

Development Management Sub Committee

Wednesday 16 June 2021

Application for Planning Permission 21/01053/FUL At The Mill House, 2 Buteland Road, Balerno Erection of 2x new dwelling houses.

Item number

Report number

Wards

B02 - Pentland Hills

Summary

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed buildings. The proposal is of an appropriate scale, form and design and it will not harm the rural character and appearance of the countryside. The proposal will produce a satisfactory residential environment which will not result in harm to protected species or trees worthy of retention.

However, the proposal does not comply with LDP policy Env 10 (Development in the Greenbelt and Countryside) and there are no exceptional planning reasons to justify its approval. The proposal does not therefore comply with the development plan. It is therefore recommended that the application be refused.

There are no material planning considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDEL01, LDES01, LDES03, LDES04, LDES05, LEN03, LEN09, LEN10, LEN12, LEN16, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LTRA02, LTRA03, LTRA04, NSG, NSGCGB, NSGD02,

Report

Application for Planning Permission 21/01053/FUL At The Mill House, 2 Buteland Road, Balerno Erection of 2x new dwelling houses.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to garden ground to the west of the Mill House, No. 2 Buteland Road, Balerno.

The grounds are part of a 19th century farm complex with a circa 1840 block and later additions and alterations. The buildings have been converted into dwellings whilst the use of the land changed from agricultural to residential garden ground in the late 1990's.

The garden of No. 2 Buteland Road is largely a well maintained open grassed area. The utilised garden area is, however, separated from the application site, which lies further to the west, by mature hedging and a fence.

The site was previously utilised as a farmers yard. The site is abandoned and currently contains a variety of shrubs and low quality category U and C trees which have mostly self seeded over the last 20 years. Evidence of the sites previous use is still apparent, with areas of hardstanding to be seen and the opening in the wall leading to the yard from the road still present.

The listed buildings are category B listed, 26/10/1994.

2.2 Site History

25 February 1999- Planning permission granted for the change of use from agricultural storage barn to dwelling and work. Application number 98/02525/FUL

17 February 2015- Planning permission granted for alterations to upper level of cartshed to form living accommodation including creation of external staircase. Application number 15/00071/FUL

4 September 2020- Application for planning permission for erection of 2 dwelling houses within land next to Mill House withdrawn. Application number: 20/01161/FUL.

Main report

3.1 Description Of The Proposal

This application is for the erection of two new dwelling houses within the land surrounding the Mill House. The area of land is 1447 square metres.

The new houses would be one and half storeys in height and largely traditional in style and materials.

The proposed dwellings will have a ridge height of approximately 6.7 metres, a width of approximately 13 metres and a depth of approximately 9.6 metres.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- A Supporting Statement which includes:
- Surface Water Drainage Strategy;
- Arboricultural tree report;
- Ecological report;
- Design 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.

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;
- b) The proposal preserves the character of the listed buildings and their setting;

- c) The proposed scale, form and design are acceptable;
- d) The proposal will provide a suitable residential environment;
- e) The proposal will have a detrimental impact on the amenity of neighbouring residents;
- f) The proposal will have any impact in terms of trees or protected species;
- g) The proposal raises any concerns in respect of sustainability, parking or road safety;
- h) The proposal raises any concerns in respect of flood prevention;
- i) There are any other material matters;
- j) The public comments received have been addressed.

a) Principle of Development

The site is designated as being within the Countryside in the adopted Edinburgh Local Development Plan (LDP).

LDP Policy Env 10 (Development in the Greenbelt and Countryside), states that within the green belt and countryside shown on the proposals map, development will only be permitted where it is for the purposes of agriculture, woodland and forestry, horticulture or countryside recreation, or where a countryside location is essential and provided any buildings, structures or hard standing areas are of a scale and quality of design appropriate to the use; and the proposal would not detract from the rural character and landscape quality of the area.

The proposal does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation purposes, and a countryside location is not an essential location for the construction of two dwelling houses. The proposed development of two dwelling houses would create new planning units which are unrelated to any other buildings within the site. In addition, the proposal does not involve the replacement of an existing building with a new building of the same use.

The proposal therefore does not comply with LDP policy Env 10.

The Edinburgh Guidance for Development in the Countryside and Greenbelt clarifies that new houses not associated with countryside use will not be acceptable unless there are exceptional planning reasons for approving them. These reasons include the reuse of brownfield land within existing clusters of dwellings.

The applicant is of the opinion that the site is brownfield land within an existing cluster of dwellings.

The Edinburgh Guidance for Development in the Countryside and Greenbelt does not provide a definition of brownfield land. However, the LDP glossary does. It states that brownfield land is Land which has been previously developed. The term may include derelict land and land occupied by redundant buildings.

The Scottish Governments Scottish Planning Policy (SPP) updated on 18 December 2020 also provides a definition in its glossary. It states that brownfield land is "Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable".

Planning permission was granted at the site under application number 98/02525/FUL for the change of use from agricultural storage barn to dwelling and work at Buteland Farm Balerno, (The Mill House).

The building and other land within the wider site has been subject to a change of use in the past under 98/02525/FUL. However, this is not in itself enough to make the land brownfield. The land is now part of the wider garden ground of the property.

The applicant has provided photographs and testimony from the farmer that previously owned the land that the site was utilised as a yard. The entrance to the yard from the road is still clearly evident. The plans submitted state that the entire area was covered in hardstanding.

Photographs provided also show that there were also a selection of large metal silos and part of a large storage shed previously present within the site. However, this does not mean the site falls within the definition of brownfield land. Whilst there may have been hardstanding placed within the site and some degree of buildings present, this is not sufficient physical development of adequate permanence in order for the site to be reasonably seen as being brownfield. Over time trees and shrubbery have largely self seeded over this area or additional trees have been planted along the boundary to provide shelter to the garden area.

The proposal does not comply with LDP policy Env 10. The Edinburgh Guidance for Development in the Countryside and Greenbelt clarifies that new houses not associated with countryside use will not be acceptable unless there are exceptional planning reasons for approving them. These reasons include the reuse of brownfield land within existing clusters of dwellings. While there has been development of this site previously, given it's current character and use, it cannot be considered brownfield at this time. Therefore, the proposed houses cannot be justified under this guidance.

b) Impact on Setting of 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 Guidance Note on Managing Change in the Historic Environment: Setting states that setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.

Policy Env 3 (Listed Building - Setting) of the of the LDP states that development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the character, appearance and historic interest of the building or to its setting.

The proposed dwellings are quite small compared to the existing house and converted steadings. The proposed dwellings would be located over 20 metres from the listed properties. The approach to the listed buildings shall not be altered when entering the cluster of buildings from the east. The view of the buildings when approaching from the west is currently partially obscured by the trees/shrubs that are present within the unused area of garden ground. The proposed buildings shall be located within this area, with one set back to the rear. The listed buildings are not readily discernible from other nearby roads. The setting of the listed buildings shall be preserved.

The proposal complies with LDP Policy Env 3 and the HES Managing Change in the Historic Environment guidance note on setting.

(c) Scale, Form and Design

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.

Policy Des 4 (Development Design- Impact on Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact upon views having regard to

- a) height and form,
- b) scale and proportions, including the spaces between buildings
- c) positioning of buildings and other features on the site
- d) materials and detailing

Policy Hou 4 (Housing Density) states that the Council will seek an appropriate density of development on each site having regard to its characteristics and those of the surrounding area.

Paragraph 185 of the LDP states The key test for all proposals in the green belt and countryside areas will be to ensure that the development does not detract from the landscape quality and/or rural character of the area.

Entering the Mill farm steading from the east, the listed buildings are prominent on the right hand side. To the left are the large agricultural buildings belonging to the farm. As

the steading buildings are passed, the large farm buildings are prevalent on the left hand side and on the right is the application site. Whilst the applicants garden is large and open, the part of the site visible from the road is covered by a number of poor quality trees and shrubs.

The proposed buildings are of a largely traditional form. They are one and half storey in height, as is the existing listed building on the site, with single storey elements. The properties will utilise a suitable palette of materials including stone, timber, brick and slate. They will also utilise an element of zinc, but this is acceptable in an agricultural setting. They will be relatively low lying and will blend into the surrounding area. The original stone wall which lines the front of the site shall largely be retained.

The building line of the proposed dwelling nearest to the road respects the building line of the nearby listed converted properties. While the second proposed property will be located to the rear of the site it will not be enclosed as it will have a full outlook over open agricultural fields. The site slopes downwards, to the north, by approximately 3.4 metres and therefore the second dwelling shall be nestled into the site, which shall reduce the developments physical impact upon the surrounding area.

It is also acknowledged that the converted steading buildings are deep and continue quite far into their plots. Instead of having one large structure that extends into the site, the applicant is proposing two separate smaller units. The applicant has also provided information that shows that historically there were farm buildings which were present to the rear of the existing steading buildings and indeed there was historically much more development within the steading than is currently present.

The applicant has confirmed that the houses will utilise natural and renewable materials, whilst renewable technologies like solar PV and air source heating will also be provided.

The design of the proposed dwellings are sensitive to the rural setting and it will not detract from the landscape quality or rural character of the area. The proposal complies with LDP policy Des 1, Des 4, Hou 4 and the Edinburgh Design Guidance.

(d) Residential Environment for future occupants

LDP policy Des 5 (Development Design-Amenity) states that planning permission will be granted for development where future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

The Edinburgh Design Guidance also seeks to address the criteria of an acceptable level of amenity for future occupiers of the development.

The proposed dwellings will have large windows to their front and rear elevations at ground floor and first floor levels. They will provide adequate levels of sunlight/daylight for any future occupiers and will also provide adequate internal floor space. They would have to comply with the building regulations in terms of adaptability and sustainability and they meet the other criteria of Des 5.

The proposal complies with LDP policy Des 5 and the Edinburgh Design Guidance.

LDP policy Hou 3 (Private Green Space in Housing Development) states that planning permission will be granted for development that makes adequate provision for green space to meet the requirements of future residents.

The proposed properties will have good sized front and rear garden grounds. If the application was to be approved it is recommended that a condition relating to the requirement for a ground contamination survey be applied.

The proposal complies with LDP policy Hou 3.

e) Neighbouring amenity

LDP policy Des 5 states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments will not be adversely affected.

The proposed properties are positioned a suitable distance away from other dwellings in order to ensure that there are no concerns in relation to noise, sunlight, privacy and immediate outlook.

The proposal complies with LDP policy Des 5.

g) Impact on Protected species and Trees

Trees

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on a tree protected by a tree preservation order or any other tree or woodland worthy of retention. The site does not fall within a conservation area nor are any of the trees surrounding the site covered by a tree preservation order. (TPO)

The arboricultural report submitted indicates that all of the trees within the site are either category C or U, many are of poor quality or are recommended to be removed as they are potentially dangerous. The main group of trees within the site are closely spaced non native Sitka Spruce, the type of tree that is normally harvested.

Several of the trees exhibit defects and have a short life expectancy due to their size, location and species. The report notes that the main group of trees within the site are out of character with the native trees in the surrounding area.

Whilst the trees currently within the site offer some element of greenery to the surrounding area they do not greatly add to the visual amenity of the countryside setting and many will have to be removed within the next ten years.

Many of younger trees which are viable within the site will be retained, whilst the arboricultural report highlights that there is space for replacement planting within the site after the construction of the two houses. The report highlights that any replacement tree planting should be of more suitable species than the existing Sitka

Spruce. The proposed trees will have a longer life expectancy and will actually contribute to rural character of the area, unlike the trees that are currently present. If the application was to be approved a landscape plan which includes full details of the tree planting within the site is recommended to be attached as well as a condition stating the protection measures to the trees which shall be retained within the site.

Natural Environment offered no objections to the proposal.

The proposal complies with LDP policy Env 12.

Ecology

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

An ecological survey of the site was carried out. It states that the proposal will have no impact upon protected species. The Council's Ecologist raised no concerns in this regard.

The proposal complies with LDP policy Env 16.

g) Parking and Road Safety

LDP Policies Tra 2 - (Private Car Parking) and Tra 3 - (Private Cycle Parking) state permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels and cycle parking and storage complies with the standards.

The Roads Authority was consulted as part of the assessment of the application. It raised no objections to the development subject to appropriate conditions or informatives being attached to the consent. There is only one car parking space proposed per property. The applicant has agreed that electric vehicle charging points will also be installed.

Secure cycle parking can be adequately provided within either the houses or the large gardens of the site.

The proposal complies with LDP policy Tra 2 and Tra 3.

Whilst on site visit it was noted that the roads around the plot were very popular with walkers and cyclists. The applicant has stated that they regularly cycle to Balerno which is only a 5-10 minute cycle trip away. Balerno has a wide range of local services which can be accessed quite easily on bike or even on foot.

h) Flooding

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

The SEPA flood maps do not identify this area as being at risk of flooding. However, the applicant has provided a surface water management plan. Flood Planning was consulted as part of the assessment of the application and raised no concerns.

The proposal complies with LDP policy Env 21.

i) Other material matters

Archaeology

LDP policy Env 9 (Development of sites of Archaeological Significance) is to protect and enhance archaeological remains where possible.

The Council's archaeologist has confirmed that the site may contain significant archaeological evidence associated with the development of the farm during the 19th century and potentially earlier from the medieval period. Therefore, given the site's location ground-breaking activities are considered to have an overall low though potentially significant impact.

If the application was to be granted it is recommended that the consent be conditioned that a programme of archaeological works are carried out for the written approval of the Council.

The proposal complies with LDP policy Env 9.

Airport Safety

Due to the proximity of the site to the airport, Edinburgh Airport Safeguarding was consulted. It confirmed that the proposed development has been fully examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

j) Public Comments.

Material Representations - Support

- Proposal would not detract from the landscape quality/rural character of the area
- This is addressed in section 3.3 a and c.
- Appropriate design, size and materials proposed - This is addressed in section 3.3c.
- No Impact upon listed buildings - This is addressed in section 3.3 b.

- The site is clearly brownfield land and meets policy tests - This is addressed in section 3.3 a
- The site is sustainable, within easy walking/cycling distance of Balerno, its services and buses, will not generate material level of vehicle traffic - This is addressed in section 3.3 g.
- Need more housing in the area that will not result in loss of greenfield or agricultural land - This is addressed in section 3.3 a.

Non Material Representations - Support

- Proposal is intensification of existing use and falls within a cluster of development - This is not a material planning consideration
- Good to see Brownfield development instead of usual greenfield large housing developments -This is not a material planning consideration .
- Covid has increased the demand for rural living - This is not a material planning consideration.
- Proposal will provide for upkeep of listed building - This is not a material planning consideration.

Conclusion

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed buildings. The proposal is of an appropriate scale, form and design and it will not harm the rural character and appearance of the countryside. The proposal will produce a satisfactory residential environment which will not result in harm to protected species or trees worthy of retention.

However, the proposal does not comply with LDP policy Env 10 (Development in the Greenbelt and Countryside) and there are no exceptional planning reasons to justify its approval. The proposal does not therefore comply with the development plan. It is therefore recommended that the application be refused.

There are no material planning considerations which outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Conditions:-

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 any of the required criteria to allow for the erection of 2 new dwellinghouses.

Informatives:-

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

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

25 letters of support were received, many from directly neighbouring properties and residents of Balerno. The points raised shall be addressed in section 3.3 of this 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

Date registered	2 March 2021
Drawing numbers/Scheme	01,02a,03a,04a,05,06,07,08,09, Scheme 1

David Givan

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Links - Policies

Relevant Policies:

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 5 (Development Design - Amenity) sets criteria for assessing amenity.

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

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

LDP Policy Env 10 (Development in the Green Belt and Countryside) identifies the types of development that will be permitted in the Green Belt and Countryside.

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

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

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

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

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

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

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

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

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

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Relevant Non-Statutory Guidelines

Non-statutory guidelines DEVELOPMENT IN THE COUNTRYSIDE AND GREEN BELT, provide guidance on development in the Green Belt and Countryside in support of relevant local plan policies.

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

Appendix 1

Application for Planning Permission 21/01053/FUL At The Mill House, 2 Buteland Road, Balerno Erection of 2x new dwelling houses.

Consultations

Archaeology

Further to your consultation request, I would like to make the following comments and recommendations in respect to this application to erect two new dwelling houses.

The site occupies the western part of the gardens surrounding the B-listed Buteland Mill House, comprising two main phases; a mid-19th century cart-shed and a late-19th century farm building and horse gin. However, a farm at Buteland has been recorded as far back as 1280, in the hands of the Templars. The site is therefore considered to occur within an area of archaeological potential.

Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and CEC's Edinburgh Local Development Plan (2016) Policies ENV4, 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.

As such the site may contain significant archaeological evidence associated with the development of the farm during the 19th century and potentially earlier from the medieval period. Therefore, given the site's location ground-breaking activities are considered to have an overall low though potentially significant impact.

It is recommended therefore that a programme of archaeological works is undertaken during / prior to development to fully excavate, record and analyse any significant remains affected and that the following condition be applied to ensure that the above programmes of archaeological work is carried out;

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

The proposed development has been fully examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

We therefore have no objection to this proposal.

Flood Planning

Thank you for the consultation request. I have reviewed the documents on the portal and have no major concerns with this application. This application can proceed to determination, with no further comments from flood prevention.

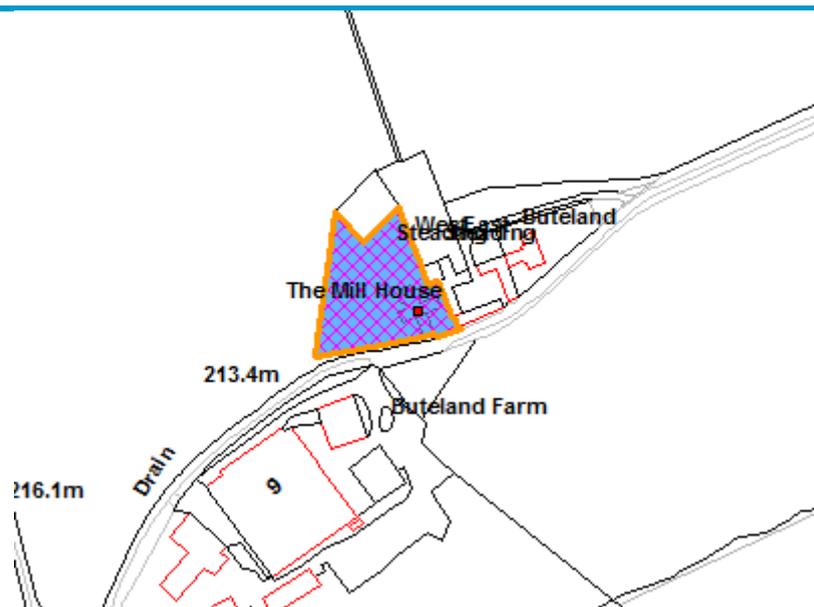
Roads Authority

No objections to the application

Note:

1. The applicant proposes 2 car parking spaces for the proposed development and complies the Council parking standards in Zone 3;
2. The applicant has demonstrated that good visibility splay could be achieved for the site access.

Location Plan



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