

# Development Management Sub Committee

Wednesday 18 December 2019

## Application for Planning Permission 18/02606/FUL at Land 54 Metres East Of 26, Baird Road, Ratho Proposed erection of 11 residential dwellings.

Item number

Report number

Wards

B02 - Pentland Hills

### Summary

---

The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and appearance of the conservation area and the setting of listed buildings. There are no adverse impacts on the setting of the conservation area.

The proposal complies with the adopted Local Development Plan. The proposal is acceptable in this location and there will be no adverse impact on residential amenity, traffic or road safety. The loss of open space is acceptable.

### Links

---

[Policies and guidance for this application](#)

LDPP, LHOU01, LEN16, LDEL01, LDES01, LDES03, LDES04, LDES10, LEN18, LTRA02, LTRA03, NSG, NSGD02, NSLBCA, CRPRAT,

# Report

## **Application for Planning Permission 18/02606/FUL At Land 54 Metres East Of 26, Baird Road, Ratho Proposed erection of 11 residential dwellings.**

### **Recommendations**

---

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

### **Background**

---

#### **2.1 Site description**

The site is an area of 0.3 hectares within the settlement of Ratho. A large part of the site is currently designated as open space within the Edinburgh Local Development Plan (LDP) and is undeveloped with overgrown vegetation. The site slopes down in the northern section towards the canal with an area of amenity land providing a buffer between the site itself and Union Canal, a Scheduled Ancient Monument. Ratho Park playing fields border the site to the south.

To the east is West Croft, a residential street featuring two storey terraced blocks. Directly to the west of the site are the rear gardens of the properties which front onto Baird Road. A number of these properties are category B listed:

- 4 and 6 Baird Road (Ref: LB27710, 08/03/1994);
- 8 and 10 Baird Road (Ref: LB27715, 08/03/1994) and
- 12 and 14 Baird Road (Ref: LB27720, 08/03/1994).

This application site is located within the Ratho Conservation Area.

#### **2.2 Site History**

29 April 2014 - Application approved on part of the site for the erection of two dwelling houses (as amended) (Ref: 07/00442/FUL).

31 March 1999 - Application withdrawn on wider site for residential development of seven houses (Ref: 98/02829/FUL).

22 September 2006 - Application refused on part of the site for the erection of two storey dwelling, access driveway, boundary treatments and associated works (Ref: 06/01139/FUL).

## **Main report**

---

### **3.1 Description of the Proposal**

The proposal seeks the erection of 11 residential dwellings with enhanced gables and pitched roofs. The residential density equates to 36.6 units/ha. The applicant describes the proposal as being split into two separate character areas within the site: The Historic Context; and The Waterfront Context.

The Historic Context contains a combined block of five two storey terraced dwellings. This block faces onto West Croft at an angle, with the southern gable perpendicular to the playing fields. Grey facing brick is the proposed principle exterior finish with zinc roof panels and timber windows. Each dwelling within the terraced block has three bedrooms and an integrated garage. There is also space for one car in each driveway, with a small front garden and larger garden to the rear.

The Waterfront Context contains a block of six dual aspect three storey townhouses. These are located to the north of the site, with the main frontage towards the Union Canal. Timber cladding is the principal material, using a variety of muted colour tones. The townhouses each have four bedrooms and an integrated garage. There is a driveway and small garden on the southern elevation and larger garden area to the north facing the canal.

Vehicular access is proposed to be taken from West Croft with an adjacent footpath providing a link to the existing path along the banks of the canal. In addition to the driveways of each dwelling, two further car parking spaces are proposed within the scheme.

#### Supporting Documents

As part of this application the following documents have been submitted and are available to view on the Planning and Building Standards Online Services:

- Design Statement;
- Ecology Report; and
- Parking Statement.

### **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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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, the Committee needs to consider whether:

- a) the principle of the development is acceptable in this location;
- b) the proposals will detrimentally impact on the character and appearance of the conservation area or surrounding Historic Environment;
- c) the proposals raises any issues in respect of the impact on the setting of a listed building;
- d) the loss of open space is acceptable;
- e) the scale, design and materials for the proposal are acceptable;
- f) the proposal will provide acceptable level of amenity for neighbouring and future residents;
- g) the proposal will raise any traffic, parking or road safety issues;
- h) there will be a detrimental impact on local infrastructure and facilities;
- i) there will be a detrimental impact on local biodiversity;
- j) any impacts on equalities and human rights have been addressed and
- k) any public comments raised have been addressed.

#### a) Principle of Development

The site is within the Urban Area as designated by the LDP. LDP Policy Hou 1 gives priority to the delivery of housing on sites in the Urban Area, subject to compatibility with other policies.

The site was granted planning permission for two 1.5 storey detached dwellings in 2014 (Ref: 07/00442/FUL) and therefore the principle of residential development has previously been established. This permission has now expired and any change in material considerations will be assessed throughout this report.

#### b) Setting of a Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 states:-

*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.*

Historic Environment Scotland's document 'Managing change in the Historic Environment - Setting' states;

*'Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced.*

The document states that where development is proposed it is important to:

- Identify the historic assets that might be affected;
- Define the setting of each historic asset; and
- Assess the impact of any new development on this.

HEPS Policy HEP4 ensures that any changes to specific assets protects the historic environment and should be enhanced where possible.

LDP Policy Env 3 states that development within the curtilage or affecting the setting of a listed building will only be permitted if not detrimental to the appearance or character of the building or its setting.

The proposed development is separated from the listed properties at Baird Road which have a frontage away from the proposed development. The development is appropriately positioned to ensure that there would have no impact on the setting of the listed buildings. With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the adjacent listed buildings and their settings including any special architectural or historic interest they possess. The proposal complies with LDP policy Env 3.

#### c) Impact on Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which states:

*In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

LDP Policy Env 6 seeks to ensure that new development should preserve the character and appearance of conservation areas through high quality design and appropriate materials. The character of this conservation area is predominantly of small scale vernacular cottages with simple pitched roofs and a uniform palette of materials.

The properties to the west of the site are typical of the character of the area, as set out in the Ratho Conservation Area Appraisal. The proposed design includes pitched roofs, robust gables and minimal front gardens, typical of the conservation area characteristics. The proposal provides a contemporary design approach whilst being sympathetic to surrounding design characteristics.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area. There are no adverse impacts on the setting of the conservation area.

#### d) Loss of Open Space

A large part of this site is designated as open space in the LDP. LDP Policy Env 18 criterion a) will only support development on open space where the loss would not result in a significant impact on the quality or character of the local environment. The open space is of poor amenity value. The site is currently used as an informal thoroughfare to the canal path and the proposal would enhance and formalise these desire lines with a 'Canal Link' footpath providing a link from West Croft to Union Canal, enhancing the quality and character of the environment.

Criterion b) supports the loss of open space only where it is considered as a small part of a larger area of open space and there is a significant over- provision in the area. Given that the site is neighbouring playing fields, the site could be considered to form a small part of a larger area. The South West Locality Open Space Action Plan does identify an area of homes in Ratho that are not served by the Large Greenspace Standard, indicating a deficit of good quality large greenspaces in the town. On balance, it is considered that due to the location next to formal playing fields and links to the canal path, the loss of a small area of open space in this location would not have a significant impact on the provision in the immediate area.

Criterion c) seeks to ensure that the loss of open space would not be detrimental to the wider network or biodiversity value. The site is a small part of a wider network of open space including the canal path, playing fields and community woodland. The proposal would not be detrimental to the wider open space network or the biodiversity value.

Criterion d) ensures that any loss of open space must provide benefits to the local community through alternative provision or improvements to existing open space. Whilst the quantity of designated open space would be vastly reduced through this proposal, it is considered that the quality of open space would be improved through the provision of formalised footpath connections, a landscaped area of public open space and a viewing shelter with canal views.

It is considered that this proposal largely complies with LDP Policy Env 18 and on balance the loss of open space is acceptable.

#### e) Scale, Design and Materials

LDP Policy Des 1 supports development that contributes towards a sense of place and draws on positive characteristics of the surrounding area. The policy does not support poor quality design. LDP Policies Des 3 and 4 state that proposals should enhance existing features and have a positive impact on the character of the surrounding area.

The townhouses within the proposal are higher than existing surrounding properties. However, these are located at the northern end of the site where the site levels are at their lowest, sloping down towards the canal. Therefore the topography of the site allows for building heights to be increased in this location with limited visual impact on the existing skyline.

The proposal has incorporated elements from surrounding traditional architecture and united these principles to deliver a contemporary design solution. Steeply pitched roofs and a high quality palette of materials allow this proposal to convey good design principles whilst incorporating elements of architecture from the surrounding conservation area. The relevant design policies have been achieved and the site's frontage to the Union Canal would be enhanced.

The Edinburgh Design Guidance encourages the efficient use of land in suburban developments, as well as a mix of house types. The proposed density of 36.6 units/ha is higher than that within the conservation area to west of the site but in-keeping with the developments to the east. A range of terraced housing and townhouses on this site is acceptable.

Overall the proposal offers good elements of design interest along the Union Canal.

#### f) Amenity for Future and Neighbouring Residents

##### Future residents

The Edinburgh Design Guidance sets out minimum internal floor areas of new dwellings to ensure satisfactory amenity of new residents. These have been met within this proposal.

The proposal provides sufficient private and public open space for future residents, as well as access to the wider path network.

##### Neighbouring residents

The Edinburgh Design Guidance sets out standards for appropriate daylight and overshadowing as a result of new development on existing properties. The proposal is compliant with these.

Access for neighbouring residents to the wider path network would be enhanced through this proposal by the provision of a footpath through the site to the canal.

#### g) Traffic, Parking and Road Safety

The access into the development is proposed to be taken from West Croft, which is currently an adopted residential street. The road geometry and capacity is suitable to accommodate the increased journeys.

The application site is located within Zone 3 of the Council's Parking Standards and has been assessed accordingly. The applicant is proposing a total of 24 car parking spaces, 22 of which are in the form of garage space/ driveways and two visitor on street spaces.

With regards to cycle parking, a minimum of three cycle spaces per dwelling is required. These spaces will be provided within the curtilage of the properties.

The Roads Authority has no objection to the application and the proposal meets the Council's Parking Standards.

#### h) Infrastructure and Facilities

LDP Policy Del 1 seeks to ensure that new development mitigates any additional negative impact it has on existing infrastructure. The site falls within the South West Education Contribution Zone (Sub-Area SW-2) and the Council has identified that there is insufficient capacity at both Ratho Primary School and Balerno High School.

To cover the total cost of the additional infrastructure required, the contribution for 11 houses is £71,896 (as at Q4 2017), plus a contribution towards the delivery of additional primary school classrooms. A reasonable contribution towards new primary school capacity would be £57,332 (as at Q4 2017). This would give a total contribution requirement towards new education infrastructure of £129,228 (as at Q4 2017).

The impact on infrastructure and facilities is therefore acceptable subject to a legal agreement.

### i) Biodiversity

LDP Policy Env 16 aims to protect against any adverse impact on various species protected under European or UK Law. The applicant has submitted an Ecological Assessment in support of this application. The Assessment concluded that there would be a loss of low value habitat to development, but this could be mitigated by tree and shrub planting throughout the site. The loss of trees will be mitigated with new tree planting.

Furthermore, the protection of the canal, breeding birds and small mammals prior to and during construction will be protected through the requirement of a Construction Environmental Management Plan.

### j) Equalities and Human Rights

No impacts in relation to equalities or human rights have been identified.

### k) Public Comments

#### Material objections:

- Detrimental impact on the conservation area: addressed in section 3.3 d);
- Congestion: addressed in section 3.3 f);
- Density: addressed in section 3.3 c);
- Overshadowing and loss of privacy: addressed in section 3.3 e);
- Loss of footpath and access to canal: addressed in section 3.3 b);
- Not in-keeping with local character: addressed in section 3.3 d);
- Loss of trees: addressed in section 3.3 h);
- Loss of open space: addressed in section 3.3 b);
- Lack of amenities in Ratho: addressed in section 3.3 g);
- No capacity in local schools: addressed in section 3.3 g);
- Impact on local wildlife: addressed in section 3.3 h).

#### Non-material considerations:

- Blocking private views;
- No need for more housing;
- The proposal does not relate to previous planning consent;
- Wall to the north of the site should be repaired in line with 15/04140/PPP;
- Construction disruption;
- Traffic during construction.

### Ratho and District Community Council

Ratho and District Community Council submitted a response and object to the proposal on the following grounds:

- -Over-development: addressed in section 3.3 c);
- -Design not in-keeping with Ratho Conservation Area: addressed in section 3.3 d);
- -Poor vehicular access: addressed in section 3.3 f);
- -Lack of information on trees: addressed in section 3.3 h);
- -Lack of facilities and infrastructure: addressed in section 3.3 g);
- -Existing congestion and parking issues: addressed in 3.3 f);
- -Loss of bats: addressed in section 3.3 h);
- -Extra construction traffic: non-material.

## **Conclusion**

The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and appearance of the conservation area. There are no adverse impacts on the setting of the conservation area.

The proposal complies with the adopted Local Development Plan. The proposal is acceptable in this location and there will be no adverse impact on residential amenity, traffic or road safety. The loss of open space is acceptable. A legal agreement is required to mitigate pressure on local school accommodation.

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

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

### **Conditions:-**

1. 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.
2. No development shall take place until a Construction Environmental Management Plan, relating to biodiversity (CEMP:biodiversity), has been submitted to and approved in writing by the planning authority.
3. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:
  - monitoring of any standing water within the site temporary or permanent
  - sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).
  - management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards.'
  - reinstatement of grass areas
  - maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow
  - which waste materials can be brought on to the site/what if any exceptions e.g. green waste
  - monitoring of waste imports (although this may be covered by the site licence)
  - physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste
  - signs deterring people from feeding the birds.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

4. Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 3 'Wildlife Hazards'. The submitted Plan shall include details of:

- Attenuation times
- Profiles & dimensions of water bodies
- Details of marginal planting

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

5. A detailed specification, including trade names where appropriate, of all the proposed external materials 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.

#### **Reasons:-**

1. In order to safeguard the interests of archaeological heritage.
2. In order to safeguard the interests of nature conservation.
3. It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.
4. To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).
5. In order to enable the planning authority to consider this/these matter/s in detail.

#### **Informatives**

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. Consent shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to Children and Families to alleviate accommodation pressures in the local catchment area.

To cover the total cost of the additional infrastructure required, the contribution for 11 houses is £71,896 (as at Q4 2017), plus a contribution towards the delivery of additional primary school classrooms. A reasonable contribution towards new primary school capacity would be £57,332 (as at Q4 2017). This would give a total contribution requirement towards new education infrastructure of £129,230 (as at Q4 2017).

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

3. 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.
4. 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.
5. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4 Cranes and Other Construction Issues.
6. The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting' (available at (<http://www.aoa.org.uk/policy-campaigns/operationssafety/>))  
Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.
7. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at [www.edinburgh.gov.uk/biodiversity](http://www.edinburgh.gov.uk/biodiversity)
8. The incorporation of green roofs into the scheme is recommended. Further details on green roofs can be found at [www.edinburgh.gov.uk/biodiversity](http://www.edinburgh.gov.uk/biodiversity)
9. The applicant should engage in discussions with Scottish Canals to ensure access is protected for maintenance at Union Canal.
10. A minimum of three cycle spaces per dwelling is required and will be provided in curtilage to the properties.

## **Financial impact**

---

### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

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

---

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

## **Equalities impact**

---

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

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

## **Sustainability impact**

---

### **7.1 The sustainability impact has been assessed as follows:**

This application meets the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

---

### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

Following neighbour notification, 119 letters of objection were received. The matters raised are addressed in the assessment section of the report.

## **Background reading/external references**

---

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development****Plan Provision**

Edinburgh Local Development Plan.

**Date registered**

11 June 2018

**Drawing numbers/Scheme**01-11,  
01A-04A,

Scheme 1

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Murray Couston, Planning Officer

E-mail:murray.couston@edinburgh.gov.uk Tel: 0131 529 3594

**Links - Policies**

---

**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 Env 16 (Species Protection) sets out species protection requirements for new development.

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

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 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

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

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

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.

### **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.

**Non-statutory guidelines** 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

The Ratho Conservation Area Character Appraisal emphasises the strong representation of vernacular development within the village core, the predominant building form of small-scale vernacular cottages providing a unified character, the consistency in the use of traditional building materials, the uncluttered streetscape and the prevalence of residential use.

# Appendix 1

## **Application for Planning Permission 18/02606/FUL At Land 54 Metres East Of 26, Baird Road, Ratho Proposed erection of 11 residential dwellings.**

### **Consultations**

---

#### **Archaeology response**

*The northern boundary of the site lies adjacent to the southern bank of the Union Canal. This monument is scheduled under the 1979 Ancient Monuments and Archaeological Monuments Areas Act (Ref No. AMH: 4291). In addition the sites location places it on the eastern limits of the historic village of Ratho. The settlement is first recorded in the mid-13th century though the nearby parish church dates from a century earlier. The site appears vacant in the 1st Edition OS map of the 1850's however by the end of the century a small Gas works has been constructed, probably to feed Ratho Village.*

*Accordingly, this site has been identified as occurring within an area of archaeological significance. Therefore 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 also CEC's Edinburgh Local Development Plan (2016) Policy 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.*

*Firstly any works arising from this development must avoid any disturbance to the physical remains of the adjacent scheduled Union Canal. The views of HES must also be sought in this regard.*

*Out with the scheduled area of the canal, the site may contain archaeological evidence associated with not only the construction and use of the Union Canal but also evidence for the development and occupation of Ratho from the medieval period onwards. In particular the site is of significance in terms of its Victorian industrial heritage being the site of a small scale gasworks, with stone boundary walls thought to contain structural evidence relating to the gasworks buildings. The impact therefore of associated ground-breaking works for this development (construction, services, landscaping etc.) must be regarded as having a potential moderate archaeological impact. It is recommended therefore that prior to development that a phased programme of archaeological works is undertaken to fully excavate, record and analysis all significant remains both buried and upstanding.*

*In essence this will see a phased archaeological programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of the site and detailed recording (phased plan, elevations, photographic and written surveys) of the site's upstanding stone walls. The results of which would allow for the production of appropriate*

*more detailed mitigation strategies to be drawn up to ensure the protection and/or the excavation and recording of any surviving archaeological remains prior to construction.*

*Therefore, it recommended that if consent is granted that the following condition is attached to ensure the undertaking of the required programme of archaeological works on this site.*

*'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting & analysis, historic building recording and 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.*

### **Edinburgh Airport response**

*The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below: Submission of a Bird Hazard Management Plan Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:*

- o monitoring of any standing water within the site temporary or permanent*
- o sustainable urban drainage schemes (SUDS) - such schemes shall comply with Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operationssafety/>).*
- o management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and 'loafing' birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards.'*
- o reinstatement of grass areas*
- o maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow*
- o which waste materials can be brought on to the site/what if any exceptions e.g. green waste*
- o monitoring of waste imports (although this may be covered by the site licence)*
- o physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste*
- o signs deterring people from feeding the birds.*

*The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority. Reason: It is necessary to manage the development in order*

*to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport. The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.*

### *Submission of SUDS Details*

*Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 3 'Wildlife Hazards'. The submitted Plan shall include details of:*

- o Attenuation times*
- o Profiles & dimensions of water bodies*
- o Details of marginal planting*

*No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved. Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)*

*We would also make the following observations:*

*Cranes Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)*

### *Lighting*

*The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting' (available at (<http://www.aoa.org.uk/policy-campaigns/operationssafety/>))*

*Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft. It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.*

## **Children + Families response**

*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 2018).*

*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:*

*11 Houses*

*This site falls within Sub-Area SW-2 of the 'South West Education Contribution Zone'.*

*School projections indicate that there is insufficient capacity at Ratho Primary School to accommodate an increase in primary school pupils within its catchment area as a result of the proposed development.*

*The Education Appraisal did not consider the impact of new housing on this site, but did acknowledge that if new housing development did come forward within the catchment of Ratho Primary School new accommodation will be required to accommodate the additional pupils. This is reflected in current school projections which indicate that there is no spare capacity at the school.*

*In order that additional capacity can be delivered to accommodate the increase in pupils as a result of the new development, a contribution towards additional primary school capacity is therefore required. Planning should identify a reasonable contribution towards*

*the cost of delivering this additional classroom. Elsewhere within the South West Education Contribution Zone, new housing developments are required to pay £1,216 per flat and £5,212 per house (as at Q4 2017) towards new primary school classes. For a development of 11 houses, a contribution of £57,332 (as at Q4 2017) would be required.*

*School roll projections for Balerno High School indicate that there will not be sufficient spare capacity to accommodate the increase in additional secondary school pupils anticipated in the area as a result of this development. Although the Council's current Action Programme does not identify a requirement for additional capacity at the school (this is based on the impact of new housing sites allocated in the LDP and other land within the urban area), the Education Appraisal stated that if additional sites come forward contributions towards increasing capacity may be required. As additional capacity will be required to accommodate pupils from the application site an appropriate contribution is required to mitigate the impact of the development. The pro-rata contribution rate for secondary school extensions, which is set out in the Supplementary Guidance, should also be applied to the proposed development (£6,536 per house - as at Q4 2017). For a development of 11 houses, a contribution of £71,896 (as at Q4 2017) would be required.*

*If the Council is minded to grant the application, future versions of the Council's Action Programme and Supplementary Guidance would reflect the additional education infrastructure actions set out above.*

*To cover the total cost of the additional infrastructure required, the contribution required for 11 houses is therefore £71,896 (as at Q4 2017), plus a contribution towards the delivery of additional primary school classrooms. As set out above, a reasonable contribution towards new primary school capacity would be £57,332 (as at Q4 2017). This would give a total contribution requirement towards new education infrastructure of £129,228 (as at Q4 2017).*

*If the appropriate contribution is provided by the developer, Communities and Families does not object to the application.*

### **Scottish Canals response**

*Scottish Canals has considered the above planning application and would make the following comments:*

*The drawings appear to propose removal of part of the established access track along the front of the canal and replacing this with grass and a small path that comes down to the canal bank. We would question the validity of the planning application if the applicant cannot demonstrate they own all of the land within the red line boundary.*

*Scottish Canals own the path on the south side of the canal and we require this access road for maintenance of the canal at this location and also to access the pontoons. There are 4 residential boats and 5 leisure boats at this location and they require access 24 hours a day including access for emergency services.. Also the end of the proposed path is along the top of the grass banking that slopes steeply into the canal at this location. This would appear to be an issue for walkers as the path leads to a dead end with no means of getting to any paved access route along the canal-side.*

*The design of the townhouses is not in keeping with the character of Ratho and would appear to be higher than any other structure in this part of the village. The density of the townhouses is also very urban and again not in keeping with the character of Ratho village.*

*Our residential boaters at this location have in the past enjoyed the ability to park their cars on the area of land at the end of the access route. Whilst this is within the boundary of the proposed development and outwith our ownership we would ask if it is possible to accommodate some parking for boaters within the development site.*

*There is an opportunity for surface water discharge to be taken from the site into the canal subject to Scottish Canals' agreement and suitable filtration being agreed.*

*Scottish Canals would also wish to see the final landscaping details for the proposal particularly in relation to the boundary treatments facing the canal and landscape proposals adjoining our ownership.*

## **Roads Authority Issues response**

*The application should be continued for the applicant to provide further information in regard to the proposed development.*

*Reasons:*

- 1. The applicant's attention was drawn to Section 2.4, "Design, Integration and Quantity of Parking," in the Edinburgh Design Guidance (October 2017), in particular the subsection, "Parking Standards," where it states that all applications must have reasoned justification for any level of car parking. Details of what should be included in this justification could be found on pages 58 & 59 of the guidance document. Furthermore, the justification should inform the level of car parking proposed, and that the level of proposed car parking should not be an arbitrary number that is decided upon by the amount of spaces that can be accommodated, or that is desired from a commercial perspective, on the site. Justification for the proposed parking provision has not been included in the Design Statement or other documentation submitted as part of the application;*
- 2. No mention is made of the proposed provision of cycle parking in support of the development application. This should be provided;*
- 3. As a development of 11 dwellings, 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 would require to be agreed. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site - to this end, the applicant should provide a swept path analysis demonstrating that a 12m refuse collection vehicle is able to negotiate the development;*
- 4. Electric vehicle charging outlets should be considered for this development. No mention is made in the Design Statement. As a minimum passive provision would be*

*expected i.e. ducting and infrastructure to allow electric vehicles to be readily accommodated in the future. More details can be found in the Edinburgh Design Guidance;*

## **Roads Authority Issues further response**

*Regarding this application;*

*Car Parking numbers - the maximum number of spaces as per the 2017 standards is 22 (2 per unit). The developer is proposing 26 which exceeds this. This number will have to be justified in line with page 58 of the standards, as stated in our previous response. I note that 4 visitor spaces are included in this total. The developer should carry out a parking survey of the surrounding street/s to determine if these are required. The information in the 2-page summary is not sufficient in this regard.*

*Cycle Parking - the number proposed is fine, we will accept them being within curtilage.*

*Motor Cycle Parking - need to identify the location of this space.*

*Refuse vehicle access - we require a swept path drawing demonstrating that a 12m refuse vehicle can safely turn within the available turning area.*

*Adopted areas - it would be useful to have a drawing showing the proposed adoption extents.*

## **Roads Authority Issues updated comment**

*No objections to the application subject to the following being included as conditions or informatives as appropriate:*

- 1. 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;*
- 2. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;*
- 3. 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;

4. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;

Note:

The application will be assessed under the 2017 parking standards for Zone 3.

Car Parking; For 11 units (4 or more rooms) a maximum of 2 spaces per dwelling is permitted.

The applicant is proposing a total of 24 spaces, 22 of which are in the form of garage space/driveways and 2 on street. Having reviewed the overall parking provision, it is acceptable to transport that 2 additional on street spaces be provided.

Cycle Parking; For 11 units (4 or more rooms), a minimum of 3 cycle spaces per dwelling is required. These spaces will be provided in curtilage to the properties.

### **Historic Environmental Scotland - response dated 09/09/2019**

Thank you for your consultation which we received on 27 August 2019. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

Ref	Name	Designation	Type
SM11097	Union Canal, Fountainbridge to River Almond	Scheduled Monument	

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 proposals include works that are adjacent to the boundary of the above scheduled monument. The location of the scheduled area can be found by searching our website at <http://portal.historicenvironment.scot/>. Should any works directly affect the protected area, the applicant will need to contact us to ascertain if scheduled monument consent would be required.

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.

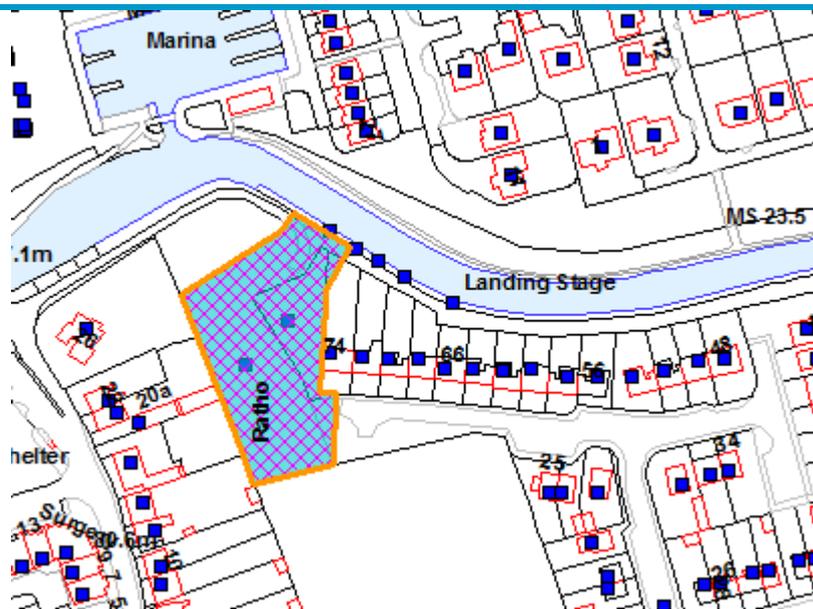
#### **Further Information**

*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).*

## Location Plan

---



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420  
**END**