prevalent settlement pattern by having a constrained access from the main road, with accommodation arranged to the rear of existing dwellings with buildings forming a screen to the road.

Des 2 Co-ordinated development ensures that the future development of adjacent land is not compromised. The vehicular access utilises an existing access to the neighbouring properties and would not constrain effective development of any surrounding land. The proposals do not compromise the development of other parts of the settlement.

Des 4 Development Design - Impact on setting aims to ensure development has a positive impact on the surroundings and character and views are respected by the form, positioning and materials of the proposals. The proposals continue the design vocabulary approved in neighbouring permissions. The additional houses will be 1.5 storeys high and of a style and scale that is in keeping with other buildings in the settlement. Viewed from the landscape, the development presents a silhouette which is broken up and layered compared to the existing monolithic form. The low stone wall along the northern boundary that matches adjoining properties and helps to define the road-side curtilage, is retained.

Env 10 Development in the Green Belt & the Countryside aims to protect against inappropriate development in the countryside. The proposals are a modest extension to the existing residential development in the Newhouse small settlement. The proposals do not detract from the landscape quality or rural character of the area but enhance it by the use of natural materials selected from those already used in the locale and the use of built forms which reflect those in the settlement.

The site would be an extension to an existing building group and a case is made to support its development because it will not undermine the principles of the green belt:

- **Prevention of coalescence** – there is no prospect that development of the subject site will lead to coalescence
- **Protect the setting of the town** – the site is part of a building group and development will round off that building group
- **Protect countryside around towns** – the site is not open countryside and is part of a building group

The site can be developed in accordance with the development plan and should be based upon the following considerations:

- Site boundary is contiguous with the settlement boundary
- The proposal is of an appropriate scale to the existing small settlement
- Landscape character is protected
- Complements the character of the building group by using the same materials pallet and scale
- Site and proposed development are sustainable
- Environmental quality is not compromised
- Development is of high quality, including buildings, layout and relationship to existing settlement

Hou 2 Housing Mix aims to ensure a mix of housing for people wishing to locate in Edinburgh. The proposals have been developed to provide accommodation to a wide range of users including larger and growing families. The proposal includes 5 bedroomed houses. In accordance with design guidance all houses include:

- level access from car park areas and public roads

- fully featured ground floor principal living levels
- facilities for growing families
- accessible garden areas

Hou 3 Private garden space. All houses have clearly identifiable private garden space with a southerly aspect.

Suitability of site for Residential

The site has existing residential use immediately neighbouring the site to the north, east and south. It should be viewed as a site that rounds off the residential development of the area and is a gap site.

There will be no physical impact on the neighbouring properties' amenity and on the character of the area. This will be through appropriate design, layout, protection of daylight, privacy and landscaping.

The planning authority has not sought to impose any environmental designations on the site.

The site is sustainable due to good connections to the local transport network and the existing community of Newhouse. Services and infrastructure are available with connections and capacity for water and electricity.

This is precisely the location that Scottish Government policy directs should be used for residential development. SPP sets out a hierarchy of development, giving preference to sites within the urban area, followed by sites on the edge of the urban area to avoid the possibility of having to develop sites. SPP also has a presumption in favour of sustainable development. An accessible site within the small settlement is by definition a sustainable development location.

In light of the site description and context outlined in this Section above, it is considered that the proposed development would constitute sustainable development on a gap site between existing residential development and therefore integrating into and forming part of an existing residential estate.

In considering the proposals we need to :-

Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies – the aims and objectives of policy is to provide for a generous supply of housing land and to manage housing development in terms of its impact on its local area, the appropriateness of the scale of development to that area, and the ability to adequately service the development.

Consider whether or not the proposal accords with the Development Plan – Section 5 above outlines the relevant policy context.

The site should be assessed at a Local Development Plan level and the site specific considerations of the proposal examined.

The neighbouring area is characterised by residential properties and their garden ground. The design of the proposals integrates into this area by maintaining the massing and character of the existing units. There will be no issues of overlooking, loss of privacy or amenity, overshadowing or disturbance.

The proposals will ensure that the general amenity of the area is improved. The proposal will ensure a planned development that integrates into the character and setting of the residential area.

Principle of Development

National planning policy encourages Local Planning Authorities to take a positive approach to development that could contribute to sustainable economic growth. Scottish Planning Policy (SPP) seeks to direct development towards the most sustainable locations and supports regeneration proposals which will make the full and appropriate use of land.

The aims and objectives of the Development Plan are *inter alia* to secure and adequate supply of housing.

In summary, the proposed development is in line with national planning policy and the Local Development Plan, there are no site specific issues to preclude development from taking place on the site. The proposal also complies with the aims and objectives of the other policy outlined above.

Design and Layout

National planning policy reflects the great importance the Scottish Government attaches to the design of the built environment. The LDP policies set out the quality of development that is expected.

The Design Statement was undertaken by Johnston-Harris Architects and sets out a contextual analysis of the site, the process of design and the proposal.

A summary of the key themes from the supporting document submitted with this application is set out below.

7.0 Conclusions

The Planning Act requires development to be in accordance with the Development Plan unless material considerations indicate otherwise. We have undertaken our assessment on this basis. There is a policy balance to be made.

This has been considered against the national and local policies of the current Development Plan.

The application is in accordance with the provisions of the Development Plan

Having assessed the aims and objectives of the relevant policy context our conclusions are as follows:

- The site is a privately owned site capable of residential development;
- The site is partially enclosed and screened from public views. Further afield views from the west and east will not alter due to development of the site;
- No conflict with established land use – development is compatible with the surrounding land uses;
- Respects scale, form, design and materials – the design of the proposal has had regard to the character and appearance of the surrounding area. The scale, design and materials are appropriate to the area;
- The site is sustainable with good links to existing transportation and pedestrian networks;
- The proposals incorporate design principles and energy efficient technologies to ensure it is sustainable development;
- No significant loss of daylight, sunlight or privacy to the surrounding existing residential properties. The development can be accommodated within the plot with no impact on its neighbours;
- Important local, national or European landscape and environmental designation do not cover the site and neighbour area.

- No unacceptable generation of traffic or noise; and
- Visual impact- the scale, design and materials are appropriate to the area. The design of the scheme has taken account of the characteristics of the area.

We respectfully request that planning permission is granted for this application.

Felsham Planning And Development.
FAO: Philip Neaves
1 Western Terrace
Edinburgh
EH12 5QF

Corstorphine Building & Roofing.
FAO: C Hardy
39 Turnhouse Road
Edinburgh
EH12 0AE

Decision date: 24 March 2023

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

Application for 2 dwellings, access, and landscaping.
At Anderson Transport Newhouse Farm Long Dalmahoy Road Dalmahoy Kirknewton

Application No: 23/00663/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 16 February 2023, 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;

Reasons:-

1. The proposal is contrary to NPF 4 policy 8 (Green belts) as it does not meet the relevant criteria for residential development in this green belt location and will be harmful to its landscape quality and rural character through intrusion onto agricultural land.
2. The proposal is contrary to NPF 4 policy 9 b) (Brownfield, vacant and derelict land) as the residential use of this greenfield site is not supported in principle by policies in the LDP.
3. The proposal is contrary to NPF 4 policy 15 (Local Living and 20 minute neighbourhoods) as the proposal will not contribute towards local living as the residential development would not have good local access to range of sustainable modes of transport, local facilities or services.

4. The proposal is contrary to NPF 4 policy 17 (Rural Homes) as the new homes are not located on land designated for housing in the LDP and do not meet the relevant circumstances where this land use will be supported.

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

Drawings 01-06, 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 proposals do not comply with the National Planning Framework 4 and Edinburgh Local Development Plan.

The residential development does not meet relevant criteria of the Green Belt policy and would be an intrusion into the landscape quality and rural character of the area.

The site is not allocated for housing, residential use of this greenfield site is not supported in principle by LDP policy.

It is anticipated there would be a reliance on private car usage. The site is not located in a sustainable location and its residential use would not support local living. Overall, the material considerations support the presumption against granting planning permission.

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 Lewis McWilliam directly at lewis.mcwilliam@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

Anderson Transport, Newhouse Farm, Long Dalmahoy Road

Proposal: Application for 2 dwellings, access, and landscaping.

Item – Local Delegated Decision

Application Number – 23/00663/FUL

Ward – B02 - Pentland Hills

Recommendation

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

Summary

The proposals do not comply with the National Planning Framework 4 and Edinburgh Local Development Plan.

The residential development does not meet relevant criteria of the Green Belt policy and would be an intrusion into the landscape quality and rural character of the area.

The site is not allocated for housing, residential use of this greenfield site is not supported in principle by LDP policy.

It is anticipated there would be a reliance on private car usage. The site is not located in a sustainable location and its residential use would not support local living. Overall, the material considerations support the presumption against granting planning permission.

SECTION A – Application Background

Site Description

The proposal site is mainly agricultural land and a narrow, vegetated strip which extends to the boundary with Long Dalmahoy Road.

To the north, is vacant land which previously contained large agricultural buildings which has permission to be developed into 8 houses. East of this are residential dwellings, a farm and large industrial style buildings associated with a removal service. To the west, residential dwellings and a livery beyond this.

The site is part of the green belt, it is a section of a wider agricultural field that forms part of the rural landscape to the south.

Description Of The Proposal

-Two dwellings, access and landscaping.

Supporting Information

-Design Statement
-Planning Statement

Relevant Site History

No relevant site history.

Other Relevant Site History

The adjoining site to the north has the following planning history :

18 June 2021 - Planning permission granted to alter existing residential layout, form sewage treatments works and erect 8 houses (amendment to 17/02707/FUL) (as amended) - application reference : 19/04036/FUL

9 November 2017 - Planning permission granted for the erection of 7 dwelling houses - application reference : 17/02707/FUL

20 July 2016 - Planning permission granted for the erection of 7 dwelling houses following appeal against delegated refusal to the Local Review Body - application reference : 15/05455/FUL

Consultation Engagement

Waste Services

SEPA

Flood Planning

Edinburgh Airport Safeguarding

Communities and Families

Archaeology

Publicity and Public Engagement

Date of Neighbour Notification: 24 March 2023

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 4

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

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:

- 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?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant policies to be considered are:

The relevant policies to be considered are:

- NPF4 Sustainable Place Policies 1, 2, 3, 4, 7, 8, 9,
- NPF4 Liveable Place Policies 14, 15, 16, 17, 22,
- LDP Developer contributions policy Del 1
- LDP Design policies Des 1, Des 3, Des 4, Des 5, Des 7
- LDP Environment policy Env 16, Env 21
- LDP Housing policy Hou 1, Hou 3, Hou 4,
- LDP Transport policy Tra 2, Tra 3,

The non-statutory Guidance for Development in the Countryside and Green Belt is a material consideration that is relevant when considering NPF 4 policy 8.

Green Belt

LDP policy Hou 1 (Housing Development) part 2 states where a deficit in the maintenance of a five year housing land supply is identified green belt housing proposals may be granted subject to certain criteria.

NPF4 Policy 8 (Green Belts) states development proposals within a designated green belt will only be supported subject to criteria. As summarised, those relevant to the proposed houses include:

- the residential accommodation is for a key or retired worker in a primary industry.
- it is for an intensification of established uses
- it is for one-for-one replacements of existing permanent homes

In addition, the following also need to be met:

- the requirement for a green belt location
- that the green belt purpose is not undermined
- it is compatible with the established countryside and landscape character
- it is of appropriate design
- It will not have significant long-term impact on the environmental quality of green belt.

The Guidance for Countryside and Green Belt states new houses not associated with the countryside use will not be acceptable, unless there are exceptional planning reasons for approving them. These include reuse of brownfield land and gap sites within existing clusters of dwellings. In addition, that where existing use is residential, the creation of an additional residential unit does not constitute an intensification of use.

With respect to Hou 1, there is no deficit in housing land supply identified in the LDP.

With respect to NPF 4 policy 8, the proposal does not detail or evidence that the dwellings are for workers linked to a primary industry.

Two, additional houses do not constitute an intensification of the existing residential use. The proposal does not involve the replacement of an existing home. A green belt location is not essential for residential use.

The houses would be designed similarly to the residential development consented on adjacent land to the north. However, they would be located on existing, undeveloped agricultural land. This adjacent site previously contained large agricultural buildings and, in this regard, had a differing circumstance which does not set precedence for assessment of this proposal.

The submitted design statement outlines justification for the proposals including that it will not undermine key principles of the green belt. It states the site is south of an existing residential development and is part of an irregular corner of an agricultural field.

This land nearby maybe subject to change through its redevelopment. However, the application site is mainly an agricultural and provides continuity with the surrounding farmland in the green belt. It does not have the visual character of a gap site in a cluster of dwellings due to the open land adjoining.

There is therefore concern that the addition of two new dwellings on this site, would detract from the landscape quality and rural character of the green belt through an intrusion onto agricultural land.

With regard to the above, the proposal is not acceptable in principle as it does not meet the required criteria of NPF 4 policy 8.

There are no exceptional planning reasons outlined for approving this residential development in this location.

Sustainable, Rural Homes

NPF 4 policy 9 (Brownfield, vacant and derelict land and empty buildings) intent refers to encouraging reuse of brownfield, vacant or derelict land and empty buildings.

Part b) states proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by LDP policies.

The intent of NPF 4 policy 16 (Quality Homes) states it is to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

Part f) refers to the circumstances where new homes on unallocated LDP sites will be supported including agreed timescales for build out, consistency with the plan spatial strategy policy, local living and 20-minute neighbourhood policies.

In addition, that either detailed evidence of premature delivery of allocated sites is provided; its consistent with rural homes policy; is a small-scaled opportunity in existing settlement boundary or is for the delivery of less than 50 affordable homes.

NPF 4 policy 17 (Rural homes) policy intent is to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

Part a) of this policy is broadly compatible with considerations of the Green belt policy.

Part b) for new homes in rural areas, refers to proposals contributing towards local living, identified housing needs, economic considerations, and transport.

With regard to NPF 4 policy 16, the proposal is not supported by an agreed timescale for build out. As per the above, the site is not allocated for housing in the LDP or within the urban area. Therefore, it is not consistent with the plans' spatial strategy policy.

The houses would be near to a National Cycle Route 75 on Long Dalmahoy Road. However, the site is in a detached location in the countryside. This road does not have street lighting, designated foot way or cycle ways. Therefore, it is anticipated future

users would still mainly be reliant on private car. In addition, the site does not have good local access to public transport or services. Overall, it therefore does not meet the criteria for 20 - minute neighbourhoods, support local living or contribute to principles of sustainable development.

No evidence of early delivery of the housing pipeline has been submitted. The location is not an identified settlement. It is beyond a very small cluster of farm buildings and old and new homes are within this location. It is not for affordable housing. It does not involve re-use of a building or brownfield land.

The proposal is therefore contrary to the intent of NPF 4 policy 16 and 17. It fails to provide sustainable rural homes in the right location.

The proposal is contrary to LDP policy 9 b) as it involves the development of a greenfield site which is not supported by LDP policies.

Density and Layout

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

LDP policy Hou 4 (Housing Density) seeks an appropriate density of development having regard to its characteristics and those of the surrounding area, the need to create an attractive residential environment, accessibility, and its impact on local facilities.

Adequate provision of greenspace is provided on site from the size of garden spaces proposed.

Notwithstanding principle concerns regarding residential use of the site, a low density of development is in keeping with the existing and consented development nearby.

As the site has poorer local access to public transport and facilities a low-density is more appropriate in this rural location.

The proposal therefore does not conflict with LDP policy Hou 3 and 4.

Environment

NPF 4 policy 1 (Tackling the climate and nature crises) states when considering development proposals significant weight will be given to the global climate and nature crises.

NPF 4 policy 2 (Climate mitigation and adaptation) intent refers to development minimising emissions and adapting to current and future impact of climate change.

NPF 4 policy 3 (Biodiversity) intent being to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

NPF 4 policy 4 f (Natural Places) states development proposals likely to have an adverse effect on species protected by legislation will only be supported where proposal meets the relevant statutory tests.

NPF 4 policy 5 (Soils) intent is to protect carbon-rich soils, restore peatlands and minimise disturbance from soils.

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

There is potential for the site and immediate area to contain protected species. No ecological information has been submitted with the application.

A preliminary ecological appraisal or any additional biodiversity measures have not been sought as the proposal is not supportable overall.

Similarly, further information would likely have been sought to inform assessment against other policies detailed above.

Design

NPF4 Policy 14 (Design, quality and place) supports development proposals that are designed to improve the quality of an area and are consistent with the six qualities of successful places.

LDP policy Des 1 (Design Quality and Context) states that new development should contribute towards a sense of place and design should draw from positive aspects of the surrounding area.

LDP policy Des 3 (Development Design - Existing and Potential Features) states planning permission will be granted for development where it is demonstrated existing features worthy of retention on-site have been incorporated.

LDP policy Des 4 (Design - Setting) states development will be granted that has a positive impact on its surroundings including the character of the wider townscape.

LDP policy Des 7 (Design - Layout) states development should have a comprehensive and integrated approach to layout.

Including regard to height and form; scale and proportions, including space between buildings; position of buildings and other features on site; materials and detailing.

The modern design, scale and layout of the houses would be similar to the approved residential development to the north. The materials including slate, light render and sandstone rubble tie with existing houses nearby.

In this regard, there are no specific design concerns regarding the proposal in relation to relevant design policies.

Amenity

LDP policy Des 5 (Development Design - Amenity) requires development proposals to demonstrate that future occupiers will have acceptable levels of amenity.

The EDG states for three bedrooms or more, dwellings should have a minimum floor space of 91 m².

Future Occupiers

The dwellings will have a good internal floor space in excess of the minimum space standards.

Adequate levels of outlook and light will be achieved internally from the size, orientation of windows and space retained to other buildings.

The houses will benefit from large south-facing gardens providing good quality external amenity space.

The houses are sufficiently spaced from all neighbouring properties that adequate levels of privacy will be achieved.

Overall, an acceptable living environment will be achieved for future occupiers.

Neighbouring Occupiers

LDP policy Des 5 also requires development proposals to not have an adverse effect on the amenity of neighbouring developments in relation to noise, daylight, sunlight, privacy or immediate outlook.

The houses would retain over 12 m to the boundary of the approved residential development to the north. The distance to nearest existing residential properties either side of this exceed 50 m (east) and 30 m (west).

No amenity information has been submitted. However, the distances outlined above in tandem with the two-storey scale of the houses will prevent any material impact on shade cast on adjacent gardens or impact on light to neighbours' windows.

Similarly, the space retained between properties will prevent any unreasonable impact in terms of overlooking to neighbours' gardens or windows.

In regard to noise, the residential use is the same as uses nearby and it is not anticipated the addition of two houses would lead to any significant impact on this aspect. There are statutory provisions under the Environmental Protection Act 1990 should a noise nuisance be reported from the site.

Overall, the proposal complies with LDP policy Des 5.

Contaminated Land

NPF 4 policy 9 (Brownfield, vacant / derelict land and empty buildings) part c) states where land is known or suspected to be unstable or contaminated proposals will demonstrate the land can be made safe and suitable for the proposed new use.

LDP policy Env 22 (Pollution and Air, Water and Soil Quality) states, amongst other criteria, that permission will be granted where there will be no significant adverse effect on soil quality, ground stability and appropriate mitigation can be provided.

There is the potential that the site may have contaminated the ground through previous agricultural use.

Should the proposal have been acceptable overall, a condition would therefore have been recommended for submission of a site survey prior to commencement of works. This is in order to ensure the ground is safe and stable for residential use in accordance with NPF 4 policy 9 c) and LDP policy Env 22.

Flooding

NPF 4 policy 22 (Flood risk and water management) intent refers to strengthening resilience to flood risk by promoting avoidance as a first principle and the vulnerability of existing and future development to flooding.

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

As identified on SEPA online flood maps, the site is located in an area with no specific river, coastal or surface water flood risk.

Flood planning have been consulted on the proposal and have requested submission of a surface water management plan.

Drainage information would have been sought should the proposal have been acceptable overall.

Transport

Car Parking

LDP policy Tra 2 states that car parking provision should comply with and not exceed the levels set out in Council guidance.

The site is identified as within Zone 3 of the Edinburgh Design Guidance Parking Standards where residential properties should have a maximum car parking provision of 1 space per dwelling.

Two car parking spaces are proposed per dwelling which exceeds the maximum car parking standards contrary to LDP policy Tra 2. However, this arrangement is reasonably typical characteristic of the immediate area. Given the small-scale nature of proposals, this infringement is not considered to justify a reason for refusal in isolation.

Cycle Parking

LDP policy Tra 3 states cycle parking and storage provision should comply with the standards set out in Council guidance.

The EDG standards state properties in this zone should have a minimum of 2 cycle spaces for dwellings with 3 habitable rooms. For properties with 4 habitable rooms or more, this should equate to 3 cycle spaces.

In addition, principles of the Council's cycle parking factsheet include that provision should include 20 % non-standard bicycles.

No cycle storage is included on the plans however there is adequate space to accommodate the required provision on-site. Details of this could therefore have reasonably be controlled by condition should the proposals have been acceptable overall.

Archaeology

NPF4 Policy 7 o) states that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible.

The City Archaeologist has been consulted on the proposals and has stated the site is located within an area of historic and archaeological significance, from the development of Newhouse Farm from the 18th century.

A condition has therefore been recommended regarding a programme of archaeological works in accordance with a written scheme of investigation to be submitted, in order to safeguard potential archaeological remains.

This condition would have been imposed, should the proposal have been acceptable overall.

Edinburgh Airport Safeguarding

Edinburgh Airport have been consulted on the proposals and no objections have been received from a safeguarding perspective.

Scottish Water

Scottish Water have not objected to the proposals. However the applicant will be required to submit a pre-development enquiry to Scottish Water prior to any formal technical application.

Waste Services

Waste planning have been consulted on the proposals and raise no objection to the subject to adequate space being provided for waste within each plot.

Developer Contributions

No contributions have been identified for the proposal.

Conclusion in relation to the Development Plan

The proposals do not comply with the Development Plan.

The residential development does not meet relevant criteria of the Green Belt policy and would be an intrusion into the landscape quality and rural character of the area.

The site is not allocated for housing and development of this greenfield site is not supported by policy.

It is anticipated there would be a reliance on private car usage. The site is not located in a sustainable location and the houses would not support local living.

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

The following material planning considerations have been identified:

Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Representations have been received stating that the proposal has potential Human Right implications for neighbours' in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1).

The proposal has been assessed against all relevant planning policy and guidance which aim to protect the amenity of adjoining land and the proposal site. These have been fully considered and applied. The provisions of Article 1 and 8 the Human Rights Act 1998 have been complied with through this assessment.

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

Public representations

A summary of the representations is provided below:

material considerations

-Inaccurate / incomplete information submitted : The planning authority has assessed the submitted documents and considers that they are sufficient to accord with the requirements of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

-Ecology and Drainage information not submitted : Addressed in section a) Environment and Flooding

-Proposal is contrary to relevant policies in LDP, NPF 4 and other material considerations : Addressed through the above report.

-Potential Human Rights implications through interference with privacy, home or family life (Article 8) and peaceful enjoyment of possessions (First Protocol, Article 1).

-Examples of past planning decisions and case law detailed : This information is noted.

Conclusion in relation to identified material considerations

The material considerations support refusal of the planning application.

Overall conclusion

The proposals do not comply with the National Planning Framework 4 and Edinburgh Local Development Plan.

The residential development does not meet relevant criteria of the Green Belt policy and would be an intrusion into the landscape quality and rural character of the area.

The site is not allocated for housing, residential use of this greenfield site is not supported in principle by LDP policy.

It is anticipated there would be a reliance on private car usage. The site is not located in a sustainable location and its residential use would not support local living. Overall, the material considerations support the presumption against granting planning permission.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The proposal is contrary to NPF 4 policy 8 (Green belts) as it does not meet the relevant criteria for residential development in this green belt location and will be harmful to its landscape quality and rural character through intrusion onto agricultural land.
2. The proposal is contrary to NPF 4 policy 9 b) (Brownfield, vacant and derelict land) as the residential use of this greenfield site is not supported in principle by policies in the LDP.
3. The proposal is contrary to NPF 4 policy 15 (Local Living and 20 minute neighbourhoods) as the proposal will not contribute towards local living as the residential development would not have good local access to range of sustainable modes of transport, local facilities or services.
4. The proposal is contrary to NPF 4 policy 17 (Rural Homes) as the new homes are not located on land designated for housing in the LDP and do not meet the relevant circumstances where this land use will be supported.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 16 February 2023

Drawing Numbers/Scheme

01-06

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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Appendix 1

Consultations

NAME: Waste Services
COMMENT: No objections.
DATE: 27 February 2023

NAME: SEPA
COMMENT: No comment received.
DATE:

NAME: Flood Planning
COMMENT: A surface water management is required to support the proposals.
DATE: 24 February 2023

NAME: Edinburgh Airport Safeguarding
COMMENT: No objections.
DATE: 24 February 2023

NAME: Communities and Families
COMMENT: No education contribution sought.
DATE: 22 March 2023

NAME: Archaeology
COMMENT: No objections subject to condition.
DATE: 24 February 2023

The full consultation response can be viewed on the Planning & Building Standards Portal.