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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.

## Memorandum

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

F.A.O Lewis McWilliam

**From** John A Lawson

**Your** 22/03084/FUL  
**ref**

**Date** 7<sup>th</sup> July 2022

**Our ref** 22/03084/FUL

Dear Lewis,

### **Land 29 Metres East Of 63 Brunstane Road**

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the demolition of existing dilapidated buildings and erection of two houses with associated garages.

The site lies within the historic estate associated with the 17<sup>th</sup> century Brunstane House with evidence dating the origins of the site back to the medieval period. The current site comprises the ruins of a range of historic farm buildings centred around a barn constructed during the 18<sup>th</sup> / 19<sup>th</sup> century as an extension to Brunstane Steading. The upstanding buildings were fully recorded as part of a programme of works undertaken by AOC Archaeology in 2019 (AOC report 24871). The programme revealed a sequence of 3 barns constructed around a central main barn, with a latter 20<sup>th</sup> c century piggery added to the SE. The project also included archaeological evaluation which revealed evidence several large pits associated with the use of the farm from the 19<sup>th</sup>/20<sup>th</sup> centuries.

Accordingly, this application must be considered under terms of Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan 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.

The development will require significant groundbreaking works associated with both the demolition and development which could reveal evidence for the origins and development of this historic set of farm buildings and the wider Brunstane Estate dating back to the medieval period. Accordingly, it is essential that if permission is granted that a programme of archaeological work (strip, map, excavate & record) is undertaken during demolition and prior to development in order to fully excavate and record any significant remains surviving across the site.

It is further recommended that as part of any agreed programme of archaeological works that a programme of public/community engagement is undertaken. The full the scope of which will be agreed with CECAS but

**Director of Culture, Culture and Wellbeing, Place**

City of Edinburgh Council Archaeology Service, Museum of Edinburgh, 142 Canongate, Edinburgh, EH8 8DD  
Tel 0131 558 1040; 07775587516; [john.lawson@edinburgh.gov.uk](mailto:john.lawson@edinburgh.gov.uk)

may include public open-days, social media/press comms and temporary interpretation boards during development.

It is recommended that the following condition is attached if permission is granted to ensure that this programme of archaeological mitigation is undertaken:

'No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (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.

Please contact me if you require any further information.

Yours faithfully

A handwritten signature in black ink, appearing to be 'John A Lawson', written over a horizontal line.

**John A Lawson**  
**Archaeology Officer**

To: Lewis McWilliam  
From: Ann Connolly, Environmental Protection

Date: 02/08/2022

**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**

The proposal concerns the construction of two residential properties and associated garages on land which is currently occupied by farm buildings which are in a dilapidated condition.

The site which is proposed to be developed formed part of the farm at this location since at least the 19<sup>th</sup> century and there was historical mining of coal seams in the area nearby. Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will therefore require to be investigated, in line with current technical guidance, to ensure that the site is, or can be made, suitable for its intended new use. Such investigation, characterisation and any necessary remediation can normally be addressed through appropriate conditions.

Therefore, Environmental Protection has no objections to the proposed development but would recommend that the following condition should be attached;

- i) Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

Should you wish to discuss the above please contact me on 0131 469 5806.

**From:** [Lisa Brown](#)  
**To:** [Lisa Brown](#)  
**Subject:** FW: 22/03084/FUL - 63 Brunstane Road South  
**Date:** 19 July 2023 09:46:45

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**From:** Thomas Findlay <Thomas.Findlay@edinburgh.gov.uk> **On Behalf Of** Flood Planning  
**Sent:** 09 September 2022 11:13  
**To:** Lewis McWilliam <Lewis.McWilliam@edinburgh.gov.uk>  
**Cc:** Flood Planning <Flood.Planning@edinburgh.gov.uk>  
**Subject:** 22/03084/FUL - 63 Brunstane Road South

Dear Lewis,

Thank you for the application consultation request.

Unfortunately, there is no drainage information for me to review. A Flood Risk Assessment will not be required to support this application. However, a Surface Water Management Plan is required to confirm how surface water runoff from the site is being managed. This should be prepared in line with the guidance, linked below:

<https://www.edinburgh.gov.uk/flooding/planning-application-guidance-flooding>

Kind regards,  
Thomas Findlay

Project Officer | Flood Prevention | Place | Planning and Transport | The City of Edinburgh Council | Waverley Court, Room C.1, 4 East Market Street, Edinburgh, EH8 8BG  
| [flood.planning@edinburgh.gov.uk](mailto:flood.planning@edinburgh.gov.uk) | [www.edinburgh.gov.uk](http://www.edinburgh.gov.uk) |

**Please direct all enquires to the Flood Planning inbox email address noted above. This will ensure that it is addressed in a timely manner as I have an irregular working pattern and am only in part time. Direct correspondence to me may go unanswered for an extended period of time otherwise.**

**CEC Flood Planning Self-Certification Requirements and Guidance:** <https://www.edinburgh.gov.uk/flooding/planning-application-guidance-flooding>

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**From:** [planning.support@edinburgh.gov.uk](mailto:planning.support@edinburgh.gov.uk) <[planning.support@edinburgh.gov.uk](mailto:planning.support@edinburgh.gov.uk)>  
**Sent:** 29 August 2022 21:23  
**To:** Flood Planning <[Flood.Planning@edinburgh.gov.uk](mailto:Flood.Planning@edinburgh.gov.uk)>  
**Subject:** Planning Application Consultation 22/03084/FUL

Please provide a summary of your consultation for inclusion in the Report of Handling. The full consultation response will be publicly available on the portal.



**By email to:**  
**Lewis.McWilliam@edinburgh.gov.uk**

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

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131-668-8716  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

Our case ID: 300060758  
Your ref: 22/03084/FUL  
23 September 2022

Dear City of Edinburgh Council

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

Land 29 Metres East Of 63 Brunstane Road South Edinburgh - Demolition of existing dilapidated buildings and erection of two houses with associated garages

Thank you for your consultation which we received on 12 September 2022. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

<b>Ref</b>	<b>Name</b>	<b>Designation Type</b>
LB28034	31, 33 BRUNSTANE ROAD SOUTH, BRUNSTANE HOUSE	Listed Building

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

### **Our Advice**

The existing ruinous building occupies a site to the immediate south-east of the category A listed Brunstane House and its garden boundary walls. Your Council has previously assessed the former farm building concerned as being listed by curtilage to the adjoining category B listed farm steading. However, this response concerns planning permission, involving the setting of category A listed Brunstane House alone. We would be happy to comment separately on any forthcoming LBC consultation.





### The site

Brunstane House is 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 later subdivided and its policies reduced, the current garden walling being from the 1930s. Despite the contraction of the policies the open setting of Brunstane is still significant, both in views from and to the building. Its open setting was carefully assessed and protected in the recent major housing allocation HSG29 with open ground retained adjacent to the building and its walling. As part of this process the applicant's consultant Andrew Wright (2015) noted 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.

### The existing building

The building, thought to have been attached to a piggery, consists of a ruinous stone building, once with later brick additions, and was formerly part of Brunstane Farm. It is immediately to the south of Brunstane House, close to its garden walling – on a site between the B-listed steading conversion, and a site to the east with recent approval for ten new suburban houses. The stone building has previously been judged as having merit and being worthy of retention, with your Council's Estates Department assessing it as capable of conversion in 2008, after, we understand, a previous application was refused. Consent for its conversion was approved.

The conversion of the adjoining listed farm buildings was judged by your Council as enhancing the area and by extension, the setting of Brunstane House. We consider that the approved conversion of the existing stone-walled building would also enhance the setting of Brunstane House, tying the house to its long-established Mains or Home farm and its historic outbuildings. No evidence has been submitted that suggests the conversion cannot be undertaken.

We consider that the demolition of this (we assume listed by curtilage) building, and its replacement with the proposed new houses would not enhance the setting of Brunstane House. In fact, we consider the new building, by its design and location, would detract from the setting of the A listed building.

In conclusion, we would suggest the application is resisted, with either the approved repair/conversion of the stone building being taken forward, or the site retained as, or returned to, open ground to protect the setting of A-listed Brunstane House, (and the B-listed converted stone steading).

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.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/). Technical advice is available through our Technical Conservation website at [www.engineshed.org](http://www.engineshed.org).

Please contact us if you have any questions about this response. The officer managing this case is Steven Robb who can be contacted by phone on 0131 668 8089 or by email on [Steven.Robb@hes.scot](mailto:Steven.Robb@hes.scot).

Yours faithfully

**Historic Environment Scotland**

**From:** [Lisa Brown](mailto:Lisa.Brown@edinburgh.gov.uk)  
**To:** [Lisa Brown](mailto:Lisa.Brown@edinburgh.gov.uk)  
**Subject:** FW: 22/03084/FUL; TWO HOUSES AT BRUNSTANE STEADING  
**Date:** 19 July 2023 09:48:44

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**From:** Lewis McWilliam <[Lewis.McWilliam@edinburgh.gov.uk](mailto:Lewis.McWilliam@edinburgh.gov.uk)>  
**Sent:** 25 October 2022 10:10  
**To:** Lewis McWilliam <[Lewis.McWilliam@edinburgh.gov.uk](mailto:Lewis.McWilliam@edinburgh.gov.uk)>  
**Subject:** FW: 22/03084/FUL; TWO HOUSES AT BRUNSTANE STEADING

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**From:** Elaine Watson <[Elaine.Watson@edinburgh.gov.uk](mailto:Elaine.Watson@edinburgh.gov.uk)>  
**Sent:** 24 October 2022 09:08  
**To:** Lewis McWilliam <[Lewis.McWilliam@edinburgh.gov.uk](mailto:Lewis.McWilliam@edinburgh.gov.uk)>  
**Subject:** RE: 22/03084/FUL; TWO HOUSES AT BRUNSTANE STEADING

Hi Lewis,

COMMUNITIES AND FAMILIES - CONSULTATION RESPONSE TO PLANNING APPLICATION  
22/03084/FUL

The proposed development of two houses would not be expected to generate at least one additional pupil using the latest pupil generation rates set out below. Accordingly, we would not seek a contribution towards education infrastructure for the proposed development.

Stage	House Total	House ND	House RC	Flat Total	Flat ND	Flat RC
ELC	0.115			0.05		
Primary	0.411	0.358	0.053	0.139	0.121	0.018
Secondary	0.246	0.214	0.032	0.062	0.054	0.008

E.

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

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

**Date** 31 March 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 Strategy 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. 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 been requested but has not been submitted by the applicant.

The site is directly adjacent to an application for development of ten homes (19/01796/FUL). 19/01796/FUL was originally submitted as a development of 19 homes but was amended to ten homes. The Council's published [Affordable Housing guidance](#), on page 3, sets out that:

*"Where a proposal is 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".*

The applicant disputes that this is a phased development. However, the applications 19/01796/FUL and 22/03084/FUL (this application) have both been submitted by the same agent on behalf of the same applicant, in April 2019 and in May 2022 respectively. In both applications land ownership has been certified by the applicant/their agent.

The "Planning Supporting Statement" for 19/01796/FUL, available on the Planning Portal, shows the boundary of that site on the first page. The "Planning Supporting Statement" for this application, 22/03084/FUL, also shows the boundary of this proposed development. When comparing these, or by comparing the two location plans for these applications, it is clear that this new application would be within the boundaries set out in the prior application. The proposed development of this part of the site is on page 5 of the applicants Planning Statement for application 19/01796/FUL and on page 8 of the 22/03084/FUL Planning Statement. The development of this part of the site has clearly been set out in the prior application.

Although split over two applications, the total number of residential units now meets the policy threshold of 12 homes, and therefore my recommendation is that the affordable housing policy should be applied. There will be an AHP requirement for a contribution equivalent to a minimum of three affordable homes, which is 25% of the residential units across applications 19/01796/FUL and 22/03084/FUL.

It is unlikely that onsite affordable housing would be achieved because of the split between the two applications and the relatively small number of units required; registered social landlords will generally look for higher numbers of units for onsite delivery. In this instance a commuted sum is recommended as the most appropriate affordable housing contribution.

The commuted sum will need to be calculated by the District Valuer as set out in Affordable Housing guidance. The applicant should provide cost plan information and any other required information for both applications so that the District Valuer can calculate the sum. The sum would be secured through Section 75 legal agreement and would be used by the Council to support delivery of affordable housing.

We would be happy to assist with any queries on the affordable housing requirement for this application. The housing 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