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Mr Watt.
Hillwood Cottage
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Newbridge
EH28 8LU

Decision date: 3 October 2023

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

To erect 3x houses
At Hillwood Cottage Harvest Road Newbridge EH28 8LU

Application No: 23/02032/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 23 May 2023, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

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

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 10 in respect of Development in the Green Belt and Countryside, as it does not meet the relevant criteria for residential development in this countryside location.
2. The proposal is contrary to NPF 4 policy 9 b) (Brownfield, vacant and derelict land) as the residential use of this greenfield site is not supported in principle by policies in the LDP.
3. The proposal is contrary to NPF 4 policy 15 (Local Living and 20 minute neighbourhoods) as the proposal will not contribute towards local living as the residential development would not have good local access to range of sustainable modes of transport, local facilities or services.

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

5. The proposal is contrary to the Local Development Plan Policy Env 12 in respect of Trees, as the proposal will have a damaging and unjustified impact on the trees within the site.

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

Drawings 01-10, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

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

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

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

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

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

Should you have a specific enquiry regarding this decision please contact Adam Gloser directly at adam.gloser@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

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

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

Report of Handling

**Application for Planning Permission
Hillwood Cottage, Harvest Road, Newbridge**

Proposal: To erect 3x houses

**Item – Local Delegated Decision
Application Number – 23/02032/FUL
Ward – B01 - Almond**

Recommendation

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

Summary

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

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

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

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

SECTION A – Application Background

Site Description

The application site is an area of woodland which lies to the west of Hillwood Cottage, Newbridge. The site is accessed from Harvest Road. The site is located within the Countryside Area as identified in the Edinburgh Local Development Plan.

Description Of The Proposal

The application proposes the change of use of ground to residential use including the erection of three residential dwellings with associated landscaping and hardstanding.

Supporting Information

- Design Statement
- Planning Statement
- Arboricultural Report
- Tree Survey Schedule

Relevant Site History

No relevant site history.

Other Relevant Site History

Consultation Engagement

City Archaeologist

Publicity and Public Engagement

Date of Neighbour Notification: 25 May 2023

Date of Advertisement: 2 June 2023

Date of Site Notice: Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

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

a) The proposals comply with the development plan?

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

The relevant policies to be considered are:

The relevant policies to be considered are:

- NPF4 Sustainable Place Policies 1, 2, 3, 4, 7, 9,
- NPF4 Liveable Place Policies 14, 15, 16, 17, 22,

- LDP Developer contributions policy Del 1
- LDP Design policies Des 1, Des 3, Des 4, Des 5, Des 7
- LDP Environment policy Env 10, Env 12, Env 16, Env 21, Env 22
- LDP Housing policy Hou 1, Hou 3, Hou 4,
- LDP Transport policy Tra 2, Tra 3,

The non-statutory Guidance for Development in the Countryside and Green Belt is a material consideration that is relevant..

Principle

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

LDP policy Env 10 (Green Belt and Countryside) states that development will only be permitted where it would not detract from the landscape quality and/or rural character of the area, and meets one of the specified criteria.

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

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

With respect to Env 10, the proposal does not detail or evidence that the application meets any of the criteria, and would not enhance the rural character of the area.

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

The submitted design statement outlines justification for the proposals including that it will not undermine key principles of the rural and countryside character. The application site is located within a forested countryside area, and would include the removal of some trees with the erection of dwellinghouses. The principle of the proposals would undermine the character of the countryside and are therefore not justified in principle. There has been no supplementary information that would sufficiently provide thorough justification for the development within the countryside area. The application would detract from the landscape quality and rural character of the countryside through an intrusion onto rural land.

With regard to the above, the proposal is not acceptable in principle as it does not meet the required criteria of Policy Hou 1 and Env 10. There are no exceptional planning reasons outlined for approving this residential development in this location.

Sustainable

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

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

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

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

The houses would be in a detached location in the countryside connected to Harvest Road with one bus stop linking the site to the wider area. Due to the limited connection by public transport, public footways, or cycle networks, it is anticipated that future users would mainly be reliant on private cars. In addition, the site does not have good local access to commercial premises and services. Overall, it therefore does not meet the criteria for 20 - minute neighbourhoods, support local living or contribute to principles of sustainable development.

No evidence of early delivery of the housing pipeline has been submitted. The location is not an identified settlement. It is not for affordable housing. It does not involve re-use of a building or brownfield land.

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

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

Density and Layout

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

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

Adequate provision of greenspace is provided on site from the size of garden spaces proposed. Notwithstanding the principle concerns regarding residential use of the site, a low density of development is in keeping with the existing and consented development nearby. As the site has poorer local access to public transport and facilities a low-density is more appropriate in this rural location.

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

Environment

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

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

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

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

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

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on trees or woodland worthy of retention unless necessary for good arboricultural reasons.

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

There is potential for the site and immediate area to contain protected species. An Arboricultural Report and Tree Survey Schedule have been submitted with the application. The survey identifies that a number of category A and category B trees will require to be removed in order to facilitate development. The trees on site are considered to be of amenity value and are important in relation to the rural character of this area and it is submitted that their removal is not justified in this instance.

The site is within the close vicinity of the Hillwood Asphalt Plant and the CEMEX Ratho Concrete Plant. Environmental Protection was not consulted on the scheme as the proposal is not supportable overall and it was considered that requesting a noise impact assessment (NIA) would expose the applicant to abortive costs given the issues associated with the principle of development.

Further information would likely have been sought to inform assessment against other policies detailed above.

Design

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

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

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

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

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

The modern design, scale and layout of the houses would be compatible with the rural countryside character of the area and would be akin to similar developments located within the vicinity. The materials including larch cladding, sedum roofs, aluminium framed windows/doors and natural stone are acceptable for this proposal.

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

Amenity

LDP policy Des 5 (Development Design - Amenity) requires development proposals to demonstrate that future occupiers will have acceptable levels of amenity. As noted above an NIA was not requested given the issues concerning principle of development.

Future Occupiers

The dwellings will have a good internal floor space in excess of the minimum space standards. Adequate levels of outlook and light will be achieved internally from the size, orientation of windows and space retained to other buildings.

The houses will benefit from large gardens providing good quality external amenity space. The houses are sufficiently spaced from all neighbouring properties that adequate levels of privacy will be achieved.

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

Neighbouring Occupiers

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

The houses would retain over 12 m to the boundary of each dwelling and to the boundary of the development site. There are no residential dwellings within the immediate vicinity of the site. The application will not have a detrimental impact on neighbouring amenity.

Overall, the proposal complies with LDP policy Des 5.

Contaminated Land

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

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

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

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

Flooding

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

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

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

Flood planning have not been consulted on the proposal as the proposal is not supportable overall.

Drainage information in the form of a surface water management plan would have been sought should the proposal have been acceptable overall.

Transport

Car Parking

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

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

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

Cycle Parking

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

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

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

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

Archaeology

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

The City Archaeologist has been consulted on the proposals and has stated the site is located within an area of local archaeological interest both in terms of the sites 19th century occupation described above but also potentially for prehistoric occupation and burials.

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

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

Developer Contributions

No contributions have been identified for the proposal.

Conclusion in relation to the Development Plan

The proposals do not comply with the Development Plan.

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

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

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

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

A summary of the representations is provided below:

material considerations

None Received

Overall conclusion

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

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

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

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons

1. The proposal is contrary to the Local Development Plan Policy Env 10 in respect of Development in the Green Belt and Countryside, as it does not meet the relevant criteria for residential development in this countryside location.
2. The proposal is contrary to NPF 4 policy 9 b) (Brownfield, vacant and derelict land) as the residential use of this greenfield site is not supported in principle by policies in the LDP.
3. The proposal is contrary to NPF 4 policy 15 (Local Living and 20 minute neighbourhoods) as the proposal will not contribute towards local living as the residential development would not have good local access to range of sustainable modes of transport, local facilities or services.
4. The proposal is contrary to NPF 4 policy 17 (Rural Homes) as the new homes are not located on land designated for housing in the LDP and do not meet the relevant circumstances where this land use will be supported.

5. The proposal is contrary to the Local Development Plan Policy Env 12 in respect of Trees, as the proposal will have a damaging and unjustified impact on the trees within the site.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 23 May 2023

Drawing Numbers/Scheme

01-10

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Adam Gloser, Planning Officer
E-mail: adam.gloser@edinburgh.gov.uk

Appendix 1

Consultations

NAME: City Archaeologist

COMMENT: Conditions attached.

DATE: 5 June 2023

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

Appendix 2

Application Certification Record

Case Officer

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: Adam Gloser

Date: 20 September 2023

Authorising Officer

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Paul Devaney

Date: 21 September 2023

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 Adam Gosser

From John A Lawson

Date 5th June 2023

Your ref 23/02032/FUL
Our ref 23/02032/FUL

Dear Adam,

Hillwood Cottage Harvest Road Newbridge

Further to your consultation request I would like to make the following comments and recommendations regarding this application to erect 3x houses.

The site occurs across the northern end of high ground overlooking Newbridge forming part of the Plat Hills located between Newbridge and Ratho to the South. Both the 1850's 1st Edition and latter 25'' Edition (see fig. 1 below) of the OS maps show the site occupied by a probable farmers cottage or outbuilding with an adjacent pond. The date of the building is unknown though an earlier 18th century date cannot be ruled out at this time. This structure may in part be in use today as the stone garage noted in the application as occupying the site, though the pond appears to have been infilled during the 20th century form map evidence.

In addition to the sites post-medieval rural archaeology mentioned above, the site's location on high ground overlooking Newbridge indicates it has the potential for buried archaeological remains. Excavations across the industrial estate to the north of the site, has demonstrated this area to the South and surrounding Huly Hill Burial Mound and Stone circle was occupied by widespread prehistoric burials and occupation dating back to the Neolithic and including a unique Scottish Iron Age Chariot burial. To the south of this site, the field to the south of Hillwood Quarry is occupied the crop-marked remains of a large prehistoric enclosure/fort with excavations in the early 1990's on South Platt Hill unearthing both prehistoric bronze age Burials and Anglian 7-9th century AD occupation.

Accordingly, this application must be considered under terms of Scottish Government's NPF4 Policy 7 (O), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) PolicyENV9. 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.

Buried & Upstanding Remains

The site is considered to occur within an area of local archaeological interest both in terms of the sites 19th century occupation described above but also potentially for prehistoric occupation and burials. It is therefore recommended that a programme of archaeological work is undertaken either prior to our during development

to fully excavate, record, analyse and report upon any significant remains which may be impacted upon by development.

In addition, the stone-built garage would appear to occur on the same footprint as the 19th century building depicted on the 1850's and 1890's OS maps. Although it is welcomed that this potential 19th century structure is to be retained it is recommended that it a historic building survey is undertaken of it prior to its conversion.

This programme of work should be secured by the following recommended condition.

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, Historic building survey, publication) 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.

Yours faithfully



John A Lawson
(Archaeology Officer)

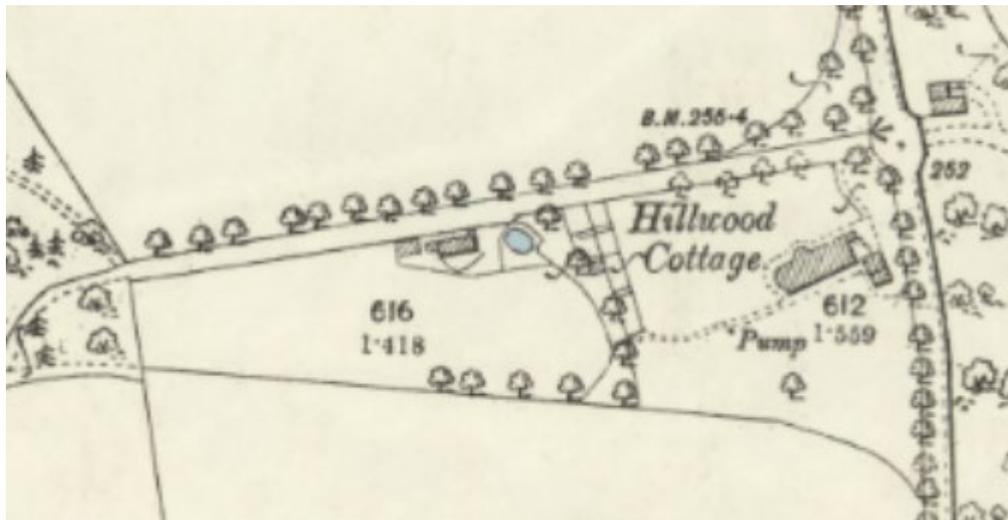


Fig 1 Detail from 1895 25'' OS map showing cottage/outbuilding and pond on site both depicted on the earlier 1850's OS map. Though Pond may have moved slightly to the North from its 1850's location.