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**Decision date: 20 April 2023**

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

Demolition of existing dilapidated buildings and erection of two houses with associated garages.

At Land 29 Metres East Of 63 Brunstane Road South Edinburgh

**Application No:** 22/03084/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 16 June 2022, 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;

**Reason for Refusal:-**

1. The proposal is contrary to LDP policy Hou 6 (Affordable Housing) as the application site forms part of a phased residential development of 12 units in total and no provision for affordable housing amounting to 25 % of these units has been made.
2. The proposal is contrary to NPF 4 policy 16 e) (Quality Homes) as no contribution to the provision of affordable homes on the site for 25% of the total number of homes has been made.

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

Drawings 01-05, 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:

Overall, the proposal is contrary to the Local Development Plan.

The proposal is part of a phased development of a larger site which would be subject to an affordable housing requirement however no such provision has been made.

The proposal supports principles of sustainable development and protects historic assets. It achieves an appropriate design, achieves an appropriate living environment and has no adverse impact on neighbours' amenity. It raises no specific transport issues.

However, as it is contrary to affordable housing policy it fails to contribute towards meeting identified needs for people unable to afford open market housing.

This disbenefit outweighs the benefits of the development. Therefore, the proposal is unacceptable overall.

There are no material considerations that 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 Lewis McWilliam directly at [lewis.mcwilliam@edinburgh.gov.uk](mailto: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](http://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](mailto: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

Land 29 Metres East Of , 63 Brunstane Road South, Edinburgh

**Proposal: Demolition of existing dilapidated buildings and erection of two houses with associated garages.**

## Item – Local Delegated Decision

**Application Number – 22/03084/FUL**

**Ward – B17 - Portobello/Craigmillar**

## Recommendation

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

## Summary

Overall, the proposal is contrary to the Local Development Plan.

The proposal is part of a phased development of a larger site which would be subject to an affordable housing requirement however no such provision has been made.

The proposal supports principles of sustainable development and protects historic assets. It achieves an appropriate design, achieves an appropriate living environment and has no adverse impact on neighbours' amenity. It raises no specific transport issues.

However, as it is contrary to affordable housing policy it fails to contribute towards meeting identified needs for people unable to afford open market housing.

This disbenefit outweighs the benefits of the development. Therefore, the proposal is unacceptable overall.

There are no material considerations that outweigh this conclusion.

## SECTION A – Application Background

### Site Description

The site consists of the remnants of a former piggery building with its parts of rubble stone walls evident.

It was historically associated with the category B listed Brunstane Steading (ref: LB28035, date added: 24/9/1991) to the west, as a building associated with its former farming use. This adjacent site is presently being converted to residential dwellings.

The wider area is mainly residential. Modern residential development is located to the south and there is planning permission for additional houses on open land to the east. To the north, is category A listed Brunstane House (ref: LB28034, date added: 1/1/2003).

### **Description Of The Proposal**

Demolition of existing dilapidated buildings and erection of two houses with associated garages.

### **Supporting Information**

-Planning Statement

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

Adjacent Site to East :

16 November 2022 - Planning permission granted for ten houses with associated roads, garages and parking (as amended from 19 houses) - application reference : 19/01796/FUL

8 April 2019 - Planning application withdrawn for demolition of the existing dilapidated farm buildings and erection of 19 new houses with associated roads, garages and parking (as amended) - application reference : 18/10418/FUL

Adjacent Site to West :

This site has an extensive planning history which can be viewed on the City Councils' planning portal online. Most relevant history includes :

18 March 2014 - Planning permission granted to vary the existing consent to provide two additional residential units, increasing the number of newly formed units from 10 to 12 (as amended) - application reference : 14/01049/FUL

29 April 2009 - Planning permission granted for revision to previous applicatio (ref 06/02742/FUL), additional unit added by conversion of outlying building (as amended) : application reference : 08/02704/FUL

14 December 2006 - Planning permission granted to convert steading and outbuildings to form 9 dwelling houses (as amended) - application reference : 06/02742/FUL

23 November 2006 - Listed building consent granted to convert steading and outbuildings to form 9 dwelling houses - applcation reference : 06/02742/LBC

## Consultation Engagement

Flood Planning

Environmental Protection

Affordable Housing

Communities and Families

Historic Environment Scotland

Archaeology

## Publicity and Public Engagement

**Date of Neighbour Notification:** 28 June 2022

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 0

## Section B - Assessment

### Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then 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 harm the listed building and its setting?**

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment : Setting
- Managing Change in the Historic Environment : Demolition of Listed Buildings

*31,33 Brunstane Road South, Brunstane House (LB ref: 28034, dated added 14/12/1970)*

The site is south-east of 17th century Category A Listed Brunstane House.

Historic Environment Scotland (HES) have been consulted on the proposals and do not object. However, have they have stated the open setting of Brunstane is significant both in views from and to the building. Further, that the demolition of the former piggery building and replacement with two new houses would not enhance the setting of Brunstane House.

These comments are noted however the area either side of the site is undergoing significant change. The steading development (west) is currently being converted and extended for residential development. In addition, planning permission 19/01796/FUL has been granted for ten new houses on land immediately east.

In relation to Brunstane House, the new houses will be positioned between these two developments, largely replicate their design and would be setback from the south boundary of Brunstane House.

As the site historically contained a large piggery building it did not previously contribute to the open setting of this building.

In this context, the proposal will not adversely impact on the architectural character, special interest or overall setting of this historic asset.

*Brunstane House Steading, and Brunstane Farm Cottages (35-45 odd numbers) (LB ref: 28035, date added 24/09/1991)*

The City Councils' Guidance for Listed Buildings and Conservation Areas states listings include any object or structure included in its curtilage since 1st July 1948.

HES guidance on demolition states decisions on demolition of curtilage listed structures should primarily be based on their contribution to the special interest of the listing.

The site contains the remains of a dilapidated farm building including parts of rubble stone walls. These remaining parts are listed by virtue of formerly being a curtilage building to category B listed, late 18th century Brunstane House Steading and Cottages. However, the site is not specially mentioned in the listings 'statement of special interest'.

As very limited remnants of the former structure remain, the site does not presently make any specific contribution to the character, appreciation or understanding of the listed steading. Records indicate the remaining structure has been in a dilapidated state for a number of years.

Having regard to this, the demolition proposed is acceptable as assessed under this planning application and no further information has been sought on this aspect. However, it should be noted separate listed building consent is also required for these works.

Furthermore, as per the above, the former farm steading has undergone significant change through its conversion and extension for residential units.

The two new houses will largely match the design of this development. This includes pitched slate roofs, white render, stone detailing, timber clad and large modern openings. In this regard it will appear in keeping with this listed farm steading as it has been modernised for new use.

### **Conclusion in relation to the listed building**

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

#### **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:

- NPF4 Sustainable Place Policies 1, 2, 3, 4, 7, 9,
- NPF4 Liveable Place Policies 14, 15, 16, 20, 22
- LDP Design policies Des 1, Des 3, Des 4, Des 5, Des 7
- LDP Developer contributions Del 1
- LDP Environment policy Env 21
- LDP Housing policy Hou 1, Hou 2, Hou 3 and Hou 4
- LDP Transport policies Tra 2, Tra 3, Tra 4



The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF4 policy 7.

### Listed Building

This has been assessed in section a).

NPF4 Policy 7 requires that proposals with a potentially significant impact on historic assets or places should be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records. Part b) states demolition of listed buildings will not be supported unless demonstrated there are exceptional circumstances.

This has been assessed in section a) and overall the proposals comply with the intentions of NPF4 Policy 7 as no significant impact on historic assets will occur.

In regard to the demolition, no exceptional circumstances have been outlined. However, given the long-standing dilapidated state of remaining structure on-site its removal is acceptable without requirement for further information.

### Use

LDP policy Hou 1 gives priority to the delivery of the housing land supply on suitable sites within the urban area provided proposals are compatible with other policies in the plan.

LDP policy Hou 3 states planning permission will be granted for development which makes adequate provision for greenspace to meet needs of future residents.

LDP policy Hou 4 refers to an appropriate density being sought on site including consideration of site characteristics and the surrounding area.

NPF 4 policy 15 states development proposals will contribute to local living and 20-minute neighbourhoods.

NPF 4 policy 16 f) states development proposals on land not allocated for housing in the LDP will only be supported in limited circumstances.

The site is not allocated for housing in the LDP. However, it is in the urban area and is a suitable site for this use in principle. The area is mainly residential in character and the site has local access to services, shops, sustainable transport, and greenspace.

Adequate greenspace provision is provided on site for future residents. The proposed layout and scale of dwellings will be largely in keeping with existing houses nearby.

The proposal supports objectives of NPF 4 policies of contributing to local living and 20-minute neighbourhoods. Overall, it complies with NPF 4 policies 15, 16, LDP policies Hou 1, Hou 3 and Hou 4.

### Sustainability

NPF4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions.

NPF4 Policy 2 a) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change.

The Scottish Governments' Chief Planners' letter 'Transitional Arrangements for NPF 4' 8th February, sets out this policy is unlikely to be a key consideration for smaller scale developments.

NPF4 Policy 9 supports development proposals which encourage, promote, and facilitate the reuse of brownfield, vacant and derelict land. Part d) states demolition will be regarded as the least preferred option.

The proposal will contribute to spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of a brownfield site for sustainable, housing near an existing community. Demolition is acceptable here given the dilapidated state of the existing structures on-site.

In light of the above, and small-scale of the proposals no further information has been sought with regard to NPF 4 policy 2.

Overall, the proposal involves re-use of a brownfield site in a sustainable location and complies with NPF 4 policy 1 and 9.

### Design

NPF4 policy 14 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 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 states planning permission will be granted for development where it is demonstrated existing characteristics and features worthy of retention on-site have been incorporated through design.

LDP policy Des 4 states development will be granted that has a positive impact on its surroundings including the character of the wider townscape having regard to height and form; scale and proportions, including space between buildings; position of buildings and other features on site; materials and detailing.

There is some range in the size of houses nearby. The proposed houses will be similarly proportioned to existing and consented residential development to the south. The materials including use of stone and slate take cues from the historic steading development whilst use of light render will be in keeping with recent residential development nearby. Again, the pitched roof form is compatible with the style and design of houses nearby.

Overall, the proposals comply with LDP Design policies.

## Amenity

LDP Policy Des 5 requires development proposals to demonstrate that neighbouring amenity of a development will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook. It further requires new development to offer suitable level of amenity to future residents.

The Edinburgh Design Guidance (EDG) outlines that new build residential properties of three bedrooms or more should have a minimum floor area of 91 square metres.

### *Future Occupiers*

The new dwellings will exceed the minimum floorspace standards.

All habitable rooms will achieve acceptable levels of daylight from the size and position of openings.

The south-west facing gardens will provide amenity space of adequate size and quality for future occupiers.

As the site has previously been developed, information regarding site contamination and potential remedial measures would have been applied by condition should the proposal have been acceptable overall. This is in order that the land can be made safe and stable for the end residential use.

### *Neighbouring Residents*

The EDG states in regard to privacy that the pattern of development in an area will help to define appropriate separation distances.

In regard to outlook, the EDG states whilst private views will not be protected immediate outlook of the foreground of what can be seen from within a building may be.

The position of the new dwellings will be broadly in line with the spatial pattern of the area including new and consented development nearby. Both houses will benefit from large front and rear gardens which retain adequate space to adjacent boundaries which will prevent loss of privacy.

At its closest point, the new dwelling to the north-west will be approximately 10 m from the neighbouring property, unit 8 of the adjacent steading development. This retained distance will prevent any material loss of light to windows.

In addition, whilst some shade (less than 5 sqm) will be cast on this properties' garden, these occupiers benefit from a large amenity space. Therefore, the level of impact will not unreasonably impact on their overall living environment.

All other properties are sufficiently spaced from the new dwellings to prevent any adverse impact on these aspects.

In regard to outlook, distances retained to all neighbouring properties will prevent any adverse impact on the immediate outlook of the foreground from within neighbouring properties.

The residential use is not likely to give rise to any unacceptable levels of noise or disturbance as it is compatible with the areas' residential character. In addition, should a nuisance or noise disturbance be reported from the site then there are statutory provisions to assess this under relevant Environmental Protection Act legislation.

Overall, the proposal will not have an adverse impact on the amenity of neighbouring residents and will result in the creation of a satisfactory residential environment. Therefore, it complies with LDP policy Des 5.

### Affordable Housing

NPF4 Policy 16 e) states Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where higher or lower contribution is justified subject to certain criteria.

LDP policy Hou 6 states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. For proposals of 20 or more dwellings, the provision should normally be onsite.

LDP supporting paragraph 231 states affordable housing is important in ensuring that key workers can afford to live in the city as well as helping meet needs of people on low incomes.

Para 233, states that further information on affordable housing requirements is provided in planning guidance.

The City Councils' non-statutory guidance on Affordable Housing states that where a proposal is for fewer than 12 units but is clearly part of a phased development of a larger site which would be subject to an affordable housing requirement, an affordable element will be required at an appropriate stage in the development of the site as a whole.

Affordable housing have been consulted. They have referred to the proposals requiring an affordable housing contribution as a result of its relationship to planning application 19/01796/FUL, consented for 10 houses.

Accounting for this permission, they stated that although split over two applications, the total number of residential units now meets the threshold of 12 homes, and therefore recommend that the affordable housing policy should be applied. The circumstances of the two applications are set out in more detail below.

A letter submitted on behalf of the applicant dated 28th February 2023 disputes that the affordable housing policy should apply to this application. As summarised, it states it

has not clearly been demonstrated that the proposed development is part of wider phased development.

Furthermore, it references housing at this location has been applied for and built out over a 17 year period not because of deliberate phasing but responding to changes in Development Plan Policy, including the green belt boundary.

The letter states the site has an extant permission for one house through planning permission 14/01049/FUL (granted on 7th May 2014), which included the conversion of the steading development to the west.

As a result of this, it is stated only one of the two residential units in this current application should be considered in relation to the affordable housing policy. Consequently, that accounting for planning permission 19/01796/FUL, this would take the total number of units to 11 therefore not engaging the policy requirements.

In respect to this, the relevant policy and guidance to this application does not detail there is any concession to affordable housing requirements where an extant permission exists on-site. Moreover, this 2014 planning permission referred to was granted almost 9 years ago, assessed against a previous local development plan.

The extant permission that exists on-site is not considered relevant to the affordable housing considerations of this current scheme. Similarly, whilst the site and area has an extensive planning history with changing policy contexts, this does not preclude consideration of the present affordable housing requirements when assessed against current LDP policy and guidance.

The current application site was formerly part of the application site boundary for planning application 19/01796/FUL. This scheme was amended to reduce the number of houses proposed from 19 to 10, and the application site boundary changed which omitted the current application site.

As outlined in affordable housings' response, the site boundaries are shown in the location plans submitted with these two planning applications.

The current application 22/03084/FUL was submitted on the 10th June 2022 for two houses. At this time, planning application 19/01796/FUL for ten houses had not yet been granted. This was granted following conclusion of the legal agreement on the 16th November 2022.

Both applications detail the land is owned by the same applicant and submitted by the same architect company. The proposed site layout plan for this current scheme shows the approved layout for the ten houses of this previous permission. The proposed design of the houses largely replicates those approved, and paths link to this approved road layout.

With regard to the above circumstances, the current application site is clearly part of a phased development.

The total number of units proposed is 12; accounting for the 10 units approved under planning permission 19/01796/FUL and 2 units proposed under this current scheme.

Therefore, the policy requirements of Hou 6 are applicable as outlined in affordable housing guidance.

No affordable housing information was submitted with the planning application or received during the course of its consideration. As per the above, the submitted letter on behalf of the applicant disputes the requirement for an affordable housing contribution.

The proposal is therefore contrary to LDP policy Hou 6 as it does not provide the required provision for affordable housing amounting to 25 % of the total number of units proposed.

With regard to the policy intentions, the proposal therefore fails to contribute to the supply of homes in the city helping to meet the needs of people on low incomes.

The proposal is also contrary to NPF 4 policy 16 e) as no contribution to the provision of affordable homes on the site for 25% of the total number of homes has been made.

## 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 being within Zone 3 of the EDG Parking Standards where residential properties should have a maximum car parking provision of 1 space per dwelling.

The proposal includes provision for more than one car parking space in total with the proposed dwellings' containing a garage, driveway, and a car port in between.

However, the proposal site is a small part of recently approved, and previously constructed phases of development. Its layout will be generally in keeping with this immediate residential context.

In these circumstances, an infringement of the car parking standards and LDP policy Tra 2 is acceptable.

### *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 3 cycle spaces for dwellings with 4 habitable rooms.

The proposal includes adequate space to accommodate this provision within the garages in accordance with LDP policy Tra 3.

## 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.

Flood Planning have requested a surface water management plan to confirm how surface water runoff from the site is managed. No drainage information has been received in support of the proposals.

As identified in the SEPA online mapping system, the site does not contain any specific surface water, coastal or river flood risk.

In these circumstances, the submission of a surface water management plan could reasonably have been controlled by condition should the proposals have been acceptable overall.

#### Developer Contributions

A health care contribution of £120 is required for the two houses as per the City Councils' Developer Contributions and Infrastructure Delivery. This amount would have been sought should the proposal have been acceptable overall.

#### **Conclusion in relation to the Development Plan**

Overall, the proposal is contrary to the development plan.

#### **c) 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

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

No comments have been received.

## **Conclusion in relation to identified material considerations**

No other material considerations have been raised.

### **Overall conclusion**

Overall, the proposal is contrary to the Local Development Plan.

The proposal is part of a phased development of a larger site which would be subject to an affordable housing requirement however no such provision has been made.

The proposal supports principles of sustainable development and protects historic assets. It achieves an appropriate design, achieves an appropriate living environment and has no adverse impact on neighbours' amenity. It raises no specific transport issues.

However, as it is contrary to affordable housing policy it fails to contribute towards meeting identified needs for people unable to afford open market housing.

This disbenefit outweighs the benefits of the development. Therefore, the proposal is unacceptable overall.

There are no material considerations that outweigh this conclusion.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions**

### **Reasons**

#### **Reason for Refusal**

1. The proposal is contrary to LDP policy Hou 6 (Affordable Housing) as the application site forms part of a phased residential development of 12 units in total and no provision for affordable housing amounting to 25 % of these units has been made.
2. The proposal is contrary to NPF 4 policy 16 e) (Quality Homes) as no contribution to the provision of affordable homes on the site for 25% of the total number of homes has been made.

### **Background Reading/External References**

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

**Further Information** - [Local Development Plan](#)



**Date Registered: 16 June 2022**

**Drawing Numbers/Scheme**

01-05

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Lewis McWilliam, Planning Officer  
E-mail: [lewis.mcwilliam@edinburgh.gov.uk](mailto:lewis.mcwilliam@edinburgh.gov.uk)

## Appendix 1

### **Consultations**

NAME: Flood Planning

COMMENT: A surface water management plan is required.

DATE: 9 September 2022

NAME: Environmental Protection

COMMENT: No objections subject to condition.

DATE: 2 August 2022

NAME: Affordable Housing

COMMENT: The total number of residential units meets the policy threshold of 12 homes therefore the affordable housing policy should be applied.

DATE: 31 March 2022

NAME: Communities and Families

COMMENT: No education contribution is required.

DATE: 24 October 2022

NAME: Historic Environment Scotland

COMMENT: No objections but concern raised regarding impact on setting of A Listed Brunstane House.

DATE: 23 September 2022

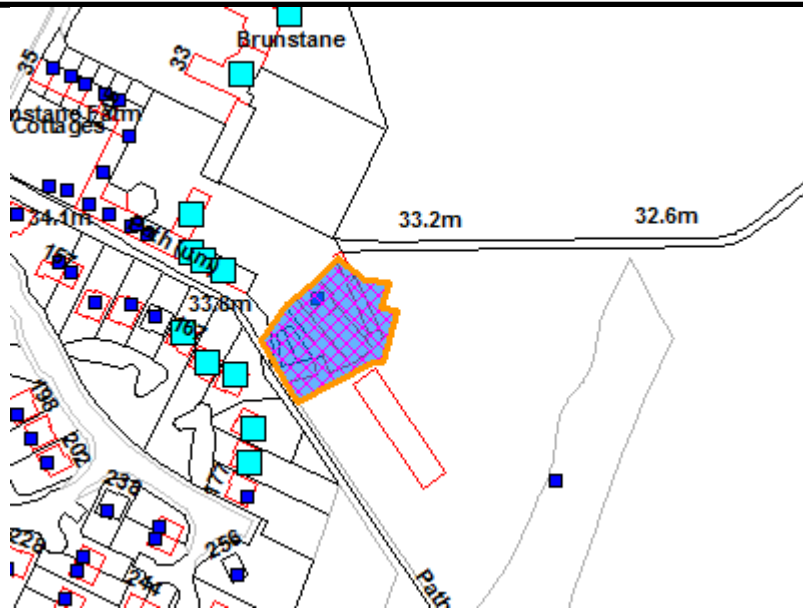
NAME: Archaeology

COMMENT: No objections subject to condition.

DATE: 7 July 2022

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

## Neighbours Notified for 22/03084/FUL Date 28 June 2022



### Location Plan

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- 33 Brunstane Road South EdinburghEH15 2NQ
- 31 Brunstane Road South EdinburghEH15 2NQ
- 63 Brunstane Road South EdinburghEH15 2NQ
- 61 Brunstane Road South EdinburghEH15 2NQ
- 59 Brunstane Road South EdinburghEH15 2NQ
- 55 Brunstane Road South EdinburghEH15 2NQ
- 167 Gilberstoun EdinburghEH15 2RG
- 175 Gilberstoun EdinburghEH15 2RG
- 169 Gilberstoun EdinburghEH15 2RG
- 173 Gilberstoun EdinburghEH15 2RG
- 171 Gilberstoun EdinburghEH15 2RG





House Type CY1 + CY2  
 Floor Plans, Front Elevations and  
 Site Plan

client  
 Caledonian Trust PLC

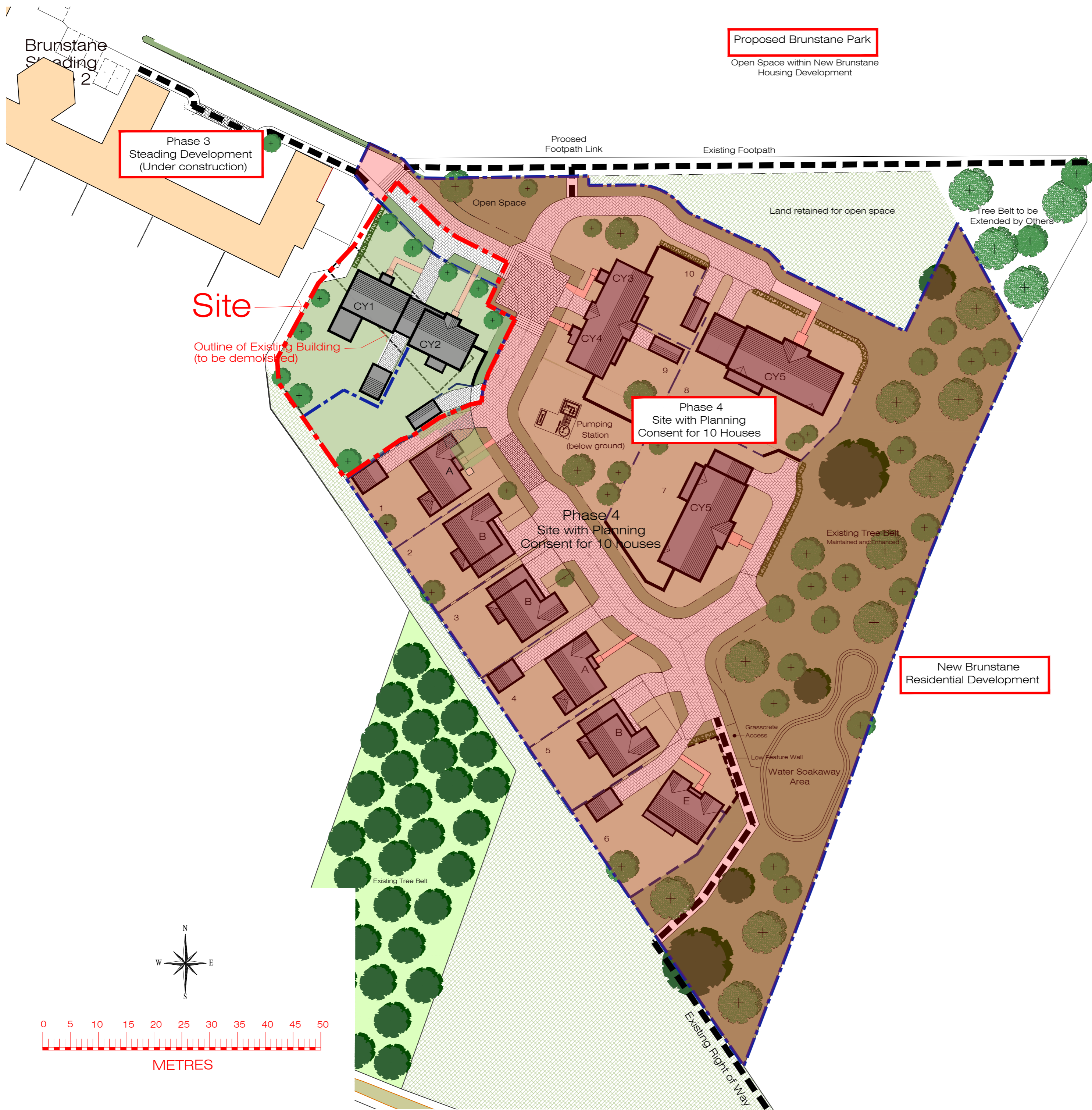
project  
 Proposed Housing  
 Site East of Brunstane Steading  
 (Previous Plot 10)

drawing  
 Location Plan

**iain gaul**  
 architects

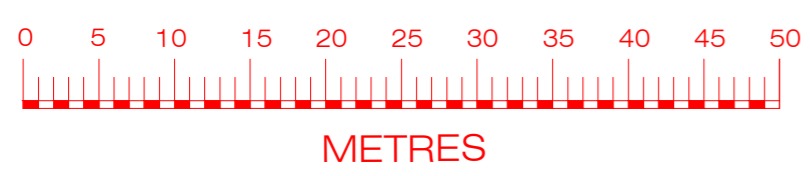
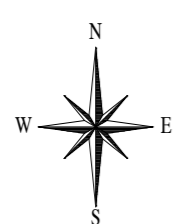
project no	drg no	revision	plot date
780	LP 01	-	29.05.22
scale	drawn	checked	date
1:1250@A3	PV	IG	29.05.22

4 - 6 coltbridge avenue, edinburgh, eh12 6ah  
 tel 0131 337 5856 pablo@igarchitects.co.uk



Legend

- Site Boundary
- Footpath
- 1.8m Timber Screen Fence



House Type CY1 + CY2  
Floor Plans, Front Elevations and  
Site Plan

client  
Caledonian Trust PLC

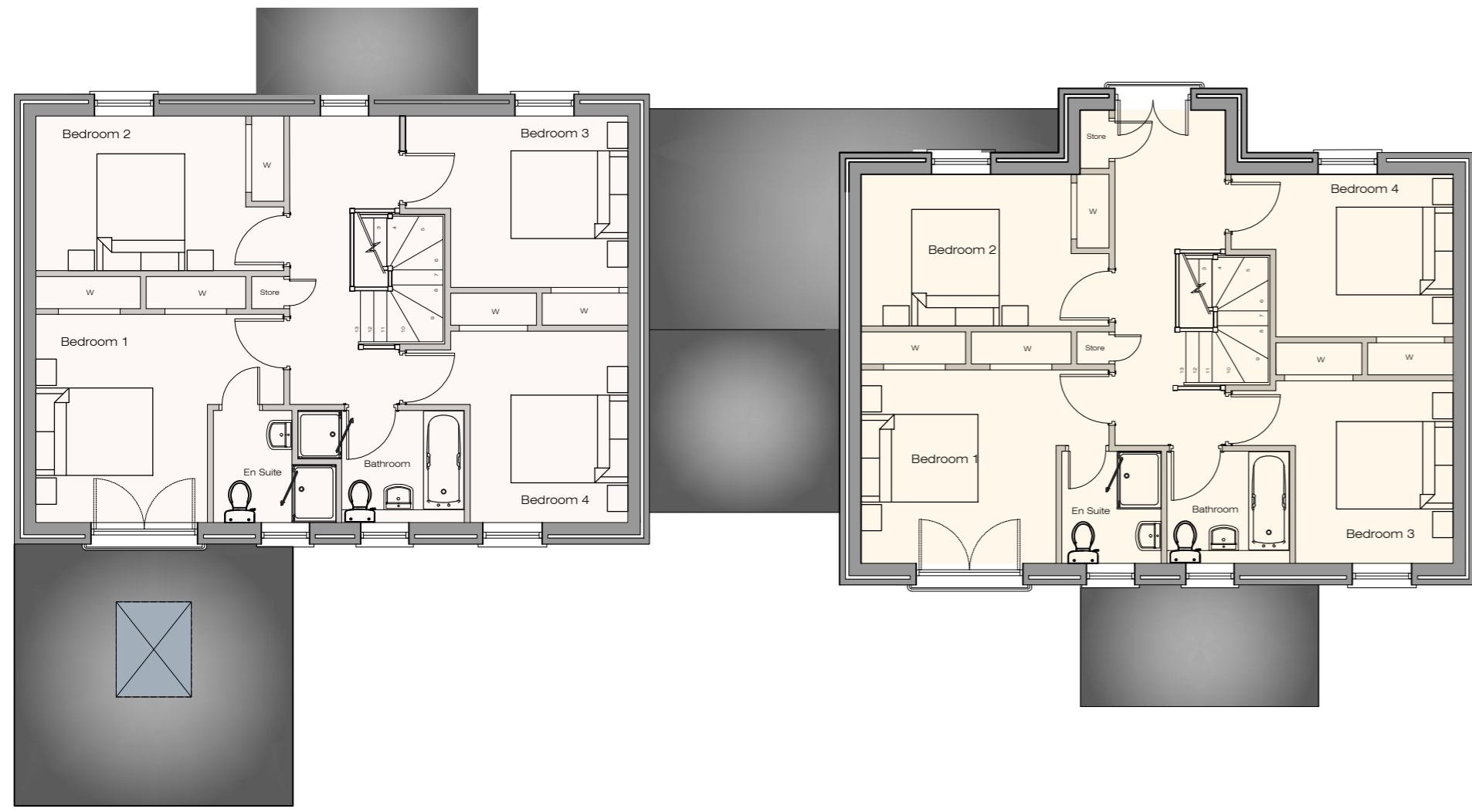
project  
Proposed Housing  
Site East of Brunstane Steading  
(Previous Plot 10)

drawing  
Site Layout  
with adjacent Developments

**iain gaul**  
architects

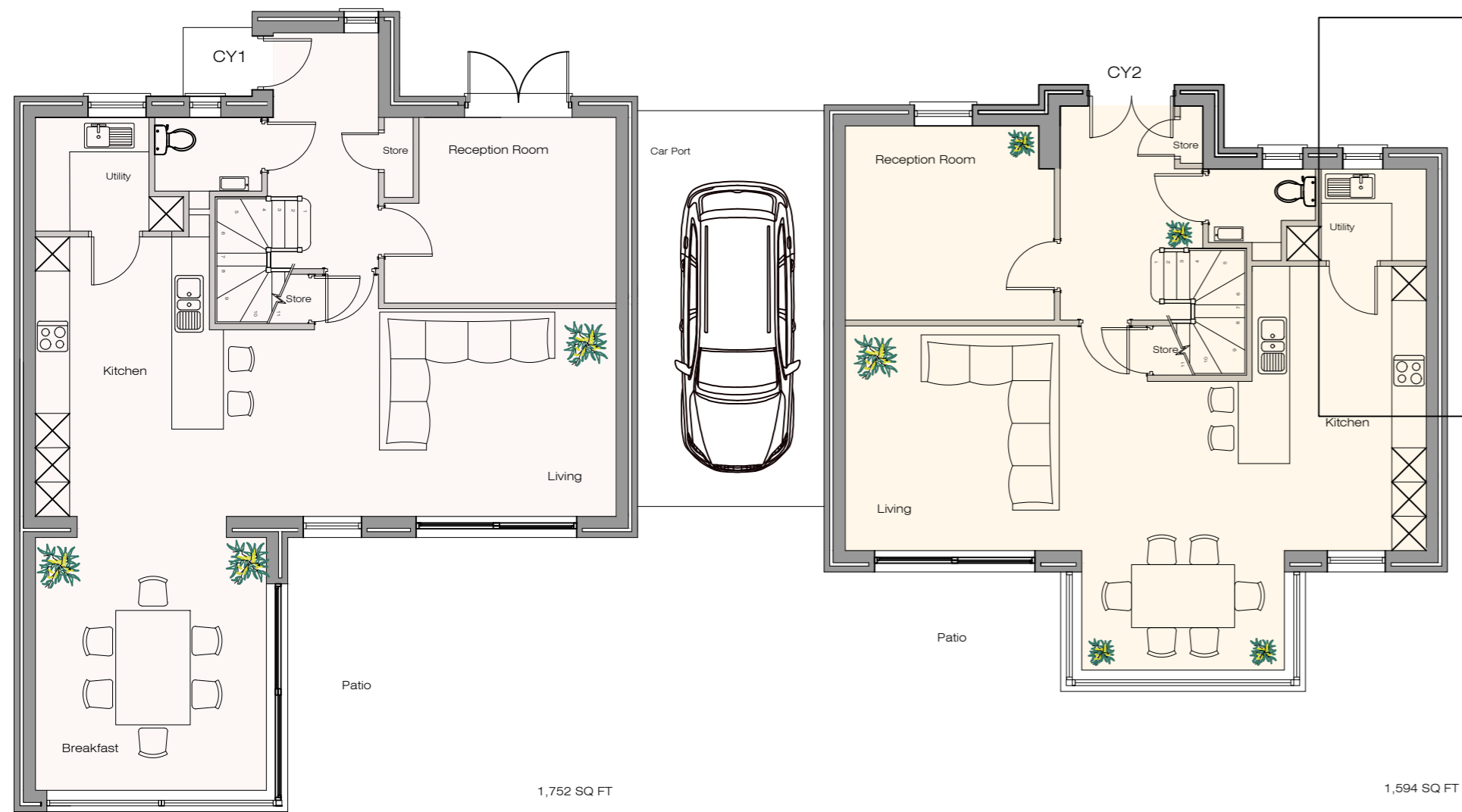
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780	P 01	-	29.05.22
scale	drawn	checked	date
1:500 @ A2	ig	-	13.05.22

4 - 6 coltbridge avenue, edinburgh, eh12 6ah  
tel 0131 337 5856 iain@igarchitects.co.uk



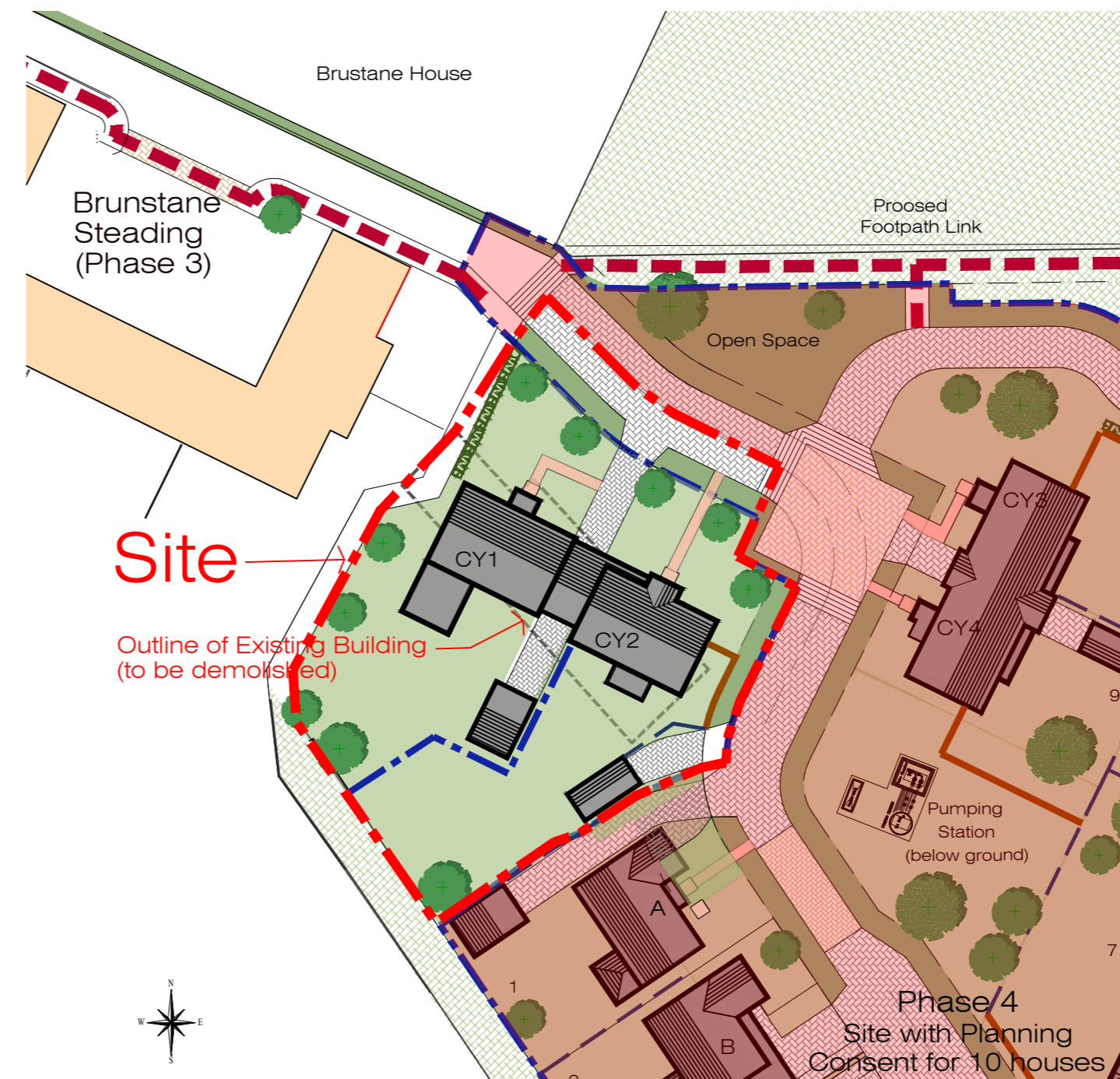
First Floor Plan  
Type CY 1

First Floor Plan  
Type CY 2



1,752 SQ FT

1,594 SQ FT



client  
CaledonianTrust PLC

project  
Proposed Housing  
Site East of Brunstane Steading  
(Previous Plot 10)

drawing  
House Type CY1 + CY2  
Floor Plans, Front Elevations and  
Site Plan

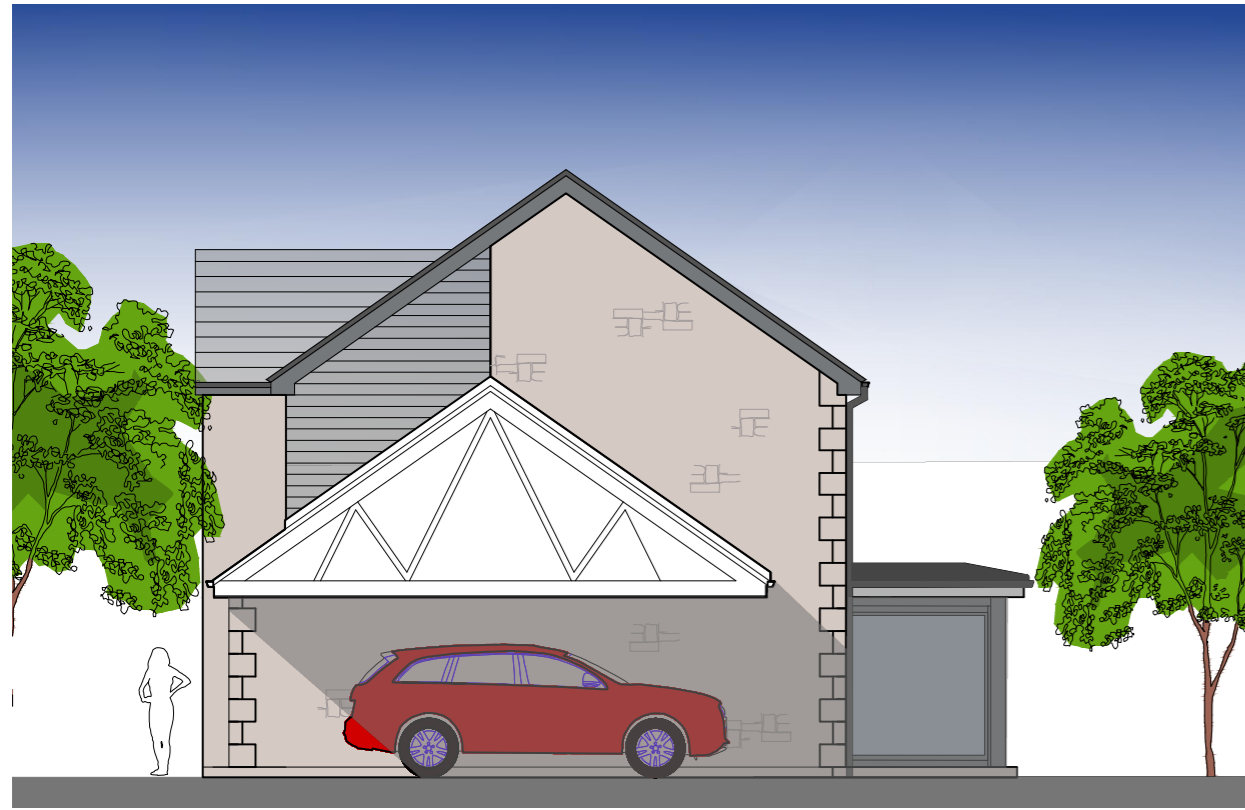
**iain gaul**  
architects

project no 780    drg no P02    revision -    plot date 16.05.22

scale 1:100 @ A2    drawn IG    checked    date 16.05.22

4 - 6 coltbridge avenue, edinburgh, eh12 6ah  
tel 0131 337 5856    iain@igarchitects.co.uk

Site Layout    Scale 1 : 500



East Elevation  
Type CY 2



West Elevation  
Type CY 2



West Elevation  
Type CY 1



North Elevation  
Type CY 1

North Elevation  
Type CY 2



East Elevation  
Type CY 2



client

CaledonianTrust PLC

project

Proposed Housing  
Site East of Brunstane Steading  
(Previous Plot 10)

drawing

House Type CY1 + CY2  
Rear and Side Elevations

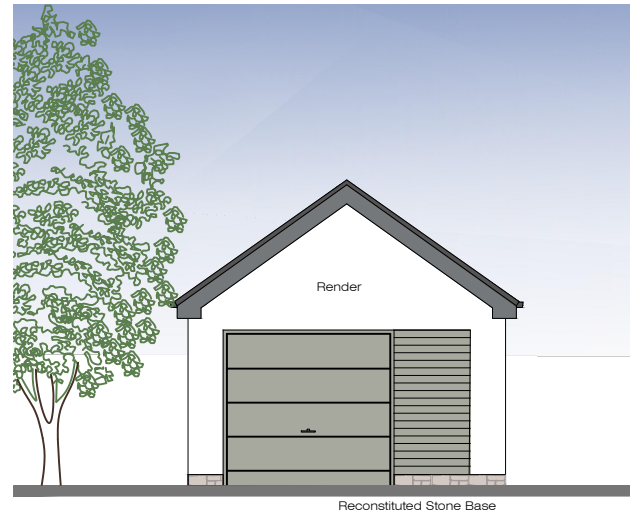
iain gaul

architects

project no	drg no	revision	plot date
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scale	drawn	checked	date
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4 - 6 coltbridge avenue, edinburgh, eh12 6ah  
tel 0131 337 5856 iain@igarchitects.co.uk

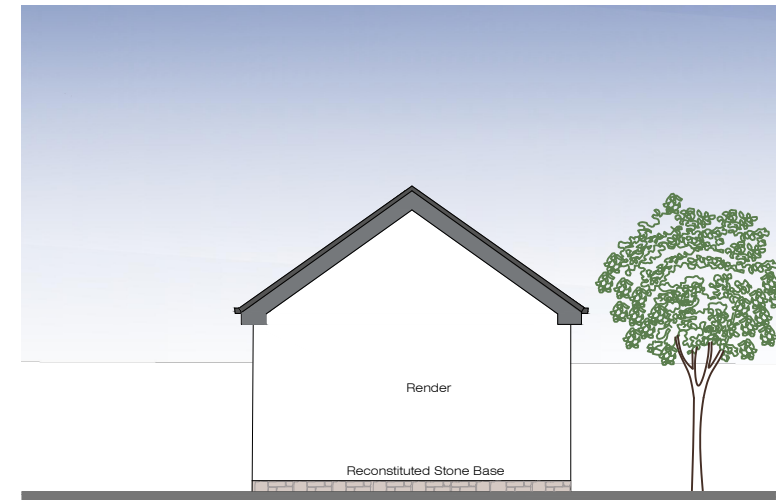




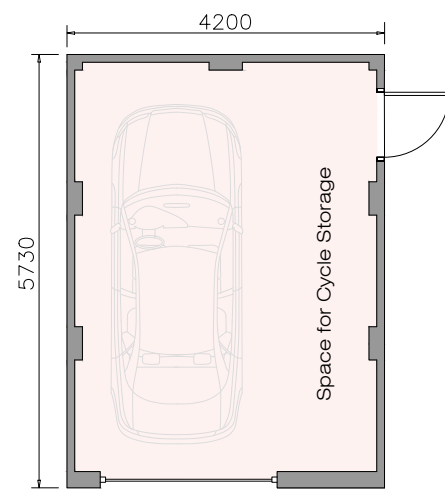
Front Elevation  
Single Garage



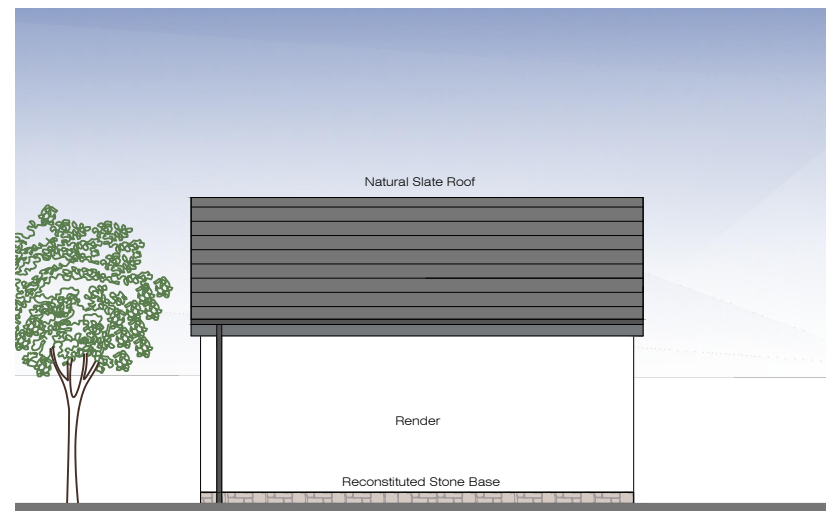
Side Elevation  
Single Garage



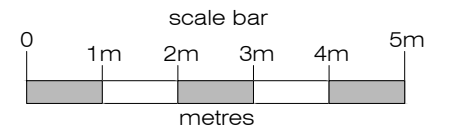
Rear Elevation  
Single Garage



Floor Plan  
Single Garage



Side Elevation  
Single Garage



client \_\_\_\_\_

CaledonianTrust PLC

project \_\_\_\_\_

Proposed Housing

drawing \_\_\_\_\_

Extended Single Garage

ian gaul

architects

project no	drg no	revision	plot date
503	GB P 12	-	26.06.22

scale	drawn	checked	date
1:100 @ A3	IG		26.06.22

4 - 6 coltbridge avenue, edinburgh, eh12 6ah  
tel 0131 337 5856 iain@igarchitects.co.uk

Planning  
Waverley Court  
East Market Street  
Edinburgh  
EH8 8BG  
FAO Lewis McWilliam

**Date** 13 January 2023

**Your ref** 22/03084/FUL

Dear Lewis

**TOWN AND COUNTRY PLANNING SCOTLAND ACT 1997  
DEMOLITION OF EXISTING DILAPIDATED BUILDINGS AND ERECTION OF TWO  
HOUSES WITH ASSOCIATED GARAGES. AT LAND 29 METRES EAST OF, 63  
BRUNSTANE ROAD SOUTH, EDINBURGH  
REFERENCE NUMBER: 22/03084/FUL**

**1. Introduction**

I refer to the consultation request from the Planning Department about this planning application.

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

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

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

**2. Affordable Housing Provision**

This application is for a development consisting of up to two homes. However as the site is phased development expanding on the adjacent development of ten homes (19/01796/FUL), the total number of residential units now meets the policy threshold of 12 homes, and therefore the affordable housing policy will apply. There will be an AHP requirement for a contribution equivalent to a minimum of three affordable homes, which is 25% of residential units.

The Council's [Affordable Housing guidance](#) set out the Council's approach to affordable housing and requires that applicants submit an "Affordable Housing Statement". This has not been submitted for this application. An Affordable Housing Statement should be submitted by the applicant, or their agent, as soon as possible to allow consideration of the proposed affordable housing provision.

The Statement should explain the proposed approach to delivery, tenure and location of the affordable homes, including how the application has taken account of the following principles:

- That the affordable housing should normally be provided on-site;
- The affordable housing should include a mix of house types and sizes that is representative of the private housing that is proposed;
- The proportion of housing suitable for families with children included within the affordable element should match the proportion of private housing within the application;
- The applicant should make provision for a minimum of 70% of the affordable housing to be social rent, the highest priority tenure;
- The applicant should identify and engage with a Registered Social Landlord to deliver the affordable housing at an early stage so that the application reflects their design standards and requirements, including Housing for Varying Needs;
- Affordable housing should be situated close to local amenities, services and public transport where possible. It should be “tenure blind” and well-integrated with housing for sale;
- An equitable and fair share of vehicle and cycle parking for affordable housing, consistent with the relevant parking guidance, should be provided;
- The affordable housing requirement will be secured by a Section 75 legal agreement.

The Council’s planning guidance on ‘Affordable Housing’ can be downloaded here:

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

If any element of a proposal does not comply with this guidance, this should be justified within the Affordable Housing Statement.

We would be happy to assist with any queries on the affordable housing requirement for this application. Housing Management and Development service can be contacted at [affordable.housing@edinburgh.gov.uk](mailto:affordable.housing@edinburgh.gov.uk)

Yours sincerely,

Alex Blyth  
Senior Housing Development Officer  
Enabling and Partnerships  
Place

# Report of Handling

## **Application for Planning Permission 19/01796/FUL At Land East Of 173, Gilberstoun, Edinburgh Demolition of the existing dilapidated farm buildings and erection of 10 new houses with associated roads, garages and parking (as amended from 19 houses).**

<b>Item</b>	Committee Decision
<b>Application number</b>	19/01796/FUL
<b>Wards</b>	B17 - Portobello/Craigmillar

### Summary

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As a result of its location, form and design, the proposal complies with Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Residential use is acceptable in principle and the proposed density is commensurate with the surroundings. The scale, form and design are appropriate and retain an appropriate setting to Brunstane House to the north-west. The existing access is unaltered and is satisfactory to the Roads Authority. Both vehicle and cycle parking are adequate and acceptable. The proposal complies with local plan policies and non-statutory guidelines and is acceptable for this reason. No other material considerations outweigh this conclusion.

### Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LHOU01, LHOU02, LHOU03, LHOU04, LDES01, LDES04, LEN03, LEN09, LEN12, LTRA02, LTRA03, LDEL01, NSG, NSGD02,
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# Report of handling

## Recommendations

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

## Background

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### 2.1 Site description

The site is an area of brownfield land, formerly containing a large piggery. The total site area extends to 10312 square metres (including the tree belt to the east). The developable area (excluding the tree belt) totals around 5700 square metres.

Within the application site (extending all the way to the south boundary) are remnants of brick and concrete structures, previously accommodating a series of pig sties. The remnant walls of further buildings on a smaller scale also stand on the north half of the site. The site has been used for storage of materials for many years but has no current operational use.

The eastern part of the site is occupied by a tree-belt. This has been unmanaged for a considerable period. The south end of this tree-belt contains a large sink-hole, around four metres deep. The tree belt is identified in the LDP proposals map as Open Space and a Local Nature Conservation Site.

The site lies to the east of a derelict structure previously consented for conversion to a single house (see History). Brunstane Steading, which is largely converted to residential use, lies further to the west. Land south of the site contains a modern housing estate (Gilberstoun).

To the north-west of the site Brunstane House looks eastwards (from its rear elevation) onto the open farmland to the north. Brunstane House is a landmark building within the area and stands around 60 metres to the north-west of the northern site boundary, behind its enclosing tall garden wall. The garden has tall planting and trees in its south-east corner. The house was listed category A on 14 December 1970 (ref.28034).

The arable farmland to the north is still operational, but it is now allocated for housing development in the local plan (HSG 29). This site now has planning permission in principle (reference 16/04122/PPP).

Access to the site is from the west, beginning with the 4.5 metres wide tree-lined avenue which connects to Gilberstoun, which also serves as the historic approach to Brunstane House. This road widens to a minimum of 5.5 metres between the entrance to Brunstane House and the site.

### 2.2 Site History

8 April 2019 - Application for 19 houses withdrawn (planning reference 18/10418/FUL)

29 April 2009 - The adjacent land to the west was granted planning permission for conversion and extension of the Brunstane Steading to housing, including conversion of the closest building (the former piggery) into a single detached house (planning reference 08/02704/FUL)

Neighbouring site to north (Land 445 Metres North Of 103 Newcraighall Road Edinburgh):

20 November 2020 - Planning permission in principle granted for proposed residential development (including class 8 residential institutions, class 9 houses and sui generis flats) primary school (class 10 non-residential institutions) local centre (including class 1 retail, class 2 financial services, class 3 food and drink, class 10 non-residential institutions and class 11 assembly and leisure ), green network, access and transport links, infrastructure and associated ancillary works (as amended.) (planning reference 16/04122/PPP)

## **Main report**

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### **3.1 Description Of The Proposal**

The application, as amended, proposes 10 four-bedroom houses, of varying sizes and design.

The development has a single access point from the steading to the west. The proposed internal road is laid out as two cul-de-sacs, linked by a pedestrian footpath/cycleway to create a loop.

The northern edge of the site faces onto open farmland. The closest part of this is proposed as parkland within the brief for HSG 29 housing allocation and as shown in the recent planning permission in principle (see History).

The tree belt in the eastern section of the site is retained, but brought into a managed condition, also utilising the large sink-hole to its south end as a swale, which would serve the sustainable drainage needs of the site.

A pedestrian path would be located in the south-east corner, linking the proposed internal roads and paths to an established right of way to the east.

Materials would be a mix of stone (or artificial stone) and render, with natural slate roofs.

#### Previous scheme

The scheme was amended from 19 units and to adjust the layout and design to better relate to Brunstane House.

A pedestrian link was added between the proposed road and the south-east corner of the site, forming a new Right of Way.

## Supporting information

The following information was submitted in support of the application, and is available to view on the Planning and Building Online Services:

- Planning Statement
- Surface Water Management Report
- Tree Survey/ Habitat Report
- Flood Risk Assessment

### **3.2 Determining Issues**

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Do the proposals comply with the development plan?

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

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

### **3.3 Assessment**

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

- a) the impact on the setting of Brunstane House is acceptable;
- b) the proposed use is acceptable;
- c) the scale, form and design are appropriate;
- d) the proposed housing density and mix are acceptable;
- e) the road access and parking are acceptable;
- f) the impact on the tree belt is acceptable;
- g) the impact on the Right of Way is acceptable;
- h) the archaeological issues are addressed;
- i) the infrastructure needs are addressed;



- j) any comments are addressed; and
- g) other material considerations are addressed.

a) Setting of Brunstane House

Section 59 of the LBCA Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The impact on the setting of surrounding listed buildings needs to be considered.

LDP Policy Env 3 - Listed Buildings - Settings considers the setting of listed buildings.

The developed section of the site lies between the tree belt and the southern section of the garden of Brunstane House. Views to and from the farmland east of the tree-belt are unaltered, as the existing tree belt will screen the proposed housing, as seen from further east.

Trees in the south-east corner of the garden of Brunstane House would screen most of the developed part of the site, when viewed from Brunstane House.

The northern section of the site would not be developed beyond the line of the south boundary of Brunstane House, other than as road and landscape. This is the main section visible from the house. This area currently contains banded material rising to around five metres in height. This feature would be removed. This would preserve and enhance the setting of the listed building and would create a landscape zone linking the garden of Brunstane House, the open space designated in HSG29 and would create a green link to the tree belt.

All buildings within the proposal now restrict themselves to the line struck by the southern boundary wall of Brunstane House garden. The bulk of the building zone is screened from Brunstane House by the trees in the south-east corner of its garden and the majority of the developed area will not be visible from Brunstane House.

The southern half of the site contains the former pig sties. Redevelopment of this section would represent an improvement to setting.

The net impact upon setting would be positive and the development complies with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and LDP Policy Env 3.

b) Principle of Housing

Local Development Plan (LDP) Policy Hou 1 - Housing Development promotes sites for housing development.

The site lies within the defined Urban Area and is compatible with residential use subject to other policy requirements being met. The adjacent farmland to the north is

specifically allocated for housing development within the LDP (HSG29) but is to be independently accessed from the north.

LDP Policy Env 21 - Flood Protection considers impact of development on Flood Risk.

The majority of the southern section of the site where the piggery stood is covered with a concrete slab and after this is removed the bulk of this area will be garden area. Permeable ground coverage will be increased. It has been assessed that the development will have no adverse impact on flood risk.

The proposal adopts principles of Sustainable Urban Drainage and the SUDS scheme takes all surplus surface water to a swale at the southern end of the tree belt.

### c) Scale, Form and Design

LDP Policies Des 1 - Design Quality and Context and Des 4 - Development Design - Impact on Setting consider the design of a proposal and its context.

LDP Policy Des 4 (Development Design - Impact on Setting) requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regard to its height and form, scale and proportions, including the spaces between the buildings, position of the buildings and other features on the site; and the materials and detailing.

LDP Policy Hou 3 - Private Green Space in Housing Development aims to ensure that there is adequate green space to meet the needs of future residents.

The development would be two storey in scale throughout, echoing the scale of both the existing steading to the west and the Gilberstoun estate to the south.

The south-western section of the proposal would be laid out in a broadly linear extension to the original steading, creating a link in form to the historic section. The remainder of the scheme would be laid out around the cul-de-sacs as a series of detached and semi-detached houses.

The design is contemporary but takes inspiration from the adjacent steading. The design is acceptable. The materials continue those on the existing steading to the west. A condition is added to further reserve the choice of materials.

The open space provision would total around a third of the site: mainly in the form of the retained tree belt to the east, which will be brought to a managed and accessible condition. Other areas are created along the roadsides. Each property would benefit from private garden space and the development would provide future residents with a good quality and scale of green space.

The form, design and layout are acceptable and comply with relevant policies.

### d) Density

LDP Policy Hou 4 - Housing Density considers density of residential development. LDP Policy Hou 2 - Housing Mix seeks to ensure there is a provision of a mix of house types and sizes in developments, where practical.

The proposal has been reduced in density within the amendment.

In relation to the gross site area (including the tree belt), the density is 9.7 houses per hectare. If the tree belt (which is not part of the developed land) is excluded from the calculations, the density is 17.5 houses per hectare.

The density is appropriate for a suburban area and is less than adjacent developments such as Gilberstoun.

The range of housing to be provided would have regard to the character of the surrounding area. It would form an appropriate, small scale development, where creating a wide range of house sizes would not be practicable. In these circumstances, the relative uniformity of house size and type is acceptable and would provide a good quality development.

#### e) Access and Parking

The Roads Authority is content with the existing geometry and widths of the approach road and this section is no longer included within the site boundary as no works are required.

The geometry of the link road from the courtyard to the site has recently been widened to 5.5 metres. Access to the site is acceptable.

LDP Policy Tra 2 - Private Car Parking considers car parking.

The scheme was amended to reduce parking provision to comply with the current policy and guidance objectives of a maximum 100% parking.

LDP Policy Tra 3 - Private Cycle Parking considers cycle parking.

Each unit would have a garage capable of holding at least two cycles, and this is in compliance with policy.

#### f) Impact on Trees

LDP Policy Env 12 - Trees seeks to protect trees worthy of retention.

The tree belt on the east side of the street is left undeveloped other than the introduction of a swale on the south end, which will make use of the existing sinkhole within the tree belt. This addresses SUDS issues.

As the tree belt is preserved, its wildlife value would remain largely unaltered and its open space value would be unaltered.

Conditions are added requiring protection of the trees during construction and also a landscape management plan.

#### g) Right of Way

A Right of Way runs from the existing steading to west along the southern edge of the site (linking to Newcraighall).

As part of the consultation with the Roads Authority, this Right of Way would be altered to run alongside the proposed southern section of the new carriageway, before then turning south, between the last proposed house and the tree belt. A former section of the Right of Way, between the proposed development and Gilberstoun, would become redundant, and would require formal Stopping Up. The cost of this is placed upon the applicant.

#### h) Archaeology

LDP Policy Env 9 - Development of Sites of Archaeological Significance considers archaeological significance.

As a farm steading from around 1800, relating to the older Brunstane House, the site has potential archaeological interest. The applicant agreed to delay the process of the application awaiting the results of an initial archaeological investigation. This is now complete.

This concludes that the existing farm buildings are not of great significance, but a further archaeological investigation is required in relation to investigation of potential historic features underground. A condition is added to address this.

#### i) Infrastructure

LDP Policy Del 1 - Developer Contributions and Infrastructure Delivery considers developer contributions in relation to infrastructure.

The scale of the proposal has been reduced and now falls below the level at which affordable housing policy applies.

The proposal requires a contribution towards education infrastructure to the total of £249,600 and this is addressed by legal agreement.

In addition, a healthcare contribution of £60 per house is required again by legal agreement.

#### j) Public Comments

Representations were received from local residents and Portobello Amenity Society.

#### **Material Comments**

- too much traffic/ access inadequate - this is addressed in section 3.3 e);
- density is too high - addressed in section 3.3 d); and
- architectural quality is low - addressed in section 3.3 c).

## **Non Material Comments**

- lack of neighbour notification - neighbour notification was correct;
- no information on upgrading the existing access - the Roads Authority does not require this;
- a pedestrian link should run through the tree belt to improve its leisure value - this is not part of the proposal;
- possible structural impact on neighbouring houses - this is not a planning consideration; and
- lack of disabled parking - all parking is capable of use by disabled people.

## **Community Council**

Portobello Community Council (PCC) neither object nor support the proposal.

The PCC concluded that layout had been improved in relation to the previous application. It suggested upgrading of the Right of Way (this has been done as part of the amended scheme).

### g) Other material considerations

#### *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 proposal accords with Paragraph 29 of SPP.

#### *Emerging Policy Context*

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

City Plan 2030 - While the proposed City Plan is 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.

### Conclusion

The proposed development would have no adverse effect on the setting of Brunstane House and would comply with the requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Subject to the conclusion of a legal agreement to secure healthcare and educational contributions, residential use is acceptable in principle and the proposed density is commensurate with the surroundings. The scale, form and design are appropriate and retain an appropriate setting to Brunstane House to the north-west. The existing access is suitable for the proposal and both vehicle and cycle parking levels are appropriate.

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

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

#### **Conditions:-**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
3. A detailed specification, including trade names where appropriate, of all the proposed external materials, including the use of natural stone, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
4. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".
5. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
6. A landscape management plan, including tree replanting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; the approved plan shall be implemented within 6 months of the completion of the development.

#### **Reasons:-**

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the interests of archaeological heritage.
3. In order to enable the Head of Planning to consider this/these matter/s in detail.
4. In order to safeguard protected trees.
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

## **Informatives**

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

3. Prior to the issue of consent the applicant shall enter into a suitably worded legal agreement with the Council to ensure a contribution of £2000 towards the cost of a Stopping Up Order linked to the relocation of the Right of Way on the south-east boundary. This Right of Way to transfer to the new road system proposed and shall include a 2m pedestrian link to the south-east as illustrated on the approved plans.

4. All roads and pavements within the site boundary to be available for public use and require to be subject of a Road Construction Consent.

5. The applicant shall provide each new occupant with a welcome pack explaining public transport links and local cycle networks.

6. The applicant should consider electric charging points for all houses.

7. The applicant should contact the Council's Waste and Cleansing Service at the earliest possible stage to agree a general waste management strategy for the development.

8. A legal agreement has been concluded in respect of this application and is available to view on the Council website.

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

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

## **Equalities impact**

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

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

## Consultation and engagement

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### 6.1 Pre-Application Process

Pre-application discussions took place on this application.

### 6.2 Publicity summary of representations and Community Council comments

The application was advertised on 26 April 2019.

Eight representations were received: seven in objection and one neutral. This included comments from both Portobello Amenity Society and Portobello Community Council. These are addressed in section 3.3 e) of the Assessment.

## Background reading / external references

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



## **Statutory Development**

### **Plan Provision**

The site for development is shown as white Urban Area in the LDP. The undeveloped eastern section is protected Open Space and a Local Nature Conservation Site.

Existing farmland to the immediate north and east is designated for major housing redevelopment in the LDP (HSG 29).

### **Date registered**

10 April 2019

### **Drawing numbers/Scheme**

01, 2b,16-26,  
Scheme 2

David Givan  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council

Contact: Stephen Dickson, Senior planning officer  
E-mail:stephen.dickson@edinburgh.gov.uk

## **Links - Policies**

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### **Relevant Policies:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# Appendix 1

## Consultations

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### City Archaeologist

Further to my earlier response of the 16th April I am now in receipt (20/06/19) of the required archaeological evaluation report and building assessment (as per policy ENV9) undertaken by AOC Archaeology on behalf of the applicant for this scheme to demolish an existing dilapidated farm building, upgrading of Brunstane Road South and erect 19 new houses with associated roads, garages and parking. Having assessed the report and result I would therefore like to make the following comments and recommendations.

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

#### Historic Buildings

The historic building assessment has confirmed that the historic core of these farm buildings date to the late 18th/early 19th century and do not contain earlier upstanding phases which was reported earlier. Although of archaeological/historic significance given the poor state of the surviving building it is considered that preservation in this instance is not a viable option. However, it is essential that a detailed recording of Buildings A & B identified in AOC's assessment is undertaken prior to and during demolition to provide a permanent and accurate record of these buildings. This will necessitate building upon the assessment results with the production of rectified photographic, phased/annotated elevations and floor plans (including plan of floor surfaces not recorded during the assessment).

Fig 1 1st Edition 1850' OS map, arrow showing farm building proposed for demolition

#### Buried Archaeology

As outlined in my earlier response the site occurs within an area of archaeological significance relating from the development of Brunstane Farm and Estate to potentially medieval mining activity through to prehistoric occupation. AOC's archaeological results have revealed archaeological remains relating in part to the 18/20th century occupation of the site but potentially earlier remains of unknown date.

Given these results and those from the earlier CFA survey (see earlier response for reference) and from the just completed excavations at the steading by NG Archaeology

it is clear that the site contains and has a high potential for significant archaeological deposits. Such remains will be significantly impacted by ground breaking works associated by development.

Therefore, having assessed the archaeological implications and significance of the remains it has been concluded that if permission is granted, that is essential that an archaeological programme of work (strip, map record and excavate) is undertaken prior to development in order, to fully excavate, record and analyse any surviving archaeological remains affected.

In consented it is essential therefore that a condition be applied to any consent if granted to secure this programme of archaeological works based upon the following CEC condition;

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

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

## **Roads Authority**

Further to the memorandum of 29 April 2019, there are no objections to the proposed application subject to the following being included as conditions or informatives as appropriate:

1. The applicant will be required to contribute £2,000 to progress a suitable stopping up order under Section 208 of the Town and Country Planning (Scotland) Act 1997 to relocate the existing footpath, currently to the southwest of the development, to through the development, i.e. on-road;
2. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;
3. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;
4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-

quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

5. The applicant should note that new road names may be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;
6. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;
7. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
8. Electric vehicle charging outlets should be considered for this development;
9. The developer must submit a maintenance schedule for any SUDS infrastructure for the approval of the Planning Authority.

Note:

- o The proposed parking is considered acceptable.
- o The existing access on Brunstane Road South was expected to be improved and extended under a road construction consent dated 9 February 2009. It appears that this consent has not been fully implemented and has therefore expired as the 3 year time limit has been exceeded and an extension to the time limit has not apparently been requested;

## **Historic Environment Scotland**

We responded in detail to the previous application (18/10418/FUL) on 25 February 2019. However, we consider it is worth restating the background information again.

The site concerned is within the setting of Brunstane House, a Category A listed building dating from the sixteenth century with historical additions by some of Scotland's foremost architects for important ministers of State. The house was subdivided in the nineteenth century but retains interiors of significance, and although its original wider policies have been reduced its setting is still of importance.

### **Background**

HES objected to the land allocation HSG29 due to the impact the new development would have on the important semi-rural setting of Brunstane House, and to a lesser extent Newhailes House and its designed landscape. After the site was allocated for housing your Council and ourselves were involved in lengthy discussions on how to mitigate harm to Brunstane's immediate and wider setting. These discussions centred on the extent of the new parkland ringing the walled boundaries of the property, and in

retaining designed views from the principal rooms, including the Great Chamber in the north-eastern corner of the house. There was also consideration of how views towards the building could be maintained, and the treatment of the scheduled monuments within the wider site.

In assessing the proposals we have followed the guidance on setting within our Managing Change in the Historic Environment document; that is, firstly, identifying the historic asset, then defining its setting and finally assessing the impact of the development on this setting.

### Brunstane House and policies

The site concerned is to the south-east of the historic asset, Brunstane House. It is adjacent to the land allocation, but not part of it. The southern portion of Brunstane House contained the 1673 matching extension to the original sixteenth century tower house, and was designed by Sir William Bruce for the Duke of Lauderdale, Secretary of State for Scotland. Added to this, to the south, there is also a single storey range of offices designed in 1733 by William Adam for Lord Milton, Scotland's Justice Clerk. Adam also remodelled the house's interior and added a walled garden, two-storey summerhouse and fishponds by a hilltop folly to the south east of the site (now lost) immediately beyond the shelter belt of trees that forms the eastern edge of the proposed housing site.

Although the principal public rooms of the house were largely to the northeast of the house, the former principal bedrooms of the house overlook the site. Alongside views from the house, views to the house were designed to be seen from the site concerned, especially as it overlooked the former walled garden, which had raised viewing structures. Despite the contraction of Brunstane House's policies and the expansion of agricultural land, the open setting of Brunstane is still significant, both in views from and to the building.

### The site and setting

The site was originally orchard land for Brunstane House with, as above, Adam's walled garden situated immediately east of the existing shelter belt of trees which forms the eastern boundary to the site. This tree belt is an early feature shown in detail on the 1764 Leslie map and noted in supporting documents (for the major housing allocation) as the only surviving element of the early designed landscape. Despite agricultural expansion, the land concerned survived as part of the house's wider policies with clear views of the house from the site, which still retained mature trees until the twentieth century (a late C19th photograph shows a view from the site and the farm was run from the southern half of the mansion). The house's current garden wall boundaries were only finalised by 1934. The expansion of the mains farm and steading saw the proposed land being used for stabling, a milking parlour and piggery.

We believe the site, which is not allocated within the LDP, is important as part of the setting of Brunstane House, and is immediately adjacent to its reduced garden boundaries. An intensive development of the site would be visible from the house, and vice versa. A report by Andrew Wright on the importance of Brunstane House and its setting (2015) for the major housing allocation HSG29, notes that 'development in proximity to the site boundary of the garden walls would be inappropriate' and that

views of the house from the east from within its historic policies were, and are, important.

### Consideration and impact on setting

The current proposals have amended the previous siting of houses, setting them back slightly further from the northern boundary with the proposed Brunstane Park. The frontages of the houses now appear to follow the SE alignment with the garden boundary walling of Brunstane House (with their gardens, road, etc in front). We welcome any moving back of built-development, (whilst noting the less-open terraced form), but consider the proposed development would adversely affect the setting of Brunstane House.

As before, we consider development in this location would also go against the broad principals established during the major housing allocation, that is, to retain a zone of open ground around the house and its walled garden boundaries in order to protect its important setting, including the surviving landscape tree-belt feature.

Again, we consider the best way to protect, or mitigate harm to the setting of Brunstane House would be to retain the site, or the majority of the site, as open ground, landscaped to form an adjunct of the adjacent planned Brunstane Park.

If, however, your Council is minded to allow some development on the site, (and again we note the previous approval in 2008 to convert the ruinous stone farm building), we would strongly recommend that any development is both less-intensive and situated to the southern part of the proposed site only, and that the northern part of the site remains undeveloped. The existing ruinous farm buildings would be a logical form/layout and northern boundary to any new development following their line - or that of the body of the adjacent steading. Again, stone from the ruinous farm buildings could be utilised to create new boundary walling, with the northern portion of the site open and landscaped to adjoin the adjacent Brunstane Park. There may also be scope to design less impactful lower-scaled housing e.g. timber faced and without pitched roofs.

Such an approach would help retain the important setting of the house and its garden boundaries, a principle supported by the significant level of supporting information associated with the adjacent major housing allocation.

We would also recommend, as suggested, that the historic tree-belt on the east of the site is managed and upgraded with appropriate trees. (a landscape architect's involvement is suggested). The current drawings show a pump house and drainage zone within the tree-belt. The drawings now show that the northern tip of this tree belt will be restored as part of the adjacent housing development, which we welcome.

It is not clear whether improvements to the approach to the site from Brunstane Road South are required, but 'adoptable standards' are noted for the access road. As before, despite housing development encroaching on this road, it still retains a rural feel, with mature trees, stone boundary walls, its eighteenth century bridge and a reinstated line of Lime trees. Any urbanization of this approach would be damaging to the wider setting of Brunstane House.

As before, we would be happy to discuss the proposals further, and would be happy to comment on any revisions.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

#### Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

### **Children and Families**

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

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

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

#### Assessment and Contribution Requirements

Assessment based on:

10 Houses

There is no spare capacity in the existing schools that serve the site to accommodate an increase in pupil numbers as a result of the development.

This site falls within Sub-Area C-3 of the 'Castlebrae Education Contribution Zone'. The impact of the site was not taken account of when the Education Appraisal. The Council has therefore assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

There is an identified action to deliver a new primary school within the Brunstane housing site. This can provide the additional capacity necessary to accommodate the cumulative increase in primary school pupils that will be anticipated in the area if this development progressed.



Additional secondary school capacity will be required to accommodate the increase in the number of secondary school pupils now expected to be generated in the area as a result of this development.

The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone. The established rates are based on the delivery of a new primary school and the provision of additional secondary school capacity.

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

Total infrastructure contribution required:

£222,810

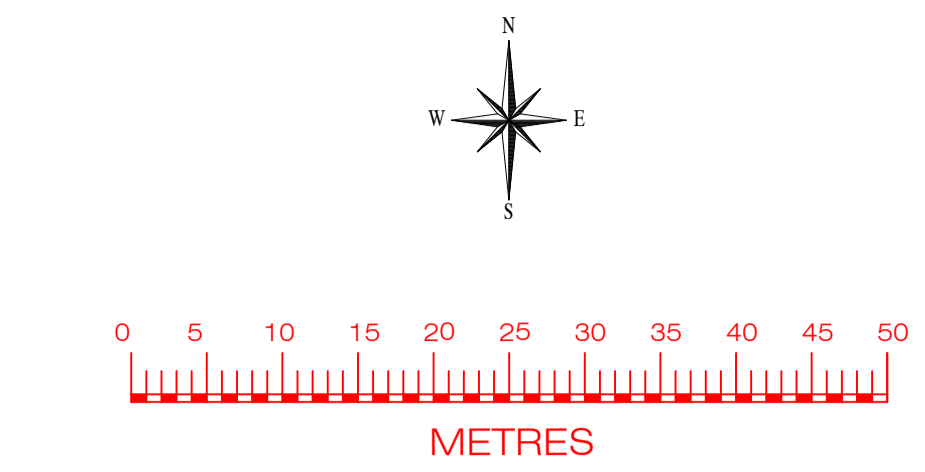
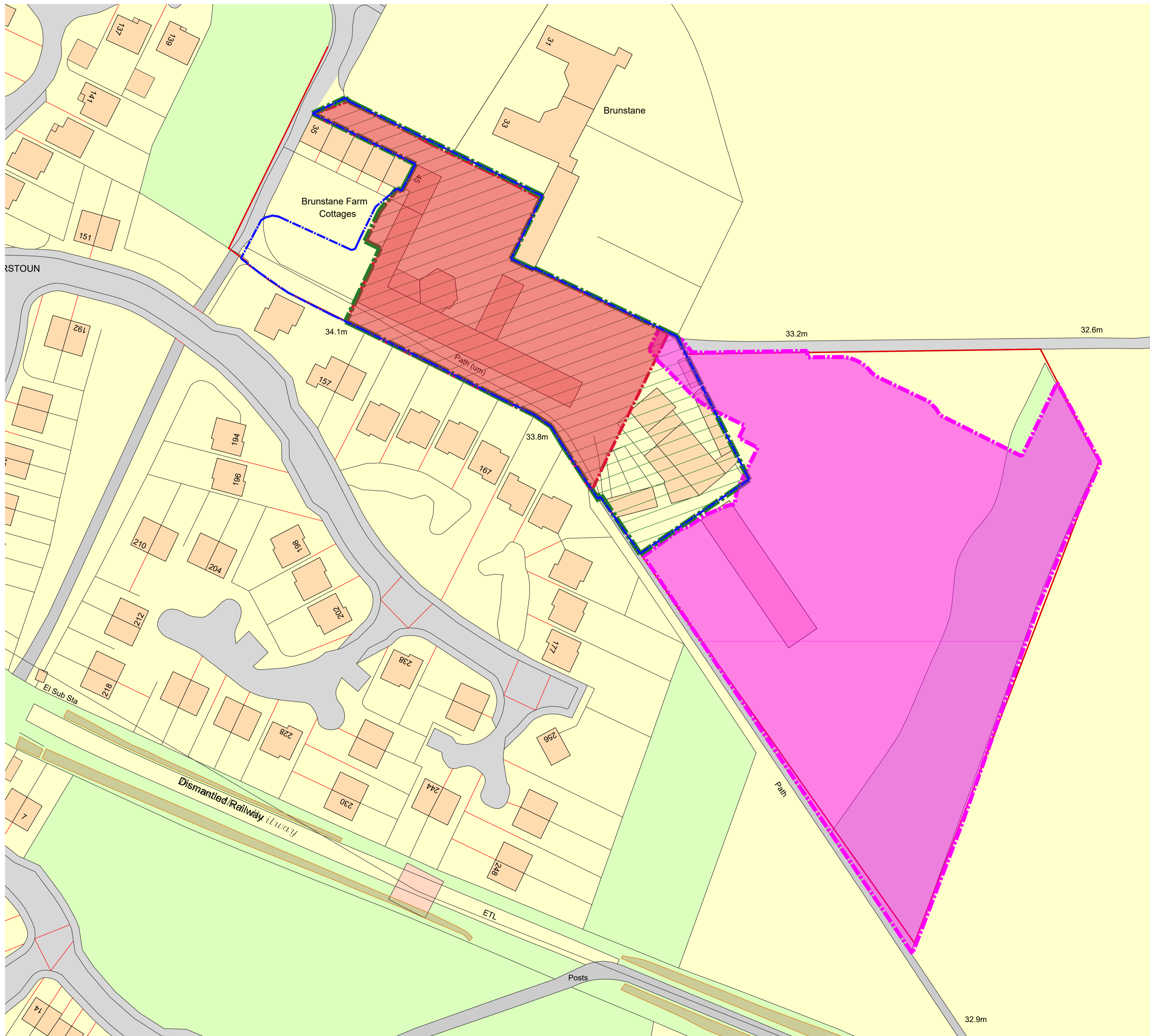
Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

Total land contribution required:

£26,790

Note - no indexation to be applied to land contribution.

END



- Legend**
- Site boundary of planning application 06/02742/FUL
  - Site boundary of planning application 08/02704/FUL
  - Site boundary of planning application 14/1049/FUL
  - Site boundary of approved planning application 19/01796/FUL

client  
Caledonian Trust PLC

project  
Brunstane Steading,  
Edinburgh

drawing  
Plan Indicating Site Boundaries of  
Brunstane Planning Applications

**iain gaul**  
architects

project no	drg no	revision	plot date
780	AP01	-	12.07.23
scale	drawn	checked	date
1:500 @ A1	IG	-	12.07.23

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